EXPLANATORY MEMORANDUM TO

THE REDUNDANCY PAYMENTS (CONTINUITY OF EMPLOYMENT IN LOCAL GOVERNMENT, ETC) (MODIFICATION) (AMENDMENT) ORDER 2013

2013 No. 1784

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument amends the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 ("the 1999 Order"), so that it applies to prior service with those policing bodies abolished by the Police Reform and Social Responsibility Act 2011 (police authorities in England and Wales outside London, and the Metropolitan Police Authority).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative context

4.1 Part 1 of the Police Reform and Social Responsibility Act 2011 replaced the police authorities in England and Wales, outside London, with Police and Crime Commissioners (PCCs) and replaced the Metropolitan Police Authority with the Mayor's Office for Policing and Crime (MOPAC). The Act also gave Chief Constables and the Metropolitan Police Commissioner the power to employ police civilian staff – previously, only the police authorities could employ staff.

4.2 The 1999 Order modifies certain provisions of the Employment Rights Act 1996 concerning redundancy payments, in their application to persons employed by certain local government employers or other employers in related sectors. The modifications have the effect that the employment of such a person by more than one such employer may be treated as if it were continuous for the purposes of those provisions; and re-engagement of such a person, or an offer of re-engagement made to such a person, by any such employer is treated as if it were re-engagement, or as if the offer had been made, by that person's employer.

4.3 The Local Policing Bodies (Consequential Amendments and Transitional Provision) Order 2012 amended the 1999 Order by replacing the references to police authorities in Schedule 1 with references to PCCs, chief constables and the Metropolitan Police Commissioner for the references to police authorities in Schedule 1. This had the effect of applying the modifications made by the 1999 Order to employees of these bodies. It was

not necessary to add a reference to the MOPAC, as it is a functional body of the Greater London Authority and such bodies were already included in Schedule 1.

5. Territorial extent and application

5.1 This instrument applies to England and Wales and Scotland.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why?

7.1 This instrument further amends the 1999 Order by adding references to the abolished police authorities to Part 2 of Schedule 2. The effect is that, where an employee of a body listed in Schedule 1 (including PCCs, the MOPAC, Chief Constables and the Metropolitan Police Commissioner) is made redundant, any prior service that the person has with one of the abolished police authorities counts as continuous employment for the purposes of calculating the redundancy pay to which the person is entitled.

Consolidation

7.2 The Department for Communities and Local Government has responsibility for the maintenance of the Order and will seek to consolidate recent amendments to the Order at the earliest opportunity.

8. Consultation outcome

8.1 We have consulted with the Department of Communities and Local Government. The Department does not consider that wider consultation is necessary given that this Order only makes a short textual amendment to an existing Order.

9. Guidance

9.1 Guidance covering this Order will not be required as this Order only makes a short textual amendment to earlier Orders.

10. Impact

10.1 No impact on the private or voluntary sectors is expected.

10.2 There will only be an impact on the public sector where a body listed on the Order decides to make statutory redundancy payments to one or more of its employees.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and review

12.1 Bearing in mind the limited extent of the amendments made to the existing instrument, there is no intention to review the impact of this instrument.

13. Contact

Helen Harper at the Home Office (Tel: 020 7035 1509 or email: helen.harper@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.