

SCOTTISH POLICE  
AUTHORITY

<b>Meeting</b>	<b>Public HRRC Meeting</b>
<b>Date and Time</b>	<b>2 September 2016,</b>
<b>Location</b>	<b>Pacific Quay, Glasgow</b>
<b>Title of Paper</b>	<b>Redundancy Modification Order (RMO) Update Paper</b>
<b>Item Number</b>	<b>3</b>
<b>Presented By</b>	<b>Steve Simpson</b>
<b>For Approval/For Noting</b>	<b>For Noting</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

The purpose of this paper is to provide Members of the Scottish Police Authority (SPA) with an update on current RMO position.

This paper is presented in line with the Scottish Police Authority/Police Scotland Scheme of Administration – reference 5 (Police Scotland & SPA Policy and Strategies for HR).

## 1. BACKGROUND

- 1.1 Members are aware of the background associated with the RMO issue, and the previous provisions by Scottish Government to indemnify Local Authorities against the cost of statutory redundancy pay for effected individuals in relation to previous local government and Scottish Police Authority service. The indemnity period expired on 28 February 2016.

## 2. DETAIL ON REPORT

- 2.1 Since the last update provided to Members in June 2016, the position with regard to the RMO remains unchanged, albeit Scottish Government colleagues continue to confirm that matters are still progressing with the UK Government in order to advance a permanent legislative solution. The most recent update from Scottish Government confirms that UK Government officials have said they hope to have a decision from their Ministers by October, although this is not guaranteed.

- 2.3 Members are aware of the potential implications if there is no legislative resolution to the RMO issue, summarised as follows:

- **Employees leaving SPA/PS** (and previously eligible for the provision(s) set out in the Order) – will lose the statutory right to reckonable service for the purposes of a potential future redundancy payment.
- **New recruits joining SPA/PS from a public authority** (who meet the criteria for recognition of reckonable service). The SPA will want to consider the continuation of such service recognition and the associated liability (potential future redundancy payments) given that there would be potentially no statutory obligation to do so. SPA/PS also recognise reckonable service for the purposes of other entitlements, for example the qualification period for sick pay and annual leave entitlement, which is common policy and practice in the public sector. Overall the employee benefits and protection derived from the recognition of reckonable service, if lost, may impact on future recruitment from the public sector.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications associated with this update paper.

### **4. PERSONNEL IMPLICATIONS**

- 4.1 Whilst the probability of individual impact is low, the consequence is potentially highly impactful for individuals, particularly those with long service. To date only a small number of individuals have had the potential to be impacted, and these cases have been resolved through 'good will' of the new employers via (employment) contract – on the understanding that the matter is being progressed to resolution.

### **5. LEGAL IMPLICATIONS**

- 5.1 Given the status of progress, it is proposed that the SPA refer the matter to SPA Legal team for a legal assessment on the potential options for SPA, as employer, if the legislative issue remains unresolved.

### **6. REPUTATIONAL IMPLICATIONS**

- 6.1 There are potentially reputational issues identified if the RMO issue remains unresolved.

### **7. SOCIAL IMPLICATIONS**

- 7.1 There are no social implications identified with this paper.

### **8. COMMUNITY IMPACT**

- 8.1 There is a potential impact on the community with changes to the RMO and SPA is asked for this to be considered in the legal review.

### **9. EQUALITIES IMPLICATIONS**

- 9.1 As part of the legal advice, SPA is asked for this to be considered.

### **10. ENVIRONMENTAL IMPLICATIONS**

- 10.1 There are no environmental implications identified with this paper.

**RECOMMENDATIONS**

Members are invited to note current status and proposed next steps - to refer the matter to Police Scotland Legal team for a legal assessment of the issue if it remains unresolved.