

Organisational Change

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Policy Statement

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| Summary | West Yorkshire Police (WYP) has established a policy procedure detailing how organisational change must be carried out, both fairly and consistently. This policy complies with legal requirements and ensures that meaningful consultation is carried out with staff associations, trade unions and affected individuals. It establishes appropriate processes to support affected employees, including helping those staff members who are at risk of redundancy search for alternative employment. |
| Scope | This policy applies to all police officers and police staff unless otherwise indicated. |

Principles

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|----------------|--|
| General | <ul style="list-style-type: none"> • This policy has been developed in accordance with the legal requirement to consult with trade union representatives as specified in Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992. • The organisational change process is divided into three phases. These are: <ul style="list-style-type: none"> ○ An engagement period; ○ A formal consultation period, which includes collective and individual redundancy consultation; and ○ An implementation period. • A final decision will not have been made prior to formal consultation i.e. during the engagement phase. • Managers responsible for organisational change must ensure that officers or staff abstracted during the process, such as those on maternity leave, are fully included in the consultation process and are treated no less favourably than people who are in work. • Management will provide the opportunity for suggestions to be made in respect of the revision of change proposals and reasonable time should be given for proposals to be considered and for feedback to be delivered and assessed. • Redeployment of police officers, as a result of organisational change, is covered in the Recruitment and Selection policy. • Employees who are made redundant and are aged 55 are allowed to access their pension. Further information regarding this can be found in the Retirement and Pensions – Police Staff policy. • If the changes impact on health and safety arrangements then consultation must be carried out with appointed local staff association and trade union health and safety representatives. • Individuals are responsible for: <ul style="list-style-type: none"> ○ Participating fully in the organisational change policy and, if appropriate, the at risk of redundancy procedure; |
|----------------|--|

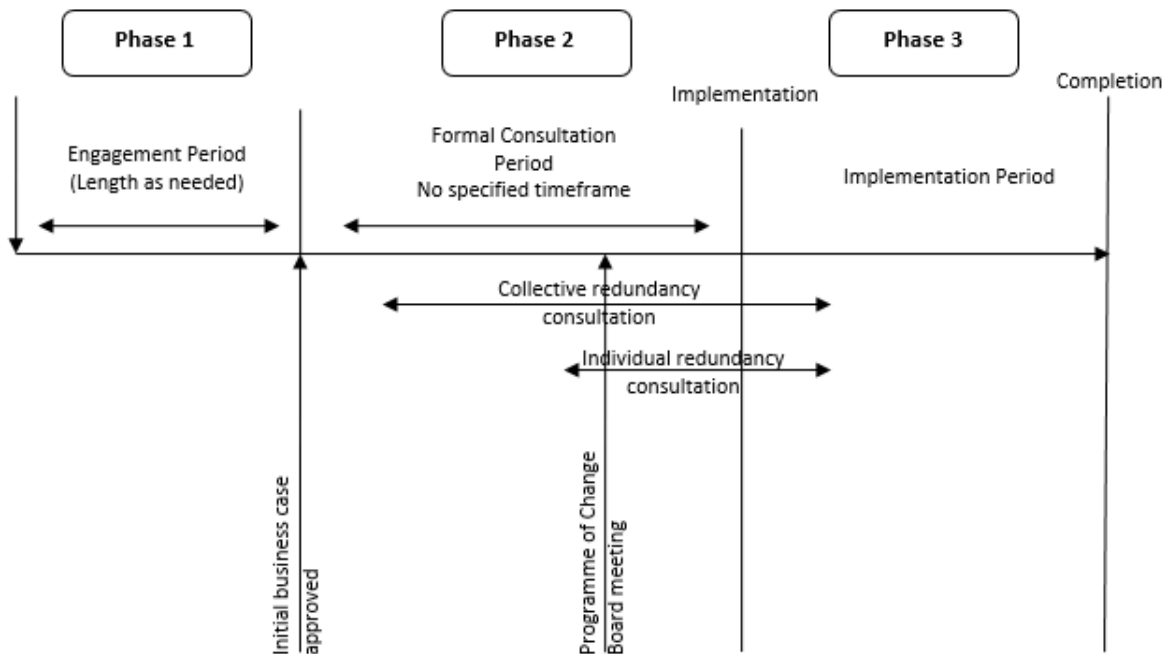
- Considering and applying for alternative roles in the organisation; and
- Where their role has ceased or reduced in number, undertaking as required any reasonable interim duties in accordance with their skills, experience and knowledge taking into consideration their grade and location.

Organisational Change Process

Diagram

- The diagram provides an overview of the organisational change process and timeframe, which is further explained throughout this policy.

**Project Mandate Document (PMD)
(Programme of Change)
(Project Day 1)**



Phase 1: Engagement Period

Introduction

- The purpose of the engagement phase is to start early interaction with trade unions and staff associations during the research phase/informal stages.
- Engagement enables an open and transparent relationship between management, trade unions, staff associations and other relevant stakeholders (e.g. partner agencies) and establishes a better understanding by all parties of what is being done and why.

**Need for
Change Project**

- A Chief Officer Team member, the Programme of Change (POC) Strategy Director, the POC Programme Director or a District Commander, Department Head or equivalent (for local issues) will sponsor the project and identify the need for organisational change.
 - The project sponsor(s) will:
 - Determine the broad aims of the review; and
 - Appoint a change manager to lead on the project; and complete the Project Mandate Document (PMD) (including the Equality and Human Rights Assessment (EHRA)).
 - A PMD, which is an overview of the required change, must be developed and this requires Programme of Change (POC) Board approval before the change project can progress. Prior to presentation to the board, the document should be shared with the trade unions and staff associations, where applicable, as part of the engagement process.
 - The POC Team must be notified of **ALL** requirements for change via the Programme of Change mailbox. They will advise on the progress of the requirement and whether it will need POC Board approval.
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**Approval of
Change Project**

- The PMD will be presented to the POC Board by the project sponsor or change manager.
 - If the PMD is approved, the review will be allowed to continue.
 - If the PMD is rejected, then the review will be discontinued. Alternatively, the POC Board may require further information or action which could include additional research and analysis or extra engagement with the trade unions and staff associations.
 - Recognised trade unions and staff associations must be invited to a meeting to discuss the proposals and give their suggestions.
 - A copy of the PMD will, wherever possible, be provided to the invitees within a reasonable period prior to the meeting. However, where the change is particularly complex and/or sensitive, the proposals may be explained at a meeting, without advanced papers being circulated.
 - When it becomes apparent that an organisational change might involve redundancies, the relevant HR manager must notify the HR manager – Change and Collaboration. Formal consultation should be undertaken in line with HR manager advice before any redundancies are implemented.
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Business Case

- On approval of the PMD, the project team will start in-depth research and analysis to identify the most appropriate route for the required change.
- There will be engagement with all relevant stakeholders, staff, officers, trade unions, staff associations, key partners, etc., through briefings, workshops or other communication channels. This work will go towards the formulation of options and proposals for the business case and will be in line with the PMD overviews on the needs for change.
- During the course of this work, the project team must have regular interaction with the sponsor, the Chief Officer Team and/or the POC Board as determined by senior management.

- Throughout this process, the trade unions and staff associations must be given the opportunity to review and give feedback on the proposals. Comments should be considered and, where appropriate, the proposals should be revised accordingly.
 - Once the team has reviewed all research, analysis and stakeholder feedback, an initial business case will be produced and approved by the project lead and authorised by the Chief Officer Team. If approved formal consultation will be undertaken.
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Phase 2: Formal Consultation Period

Introduction

- Formal collective briefings will be arranged with affected staff and trade unions to advise on the proposals and options being put to the POC Board via the change business case.
 - If it is proposed to make redundancies, affected staff members and/or unions must be given the opportunity to put forward alternative suggestions for how the required changes can be achieved. If alternatives are put as proposed, these must be included in the submission to the POC Board, even if it is intended that they are not adopted.
 - If it is proposed to make less than 20 redundancies, consultation must be carried out with individual staff members, in addition to trade unions, before the POC Board decision. In cases where 20 or more redundancies are proposed, consultation must be conducted collectively with trade unions.
 - Once the initial phase of consultation has been completed, the business case will go to the POC Board who will determine whether to approve the progression of the change process to the implementation phase.
 - Until the business case is approved by the POC Board there will be no formal one to one briefings.
 - The aim of consultation is to reach agreement with staff associations and trade unions, wherever possible.
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Redundancy Consultation

- Collective redundancy consultation will start prior to individual consultation.
 - Briefings must be carried out with all staff affected and recognised trade unions. All relevant parties must be given a consistent overall message.
 - Regardless of the number of proposed redundancies, every staff member as a result of Organisational Change, who has the potential to be dismissed through redundancy, has the right to a meaningful and supportive one to one consultation with the appropriate managers.
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Protocols

- Consultation must be carried out with trade unions over the proposed protocols for the organisational change exercise. This includes the roles affected, the staff members included, the selection process and criteria to

be applied, and the rationale and percentage to be used in any role matching exercise.

- Details of the protocols and selection arrangements are provided in the supporting information.

Formal Decision and Notification

- If it is decided by the POC Board to progress with the redundancy proposals the relevant HR manager must write to each affected employee to provide the following information:
 - The reason for the redundancies;
 - Details of the redundancy proposals; and
 - To clarify that employees may raise any issues with their line manager or HR Officer at any further point in the process.
- If employees are part of a ‘selection pool’ they must also be notified that this is the case and what this means. Depending on the outcome of the ‘selection pool’ staff may be placed at risk of redundancy.
 - If employees are to be placed at risk of redundancy, then, the HR manager must invite them to an individual at risk of redundancy meeting.
 - Also, redundancy consultation will be started with recognised trade unions and individual consultation will commence in line with the relevant legislation and Force policy.

Challenge

- In some cases, an employee may wish to challenge an outcome of the organisational change process where there is no right of appeal detailed in this policy. In such cases, the organisational change outcome challenge process may be used.

Legal Requirement

- There is a legal requirement to consult collectively with recognised trade unions for statutory periods where, as result of organisational change, there is a possibility of dismissing as redundant 20 or more police staff members, within a period of 90 days or less. (The 90 day period is from the first day that a person would possibly be dismissed.)
- If there are 20 or more proposed redundancies, an advanced notification of redundancies HR1 form must be completed by the relevant HR team. This form will be sent to The Insolvency Service, Redundancy Payments Service, PO Box 16685, Birmingham, B4 6FD or by email to HR1@insolvency.gsi.gov.uk in line with statutory consultation periods, with a copy of the completed form being provided to Unison and GMB.
- The obligation applies to the Force as a whole; so if smaller numbers of redundancies are considered concurrently – as part of different projects across the Force – the legal requirement to consult may still be triggered based on the total number of redundancies possible, Force wide.
- The minimum statutory consultation periods are:

| Number of Staff to be made redundant: | Statutory consultation period prior to first dismissal taking effect: |
|--|--|
| Less than 20 | No fixed period |

| | |
|-------------------|---------------------------|
| Between 20 and 99 | At least 30 calendar days |
| 100 or more | At least 45 calendar days |

- Where less than 20 employees (in total) may be at risk of redundancy, the statutory consultation periods do not apply. However, to ensure that each individual redundancy dismissal is legally fair, the proper consultation must be undertaken in line with HR manager advice. If less than 20 staff are to be made redundant, consultation must be carried out with individuals.

Phase 3: Implementation

Introduction

- The phase covers both the period of consultation that is carried out once implementation of the organisational change programme has been commenced and the 90 day period for those at risk of redundancy.

Voluntary Redundancy – Police Staff Only

- In some cases, the organisation may ask the workforce to apply for voluntary redundancy. If so, affected staff members will be notified in writing.
- In conjunction with advice from the relevant HR manager, the project lead will determine the need and/or whether the employee should be permitted to request voluntary redundancy. (The relevant HR manager will liaise with the HR manager (Collaboration and Change) to ensure that there are no negative impacts to the Force as a result of decisions to offer voluntary redundancy).
- If voluntary redundancy is offered, and an employee wishes to apply for voluntary redundancy they should complete the Voluntary Redundancy Request form. It's important to remember that Voluntary Redundancy is not guaranteed.
- Applications will be collated by the relevant HR Team and in conjunction with the project lead will consider the voluntary redundancy request, particularly in relation to organisational need.
- If the request is accepted, there will be a need to ensure that they may be released without putting services at risk and therefore while they may be selected for redundancy and receive a statutory redundancy payment as a result of this process, they may not be entitled to the enhanced redundancy payment made to early leavers. (See note in enhanced payment table section).
- If the request is declined, the employee will be notified in writing with a brief rationale of the reason for rejection.

Selection Pool

- Where there is a need to select people, for example to identify those staff selected for compulsory redundancy, a process will be established (through consultation with trade unions) to identify the individuals from the wider group of staff affected, known as the '**selection pool**'.

- The selection pool should be carefully considered and where there are concerns about the members of the pool, advice, including any legal directives should be obtained via the HR manager (Collaboration and Change).
 - The decision about which employees are included in the 'selection pool' will be made by the Project Lead in conjunction with the relevant HR Lead. It should not be assumed that the boundary for a "selection pool" will be a district territorial area, or a specific department.
 - The change business case/implementation plan will have identified the roles affected and the appropriate selection method required to implement the final business decisions.
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Selection Process

- A decision, in conjunction with advice from the relevant HR project support, will be made in respect of how selection should be carried out and this will have been consulted and, where possible, agreed with the trade unions.
 - The supporting information provides examples of potential selection processes that may be used.
 - The criteria used and the weighting of scores, for a redundancy selection process must be in accordance with HR advice and in consultation with trade unions.
 - The selection criteria used must not unfairly discriminate against any particular group of people. The dynamic EHRA must consider this point specifically.
 - The selection process used, and the scoring protocols will be explained to the staff affected after trade union consultation, but before the actual scoring is carried out.
 - If there is a change in location, affected employees may be required to complete a post preference exercise. It is the employee's responsibility to ensure that they are able to work at the locations they indicate, whether as a first preference or as an alternative choice.
 - Employees may be required to complete a post preference exercise, using a template form which will be provided by the change/project team, if the location of their role is changed as part of a restructuring exercise or if there is a need to reduce numbers.
 - An employee must notify the relevant HR team of any changes to their personal circumstances, as soon as possible, particularly if this means they are no longer able to work at the location(s) they have previously indicated and need to change their preference.
-

Decision

- Taking into consideration the outcome of the selection process, the final decision on which employees are selected will be made in conjunction with the relevant HR manager by the relevant District Commander or equivalent.
- Staff members who are selected for redundancy will receive a letter informing them that they are at risk of redundancy and giving details of

how to apply for suitable alternative roles via the Resourcing WCN system. ([See suitable alternative roles](#)).

- No changes will usually be made to the selection exercise result after the provisional selection process outcomes have been circulated and any subsequent objections or issues have been considered under the challenge process.
 - However, there may be occasions, for example due to a person being given a disciplinary sanction after the provisional selection process outcome has been communicated, which leads to the exercise outcome being reviewed and revised.
 - The selection exercise will be concluded on the date when staff members take up their new roles. Any vacancies that arise on or after this date will be filled in accordance with the recruitment and selection policy and the selection process outcome will not apply.
 - Once an offer of suitable employment is made at a location where they have indicated they can work; the Force will consider the offer to be suitable and reasonable. Only in exceptional circumstances will the Force review this decision.
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Appeals

- If a selection process identifies the employee for redundancy they have the right to appeal against the decision, if they believe that the selection method was unfair and are able to provide appropriate evidence to their beliefs.
 - Any appeal must be:
 - Notified in writing to a member of the HR Department Senior Leadership Team (SLT) within 7 days of the date of the written notification letter; and
 - Include a detailed statement of the case to allow a decision to be made.
 - An HR Department SLT member will review the case papers, request more information if necessary and make a final decision. Their decision is final.
-

At Risk of Redundancy – Police Staff Only

Principles

- The employee must be invited to attend a meeting with their line manager or a manager involved in the organisational change process. The HR Manager or HR Officer may also attend. The employee should be informed that a trade union representative or work colleague can, also, attend this meeting, if the employee requires this.
- At or shortly after the meeting a letter, from the HR Manager, must be given to the employee. The letter must:
 - Provide details of the redundancy proposals, including which roles are deleted, and why;
 - Clarify that the employee is being placed at risk of redundancy;
 - Summarise the process to be followed during the “at risk of redundancy” period;

- State that the staff member must register their details on the WCN system and complete and submit their skills audit; and
- Clarify that the employee may raise any further issues with their line manager or HR officer at any further point in the process.
- This process begins on the date of the letter from the HR manager informing the employee that they are at risk of redundancy.
- The period will generally last for 90 days but may be extended with the approval of a member of the HR Department SLT, if they consider that a potentially suitable alternative role will arise during the extension period.
- Employees must complete and submit the 'at risk' registration form and a skills audit on the online recruitment system (WCN). The completed audit will be used to support the Force in assisting the employee in finding a suitable alternative role.
- Employees are responsible for updating WCN when there is a change in their details and they must remove their 'at risk of redundancy' status if they are successful in obtaining an alternative role.

**OPCC and WYP
Associated
Employers**

- The office of the Police and Crime Commissioner for West Yorkshire and the West Yorkshire Police Chief Constable are treated as associated employers for redundancy purposes.

**Enhanced
Redundancy
Payment**

- There are two situations in which employees can receive an enhanced redundancy payment. These are:
 - If they have successfully applied for voluntary redundancy as per the voluntary redundancy section or
 - If they have been placed at risk of redundancy.
- The HR manager will make a decision on an enhanced redundancy payment request, based on an assessment of the Force and the individual's needs.
- In either case, where such a request is granted, an additional payment up to an equivalent to six weeks full salary will be made to the employee. This payment is in addition to statutory redundancy entitlements.
- The table provides details of the enhanced payments, if a request to leave early is approved:

| Employee leaves early by mutual agreement: | Enhanced payment equivalent to: |
|---|--|
| <i>Before the 90 day 'at risk' period</i> | 6 weeks salary |
| | |
| <i>During the 90 day 'at risk' period</i> | |
| Weeks 1-4 | 6 weeks salary |
| Week 5 | 5 weeks salary |
| Week 6 | 4 weeks salary |
| Week 7 | 3 weeks salary |
| Week 8 | 2 weeks salary |

| | |
|----------|----------------|
| Week 9 | 1 weeks salary |
| Week 10+ | Nil |

- This enhanced payment will be made without deductions of tax and national insurance, where permissible under prevailing rules.
- If employee is appealing against their selection for redundancy they may not request to leave early.
- An employee is not eligible to receive an enhanced redundancy payment if their agreed date of redundancy, either voluntary or compulsory, is on or after the completion date of the organisational change process that has displaced them or caused them to be made redundant; or the date that the new organisational structure affecting their role is introduced.

Interviews and Applications

- Employees who are at risk of redundancy or displacement created by equality issues will have priority over candidates who are not at risk for this reason.
- If an employee is identified as being potentially suitable for the alternative role, following a short listing exercise, an interview will take place to determine whether they are suitable for the post. An assessment will be made against the essential criteria and some or all of the role competencies. (Refer to the [Recruitment and Selection policy](#)).
- The employee will be offered a 'Trial Period' in the role if they meet the specified standard.
- While at risk of redundancy an employee may apply for as many roles as they wish. When an employee applies for a post, they are confirming that the post is a suitable alternative role and that they will accept it if offered.
- Details will be communicated to the relevant employees by the Project Team/HR Team.

Suitable Alternative Roles

- If an employee is unsure if a role would be suitable, they should speak informally with the recruiting manager or HR Department. The Resourcing Team will also check vacancies against the register of staff 'at risk of redundancy'. If both parties agree that the role is unsuitable, no further action is needed.
- If the employee, or the line manager of the vacant post, consider that a post is not suitable, reasons must be documented and communicated to relevant parties accordingly.
- Where there is a dispute over the suitability of the role, both parties will forward written representations to the Resourcing Team who in turn will provide a report to a member of the HR Department SLT, who will determine whether or not the role is suitable, taking account of all opinions.
- If an employee declines to accept an offer of suitable alternative employment, a member of the HR Department SLT will invite them to a meeting to discuss their reasons; Refusal to attend the meeting could result in a decision being taken in their absence.

- If the person does not attend a member of Resourcing Team will present the details relating to the offer and they will be asked to explain the employee's assessment of the vacancy and, specifically, why it is considered to be unsuitable.
 - A member of the HR Department SLT will determine if the employee's decision to refuse the offer of suitable alternative employment was reasonable.
 - If a member of the HR Department SLT considers that the decision was unreasonable the employee will be required to accept the post. If it was reasonable then the remainder of the period on the redundancy register will continue.
 - If a member of the HR Department SLT considers that the decision was unreasonable the employee will be required to accept the post and if it was reasonable then the remainder of the period on the redundancy register will continue.
 - If a member of the HR Department SLT has decided that the employees refusal of the offer of suitable alternative employment was unreasonably declined but they still refuse to accept the role, they may be dismissed without right to a redundancy payment unless they have managed to secure another role before the end of their 'at risk of redundancy' period.
 - If an employee is at risk of redundancy and refuses to attend an interview consideration will be given to whether they have unreasonably declined a suitable alternative role.
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Trial Periods

- All employees, who have been appointed to an alternative role, will have a trial period, during which time induction and training issues will be addressed.
- The trial period will last for 28 days, however, where necessary, the trial period can be extended generally but by no more than 56 additional days with appropriate rationale. Whilst, the employee is expected to fully commit to the trial in the new role, they are not prevented from applying for roles elsewhere.
- If the trial is unsuccessful, the employee will resume their 'at risk of redundancy' period from the trial end date (i.e. the 90 day period will not start afresh).
- Unless the trial period covers a date after the date on which they would otherwise have been dismissed it will not be regarded as a statutory trial period for the purposes of the Employment Rights Act.
- While the employee is undertaking a trial period they will be retained on the spine point salary of their substantive role, and will not receive any allowances (e.g. shift allowance, weekend enhancement, etc.) unless the trial role also attracts such enhancements.
- Where the role operates a shift pattern, the trial will normally include a representative shift pattern.
- At the end of the trial period the line manager must arrange a meeting with the employee to discuss performance with a view to a mutual determination as to whether or not the trial has been successful.

- Where the trial period is satisfactory, the employee will be issued with written confirmation and a revised Principal Statement by the HR Department Resourcing team, with effect from the commencement of the trial period.
 - If there is disagreement as to whether the trial period has been successful, the matter will be referred to a member of the HR SLT to decide, with both parties having the opportunity to submit representations.
 - At the end of a successful trial period, the line manager in conjunction with the relevant HR manager will determine the starting spine point in the grade of the new role taking account of relevance of skills, knowledge and experience in comparison to the requirements of the role.
 - If there is an overpayment of salary accrued over the trial period this will be generally be recovered over six months, however, in exceptional circumstances an alternative recovery arrangement may be agreed between employee and Pay Section.
 - If the trial is not successful the employee may either return to their substantive role or to interim duties on their existing terms. (The employee will not be required pay back any salary difference if the grade of the trial role was higher).
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End of At Risk Period

- At the end of the 'at risk of redundancy' period, if the employee has not been successful in finding a suitable alternative role, their case will be referred to a member of the HR Department SLT for review.
 - HR Department staff will prepare a report for a member of the HR Department SLT showing details of current and anticipated vacancies. They will also produce a report detailing the action taken under the organisational change process relating to the staff member. The employee may submit information that they wish to be considered.
 - The HR Department SLT member will determine whether:
 - There us any realistic possibility of a suitable vacancy arising imminently; and
 - They are satisfied that the organisational change process has been followed correctly.
 - The options available are to:
 - Confirm the dismissal on the grounds of redundancy;
 - Extend the period, where there is strong justification; or
 - Refer the organisational change back to the department for further work if they consider that all or part of the process has not been completed correctly.
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Appeals

- If an employee is dismissed as a result of compulsory redundancy, they have the right to appeal against the decision.
- The criteria for the appeal against dismissal may be the:
 - Process operated to determine the redundancy; and/or
 - Appropriateness of the decision to make then redundant.
- The appeal must be notified in writing to the People Director within 14

days of the date of the written notification letter; and must include a detailed statement of the reasons for their appeal and must specify which of the criteria the appeal is based on.

- The People Director, advised by a HR Department SLT member (who did not make the redundancy decision), will review the case papers, requesting more information if required and will make a final decision.
 - Leavers through voluntary redundancy, or who have requested to leave early for obvious reasons are not eligible to appeal.
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Applying for Vacancies

Principles

- If an employee leaves due to compulsory redundancy they will be eligible to apply for any vacancies that are advertised externally after the date of their redundancy.
 - The eligibility of staff that have left due to voluntary redundancy to apply for vacancies advertised externally will be considered on a case by case basis when an application is received by the HR Department resourcing manager.
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Protection of Earnings

Information

- This policy covers all staff members who are entitled to earnings protection, for any reason, including those whose protection was initiated for reasons other than the impacts of “at risk of redundancy”.
- Protection of earnings will apply where an employee has found a suitable alternative role where the basic salary, not including consolidation and allowances, is less than the one that they received in the former role.
- The protection of earnings applies from the date that the new role is taken up.
- If an entitlement to protection of earnings applies to other Force policies then these rules will also cover those protections.
- The basic salary (underlying grade) will be protected for a period of 6 months (183 days) from the date of moving to the new role. Trial period(s) will count towards the total 6 month protection period due.
- The level of earnings protection will be limited to 2 grades.
- If an employee moves into a role more than 2 grades below their current grade then the protection will be limited to 2 grades above the grade of the new role.
- Annual cost of living rises will not be paid during the period of the protection.
- There will be no protection of allowances, market factor payments, travel expenses or any other benefits.
- The District or Department which employed them when the change started

will fund the protection of earnings.

- The employee's pension position will be adjusted as appropriate; advice can be obtained from the Pensions Office.
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Additional Information

- Compliance** This policy complies with the following legislation and policy:
- Equality Act 2010
 - Employment Rights Act 1996
 - Trade Union and Labour Relations (Consolidation) Act 1992
 - Recruitment and Selection policy
 - Retirement and Pensions – Police Staff policy
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Supporting Information The supporting information for this policy can be accessed via [this link](#).

Policy Database Administration

| Item | Details |
|--|-----------------------|
| Document title: | Organisational Change |
| Owner: | Human Resources |
| Author / Reviewer: | Martin Terrell |
| Date of last review: | 09/12/2016 |
| Date of next review: | 09/12/2019 |
| The Equality and Human Rights Assessment for this policy is held on Force Registry which can be accessed via this link . | |

| The table below details revision information relating to this document: | |
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| Topic title | Date |
| Amendments made in relation to the redundancy process. This includes consultation periods. There is also clarification for the end of at risk period and appeals. JNCC approved. | 06/07/2017 |
| | |
