



*Making Suffolk a safer place to live, work, travel and invest*

**ORIGINATOR: CHIEF EXECUTIVE**

**DECISION NUMBER:** 5-2014

**REASON FOR SUBMISSION: FOR DECISION**

**SUBMITTED TO: POLICE AND CRIME COMMISSIONER**

**SUBJECT: TRANSFER STAGE 2 – LEGAL INSTRUMENT**

**SUMMARY:**

1. The Home Secretary has approved in principle the Transfer Scheme submitted to her by the Police and Crime Commissioner. It is now required that a Legal Instrument satisfying the technical requirements for the transfer of staff pursuant to the Scheme on 1 April 2014 be executed and submitted to the Home Secretary for final approval by 3 March 2014.
2. A Legal Instrument has now been prepared for approval and execution by the Police and Crime Commissioner. This will facilitate the transfer of all staff employed by the Police and Crime Commissioner with the exception of those employed in the Office of the Police and Crime Commissioner, to the employment of the Chief Constable on 1 April 2014.

**RECOMMENDATION:**

1. It is recommended that the Legal Instrument at Appendix A be approved for execution and submission to the Home Secretary by 3 March 2014.

**APPROVAL BY: PCC**

The above recommendation is agreed.

**Signature** *Tim Parnmore*

**Date** 20/2/2014

## **DETAIL OF THE SUBMISSION**

### **1. KEY ISSUES FOR CONSIDERATION:**

- 1.1 During 2013 the Home Secretary directed all Police and Crime Commissioners to make and submit a Transfer Scheme under Schedule 15 of the Police Reform and Social Responsibility Act 2011 for approval.
- 1.2 The Norfolk and Suffolk Police and Crime Commissioners submitted a joint Transfer Scheme, in view of the extensive collaboration between the two police areas, in September 2013. The Scheme, in so far as Suffolk was concerned, was approved by the Police and Crime Commissioner for Suffolk on 5 September 2013 (see Decision 42-2013).
- 1.3 The Scheme set out those police staff employed by the Police and Crime Commissioner who would transfer from the employment of the Commissioner to the Chief Constable on 1 April 2014.
- 1.4 On 6 December 2013 the Police and Crime Commissioner for Suffolk was notified by the Home Secretary that the Transfer Scheme had been approved in principle. The legal transfer of staff depends upon the existence of a formal transfer scheme satisfying the technical requirements of part 3 of Schedule 15 to the Police Reform and Social Responsibility Act 2011. The Scheme is required to reflect the final division of staff numbers. A checklist of the technical requirements has been provided by the Home Office and against which the Legal Instrument for Suffolk, found in the Appendix to Decision Paper 42-2013, has been adjusted for compliance purposes.
- 1.5 The Legal Instrument for Suffolk is now presented to the Police and Crime Commissioner for approval (Appendix A). It needs to be executed and returned to the Home Secretary by 3 March 2014 for final approval.
- 1.6 The Legal Instrument reflects the position as agreed and laid out in Decision Paper 42-2013 which is that all staff employed by the Police and Crime Commissioner of Suffolk will, with the exception of those employed in the Office of the Police and Crime Commissioner for Suffolk, transfer on the 1 April 2014 to the employment of the Chief Constable of Suffolk. Similar arrangements will operate in Norfolk.

### **2. FINANCIAL IMPLICATIONS:**

- 2.1 There are no relevant financial implications at this point upon the execution of the Legal Instrument.

### **3. OTHER IMPLICATIONS AND RISKS:**

- 3.1 The Legal Instrument operates so that transferring employees' employment rights are fully protected. This is recognised in the Transfer Scheme submitted to the Home Secretary (see Decision Paper 42-2013).
- 3.2 As a consequence of the transfer of staff a new Scheme of Governance and Consent is in the course of being drawn up to operate from 1 April 2014. This is being undertaken with Norfolk in order to try and ensure that key elements of such a scheme are the same. This will facilitate delivery of the collaborated units.

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	Yes, the author is a Solicitor and the Monitoring Officer to the PCC for Suffolk.
Has the PCC's Chief Finance Officer been consulted?	Yes
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes – these have been fully considered during the preparation of Decision Paper 42-2013 of which this paper and the Legal Instrument are the concluding stages.
Have human resource implications been considered?	Yes – these have been fully considered during the preparation of Decision Paper 42-2013 of which this paper and the Legal Instrument are the concluding stages.
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes – this has been fully undertaken during the preparation of Decision Paper 42-2013 of which this paper and the Legal Instrument are the concluding stages.
Has communications advice been sought on areas of likely media interest and how they might be managed?	Yes

In relation to the above, have all relevant issues been highlighted in the 'other implications and risks' section of the submission?	Yes
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#### APPROVAL TO SUBMIT TO THE DECISION-MAKER

##### Chief Executive

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the (add decision-maker's title e.g. the PCC).

Signature:



Date 20 February 2014

### **Part 3, Schedule 15, Police Reform and Social Responsibility Act 2011**

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#### **POLICE AREA OF SUFFOLK**

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#### **TRANSFER SCHEME – LEGAL INSTRUMENT**

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Whereas:

- (i) The Secretary of State may, under Part 3, Schedule 15 of the Police Reform and Social Responsibility Act 2011, direct a police and crime commissioner to make and submit a transfer scheme for approval.
- (ii) The Secretary of State on 27 March 2013 directed all police and crime commissioners to make and submit such transfer schemes for approval and to be effective from 1 April 2014.

The Police and Crime Commissioner for Suffolk now MAKES this TRANSFER SCHEME under the 2011 Act as follows:

1. This Transfer Scheme shall come into force on 1 April 2014.
2. At the date this Transfer Scheme comes into force:
  - 2.1 All persons employed by the Police and Crime Commissioner for Suffolk will, with the exception of those described in the Schedule to this Transfer Scheme, transfer to and become members of the civilian staff of the police force known as Suffolk Constabulary.
  - 2.2 The contracts of employment which persons had before transferring by operation of paragraph 2.1 above will have effect (subject to modification where appropriate) as if originally made between such persons and the Chief Constable of the Suffolk Constabulary.
  - 2.3 The rights, powers, duties and liabilities of the Police and Crime Commissioner for Suffolk under or in connection with the contracts of employment of the persons transferring by operation of paragraph 2.1 above will transfer to the Chief Constable of the Suffolk Constabulary.
  - 2.4 The periods of employment with the Police and Crime Commissioner for Suffolk of a person who transfers to the employment of the Chief Constable of Suffolk Constabulary under paragraph 2.1 above will count as if such periods of employment were periods of employment by the Chief Constable of the Suffolk Constabulary, and further where such periods are continuous, will count as periods of continuous employment by the Chief Constable of the Suffolk Constabulary.
  - 2.5 Any person who is employed by the Police and Crime Commissioner for Suffolk and who would otherwise become employed by the Chief Constable of the Suffolk Constabulary shall not become employed by the Chief Constable of the Suffolk Constabulary if such person gives notice in writing to the Police and Crime Commissioner for Suffolk objecting to the operation of the Transfer Scheme in relation to them.

3. The Secretary of State or any other person nominated by the Police and Crime Commissioner for Suffolk may determine any matter requiring determination under or in consequence of this transfer scheme subject to such fees and expenses as determined by the Police and Crime Commissioner for Suffolk.

*Tim Passmore*

Tim Passmore  
Police and Crime Commissioner for Suffolk

Date: *20<sup>th</sup>* February 2014

## **Schedule**

1. By virtue of paragraph 2.1 of this Transfer Scheme the staff occupying the roles within the Office of the Police and Crime Commissioner for Suffolk will not transfer from the employment of the Police and Crime Commissioner for Suffolk to become members of the civilian staff of the Suffolk Constabulary. These staff comprise:

Chief Executive – Christopher Jackson

Deputy Chief Executive – Claire Swallow

Police and Crime Commissioner's Chief Finance Officer – Chris Bland

Communications Manager – Sandra Graffham

Policy Officer – Vanessa Scott

Communications and Support Services Officer – Tracey Barker

Business Co-ordinator – Sarah McNulty

Personal Assistant to the Police and Crime Commissioner – Melissa Bryan

