



**EAST MIDLANDS REGIONAL COLLABORATION
EQUALITY IMPACT ASSESSMENT**

Q1. What is the Policy or Procedure title, what is its purpose or objective and who will be affected by it?

Regulation A19 Procedure - Police Officers who if required to retire would be entitled to receive a pension of an amount not less than two-thirds of their average pensionable pay.

The Procedure aims to to enable the Force to comply with legislation and implement Regulation A19 fairly and effectively. This policy seeks to ensure that:-

Regulation A19 is managed sensitively, fairly and consistently
There is a clear procedure for the application of Regulation A19
There will be regular communication and consultation with the Police Federation and Police Superintendents Association
The process is carried out objectively to meet business and operational needs
Appropriate support is given to officers
There is compliance with legal requirements.

An annual review date is built into the Procedure.

Nottinghamshire Police will benefit directly by having clearly defined, legally compliant and articulated Procedure.

Q2. Is there any evidence that this Policy or Procedure could affect some people differently on the basis of race, gender, disability, age, religion or belief, or sexual identity? Provide details of who and how they could be affected and data or information to support this (e.g. demographics, crime statistics, staff information).

The document has been prepared, making full reference to Police Regulations to ensure that it is fully inclusive and offers the same support to all sections of the workforce regardless of race, gender, disability, age, religion/belief or sexual identity.

Whilst there is no legal precedent for the application of Regulation A19, the document follows Legal Opinion and also reflects the practice adopted in other Force (West Midlands, Surrey, North Yorkshire, Devon & Cornwall Police). Support will be given to officers to whom A19 is to be applied this will include outplacement support/ advice and counselling.

A negative impact is that officers may be compulsorily retired as a result of the Regulation A19 procedure set out in this policy.

Data has been collected in relation to the 133 officers who fall under Regulation A19 up to 31 March 2012 (as at 7 January 2011). It should be noted that this overall number may reduce as the majority of officers do tend to retire upon reaching 30 years pensionable service.

As at 1 December 2010, the Force data within Origin HR showed that Male officers account for 73.82% and Female officers 26.18% of the workforce. The proportion of BME officers is 3.84% with White officers accounting for 95.74%. Police officers with a disability is recorded at 1.54%. It should be noted that this data is taken from Origin HR and there may some accuracy issues in relation to disability self-classification.

The application of A19 up to 31 March 2012 will impact on 4 female officers (3%), 4 BME officers (3%) and 1 disabled officer (0.75%). Overall there will be a slight increase in the percentage of Female and BME officers as a result of Regulation A19 being applied. There is an adverse impact on the age profile due to the pensionable service requirements of A19. Legal advice has been obtained from senior Counsel, both on the general use of Regulation A19 and some specific aspects of its introduction. The advice provides rationale and justification to counter prima facie discrimination issues.

Whilst the application of A19 should not negatively impact on the proportion of BME officers, it will result in the loss of 3 senior BME police officers. This will result in a loss of senior role models for BME officers and may impact on the communities we serve.

Consultation has commenced with the BPA in relation to the impact on senior BME police officers. The BPA consider that this combined with the change in support networks status could affect the confidence of under represented groups within Nottinghamshire Police and also the local communities. It is recommended that this can be managed through a high level communication plan and continuation of positive action in the under represented communities. With the current freeze on recruitment and promotion, Nottinghamshire Police will implement effective talent management, succession planning and support to increase the representation of BME officers at supervisory ranks. This is about being proactive and having in place support mechanisms to encourage officers to pursue their career goals and objectives.

The application of Regulation A19 does affect a greater proportion of white male officers. This does not necessarily represent an adverse impact as Female and BME officers are currently under represented within the organisation. The application of A19 may therefore support the Force in addressing this under representation.

Q3. If the Policy or Procedure could affect some people differently can this be justified on the grounds of eliminating unlawful discrimination, promoting equality of opportunity or promoting good relations between persons of different groups? (Please provide an explanation).

The procedure has been produced to be fair and equitable to all groups of officers.

By the very nature of A19 applying to Police Officers with 2/3rd pensionable service, it will effect those officers who have longer service and hence older in age.

Q4. Who has been consulted on this Policy or Procedure and what were the findings of the consultation?

Version 1.0 - drafted by JL based on legal advice and papers received from Leicestershire Police

Version 1.1 – updated by JL to reflect Counsel advice to deal with as per collective redundancies process

Version 1.2 – updated to reflect discussion with Chief Superintendent Beebe to reflect correct terminology.

Version 1.3 – updated following meeting with Malcolm Turner to reflect legal advice.

Version 1.3 – updated following meeting with Malcolm Turner to reflect legal advice.

Initial meeting with the Superintendents Association and Police Federation discuss version 1.3 of the draft Regulation A19 Procedure held on 13 December 2010 (see notes of meeting).

The key issues are identified below:

1. Concern that the Force may be vulnerable if it does not know what the end game is before we start implementing A19 (e.g. What does the profile of the organisation need to look like - police officer numbers, rank mix, skills etc).
2. What plans are going to be put in place to mitigate the impact of losing senior BME police officers?
3. Both request a minimum of 90 days notice of retirement for each affected officer. This would impact on identified savings. Police Regulations stipulate a minimum of 28 days.
4. The Federation request that the individual consultation meetings are conducted by one Senior Police Officer (plus HR) to ensure consistency and fairness.
5. The Federation have received legal advice, which states that part-time

officers cannot be compulsorily retired under Regulation A19 unless they have two-thirds pensionable pay (based on the pay of a full-time officer).

Version 1.4 – Research undertaken with other Forces (Surrey, Devon & Cornwall, North Yorkshire and West Midlands Police). Procedure updated to reflect issue with part-time officers, career breaks etc and those transferring in service as below:

There will be circumstances where officers have less than 30 years service with Nottinghamshire Police, but have relevant pensionable service from a previous occupation, eg. a military pension. Such officers will also be affected by Regulation A19.

Conversely, there may be officers who have in excess of 30 years police service, who for a number of reasons may not have reached the required pensionable service, eg. as a result of maternity leave or career break. Regulation A19 will only apply to these officers when they reach the required pensionable service.

In the case of part-time officers, their average pensionable pay is based on that of a full-time officer, and therefore the required pensionable service will accrue over an extended period of time (i.e. in excess of 30 years). The Police Federation have been notified of this amendment.

Report and version 1.4 of the draft Regulation A19 procedure submitted to a meeting of the Chief Officer Team on 22 December 2010.

Revisions requested by Margaret Monckton ACO Resources on 24 December 2010 (see email) to reflect 90 days notice to officers and A19 to apply up to 31 March 2012. Amended as per Version 1.5.

Version 1.5 – submitted to JNCC on 5 January 2011. Prior to meeting MT suggested minor changes in accordance with legal advice. The Chief Constable requested that 'Section 2 – Background' is amended to reflect the wider business necessity for the use of A19 including transformational elements for the organisation. Added as below (version 1.6):

The Force needs to reshape our business and staffing profiles to deliver improved value for money. At the same time we need to improve performance and service delivery to the public across the County. The application of Regulation A19 for Police Officers, along with Voluntary Redundancy and Compulsory Redundancy for Police Staff are intended to facilitate a coherent transformation of Nottinghamshire Police, strengthening operational services at the local level, whilst delivering more cost effective and efficient organisational support and corporate services functions.

The Chief Constable also requested that the procedure contain a reference to officers on the 30+ Scheme and confirm that A19 does apply to 30+ officers. Suggested wording below.

Officers in the 30+ Scheme are included within the scope of application of the

Regulation A19.

The Chief Constable identified that a mechanism was required by the organisation to facilitate the movement of staff into roles vacated by officers compulsorily retired under A19 to ensure the continued operational effectiveness of the organisation.

Consultation feedback is recorded in the JNCC minutes. The Federation requested that the collective consultation period is extended to 90 days and covers all officers in Tranche 1 & 2 (140 officers). This would enable the organisation to apply regulation A19 on a rolling basis. This is not supported by the Force as less than 100 officers who could be compulsorily retired within a 90 day period and savings would be affected by £0.7 million approx.)

Superintendent Association confirmed agreement that a COT member would hold one to one meetings with members of Superintending ranks (amended version 1.6).

Federation requested that all the one to one meetings are conducted by a single senior police officer for consistency purposes. CC agreed to consider this request but expressed concerns about the practicalities for one Supt. The Change Programme Board considered that it would be more appropriate for a Superintendent from the officer's Senior Management Team to conduct the initial consultation meeting (COT member for Superintending Rank). The member of the SMT is likely to have a greater knowledge of the officer and better placed to offer support and address welfare needs. The consistency will be maintained pre-briefings for the SMT and use of standard letters/pro forma. Also the consistency is built into the decision making process as one member of will make the determination in relation to A19.

Superintendents Association expressed that the business case should express what shape the organisation will be at the end of A10 in terms of Rank mix and when can but recruitment back on. Additions to the business case were made as per version 1.2.

Version 1.5 of the draft Procedure was submitted to the Force Executive Group on 6 January 2011 for information.

Version 1.6 of draft Procedure submitted to the Change Programme Board on 10 January 2010 along with issues raised at JNCC. Agreed draft A19 Procedure and recommendations as per Report to Change Programme Board dated 10 January 2010.

The recommendations and business case for the application of Regulation A19 were considered and approved at a Sub Committee of the Police Authority on 12 January 2011. This will be fed back to the Police Federation and Police Superintendents Association at the consultation meeting on 14 January 2011.

Q5. What amendments to the Policy or Procedure have been made as a result of the consultation or data analysis? Has this been fed-back to those consulted?

As Q4 above.

Q6. What arrangements have been made to monitor the effects of the Policy or Procedure on equality and diversity?

Data will be captured on an ongoing basis following the implementation of the Regulation A19 procedure (e.g. when A19 is applied) and monitored by HR to assess the impact on the various sections of the workforce. Fairness at Work submissions, appeals within procedure and ET claims will be reviewed to monitor the process. Qualative measures will be sought via staff and manager feedback.

Assessed by:	James Lunn
Date	