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| Approved By: Executive Director..... Chief Officer | Classification of Paper: Not Protectively Marked..... |
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| Report to PCC | Report reference number PCC / 0023 / 14 |
| Date of Decision: 10 March 2014 | All staff affected |
| Title of report: Essex Police Staff Transfer Scheme 2014 | |
| Report by: Treasurer | |
| Enquiries to: Executive Director | |

1. Purpose of report

- 1.1 The Home Secretary has directed all Police and Crime Commissioners to prepare and submit a transfer scheme under Part 3 Schedule 15 of the Police Reform and Social Responsibility Act 2011 for approval.
- 1.2 The scheme undertaken by the PCC for Essex transfers all staff to the Chief Constable with the exception of those staff employed in the Office of the Police and Crime Commissioner, some 13 staff.

2. Recommendations

- 2.1. The PCC is recommended to approve the appended Essex Police Staff Transfer Scheme.

3. Benefits of Proposal

- 3.1 The approval of the staff transfer scheme is an important decision which culminates a wide ranging discussion between the PCC and Chief Constable.
- 3.2 The transfer scheme follows the following principles:

- i) Maintaining the operational independence of the Chief Constable;
- ii) Upholds the Policing Protocol, as determined by the Home Secretary, which sets out the ways in which the PCC should encourage, maintain or improve working relationships and prevent overlapping or conflicting exercise of functions;
- iii) Clearly defined roles of the PCC and Chief Constable as two corporations sole.

4. Background and proposal

- 4.1 The PCC and Chief Constable exchanged early views on the Stage 2 transfer plan since shortly after the arrival of the newly appointed Chief Constable in May 2013.
- 4.2 The PCC examined alternative transfer scheme options but moved to a position where the creation of a small but highly effective office, holding the Chief Constable to account for delivery of policing services, was the best way forward and provided for greater clarity over the governance of service delivery roles.
- 4.3 The PCC and the Chief Constable have reached a view that the most suitable mode of proceeding is for the Chief Constable to be responsible for the delivery of policing and support services. Alongside that it is the PCC's role to hold the Chief Constable to account for the totality of that delivery. This would see the majority of police staff transferred to the employment of the Chief Constable with the only staff retained by the PCC being employed within the Office of the PCC.

5. Police and Crime Plan

- 5.1 The PCC will hold the Chief Constable to account for operational policing and support services for delivery of the Police and Crime Plan.

6. Police Operational Implications

- 6.1 The Chief Constable remains responsible for operational policing and support services.

7. Financial Implications

- 7.1 The cost of employing staff will be allocated between the PCC and Chief Constable to reflect the transfer scheme.
- 7.2 All other financial implications will be considered in a further, separate decision on non-staff matters, particularly with regard to the treatment of assets and contracts. The separate decision to be taken before 1st April is the new Scheme of Governance.

8. Legal Implications

8.1 The transfer scheme is in compliance with Schedule 15 of the Police Reform and Social Responsibility Act 2011.

9. Staffing and other resource implications

9.1 The PCC and Chief Constable have written to all staff on the 22 October 2012 and 19 September 2013 outlining the implications of the transfer scheme.

10. Equality and Diversity implications

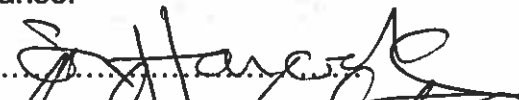

10.1 None.

11. Background papers

11.1 Draft Scheme embedded as submitted to the Home Secretary September 2013.

Report Approval

The report will be signed off by the Executive Director, Treasurer and the PCC Solicitor where legal implications arise.

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|------------------------|--|
| Executive Director/M.O |  |
| Treasurer |  |
| PCC Legal Advisor | (As necessary) |

Decision

I agree the recommendations to this report



PCC/Deputy PCC

I do not agree the recommendations to this report because

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PCC/Deputy PCC

Publication

Reasons for non-publication (state 'None' if applicable)

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Signed/Print name

Report for publication

YES

NO

If the report is not for publication, the Executive Director will decide if and how the public can be informed of the decision.

The Essex Police Staff Transfer Scheme 2014

Made: 10 March 2014

Coming into force: 1 April 2014

The Police and Crime Commissioner for Essex, with the approval of the Secretary of State, makes the following Scheme in exercise of the powers conferred by Part 3 of Schedule 15 to the Police Reform and Social Responsibility Act 2011.

Citation and commencement

1. This Scheme may be cited as the Essex Police Staff Transfer Scheme 2013 and shall come into force on 1st April 2014.

Interpretation

2. In this Scheme-

“the Chief Constable” means the Chief Constable of Essex;

“the Commissioner” means the Police and Crime Commissioner for Essex;

“the transfer date” means 1st April 2014;

“transferring employee” means a person

(a) who, immediately before the transfer date is employed by the Commissioner;

(b) whose role is not listed in the attached Schedule; and

(c) who shall transfer to become an employee of the Chief Constable;

“transferring secondee” means a person-

(a) who, immediately before the transfer date, is seconded to the Commissioner;

(b) whose role is not listed in the attached Schedule; and

(c) whose secondment is transferring to the Chief Constable.

Transfer of employment

3. (1) On the transfer date, a transferring employee becomes an employee of the Chief Constable.

(2) From the transfer date, the contract of employment of a transferring employee has effect as if originally made between the employee and the Chief Constable.

(3) On the transfer date, the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a transferring employee transfer to the Chief Constable.

(4) In the case of a transferring employee-

(a) a period of employment with the Commissioner counts, from the transfer date, as a period of employment with the Chief Constable; and

(b) that period and the period after the person becomes an employee of the Chief Constable count as a period of continuous employment.

Objections

4. Paragraph 3 does not apply to a transferring employee who, before the transfer date, gives notice in writing objecting to the operation of this Scheme in relation to the employee, and accordingly the employee does not become an employee of the Chief Constable.

Secondments

5. The secondment of a transferring secondee shall have effect from the transfer date as a secondment to the Chief Constable, on the same terms.

Determinations

6. Any matter requiring determination under or in consequence of this Scheme (including the matter of whether any person is a transferring employee) shall be determined by the Secretary of State.

Police and Crime Commissioner for Essex

10 March 2014

Schedule

The purpose of this Schedule is to identify the Office of the Police and Crime Commissioner for Essex staff roles which shall not be subject to the Essex Police Staff Transfer Scheme 2013:

1. Deputy PCC (DPCC)
2. Executive Director
3. Treasurer
4. PA to PCC/DPCC
5. Assistant Director – Commissioning
6. Assistant Director – Scrutiny and Performance
7. Financial Scrutiny Officer
8. Assistant Director – Public Engagement
9. Communications Manager
10. Media and Engagement Officer
11. Support Officer
12. Secretary
13. Support Officer

