



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

ORIGINATOR: CHIEF EXECUTIVE

DECISION NO. 2014/04

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 1st April 2014 be executed and submitted to the Home Secretary for final approval by 3rd 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 1st 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 3rd March 2014.

APPROVAL BY: PCC

The above recommendation is agreed.

Signature

A.W. Bell

Date 27/2/14

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 Norfolk was concerned, was approved by the Police and Crime Commissioner for Norfolk on 6th September 2013 (see Decision 2013/25).
- 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 1st April 2014.
- 1.4 On 6 December 2013 the Police and Crime Commissioner for Norfolk 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 Norfolk, found in the Appendix to Decision Report 2013/25, has been adjusted for compliance purposes.
- 1.5 The Legal Instrument for Norfolk 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 3rd March 2014 for final approval.
- 1.6 The Legal Instrument reflects the position as agreed and laid out in Decision Report 2013/25 which is that all staff employed by the Police and Crime Commissioner for Norfolk will, with the exception of those employed in the Office of the Police and Crime Commissioner for Norfolk, transfer on 1st April 2014 to the employment of the Chief Constable of Norfolk. Similar arrangements will operate in Suffolk.

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 Report 2013/25).

- 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 Suffolk in order to try and ensure that key elements of such a scheme are the same. This will facilitate delivery of the collaborated units.

PUBLIC ACCESS TO INFORMATION: *Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the OPCC website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.*

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	Yes, this has been prepared in collaboration with the Chief Executive of Suffolk PCC's Office, who is a Solicitor and the Monitoring Officer.
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 Report 2013/25 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 Report 2013/25 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 Report 2013/25 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

APPROVAL TO SUBMIT TO THE DECISION-MAKER (this approval is required only for submissions to PCC and DPCC).

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 PCC.

Signature:



Date 27-2-14

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

POLICE AREA OF NORFOLK

TRANSFER SCHEME – LEGAL INSTRUMENT


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 Norfolk 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 Norfolk 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 Norfolk 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 Norfolk Constabulary.
 - 2.3. The rights, powers, duties and liabilities of the Police and Crime Commissioner for Norfolk 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 Norfolk Constabulary.
 - 2.4 The periods of employment with the Police and Crime Commissioner for Norfolk of a person who transfers to the employment of the Chief Constable of Norfolk Constabulary under paragraph 2.1 above will count as if such periods of employment were periods of employment by the Chief Constable of the Norfolk Constabulary, and further where such periods are continuous, will count as periods of continuous employment by the Chief Constable of the Norfolk Constabulary.

- 2.5 Any person who is employed by the Police and Crime Commissioner for Norfolk and who would otherwise become employed by the Chief Constable of the Norfolk Constabulary shall not become employed by the Chief Constable of the Norfolk Constabulary if such person gives notice in writing to the Police and Crime Commissioner for Norfolk 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 Norfolk 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 Norfolk.



Stephen Bett
Police and Crime Commissioner for Norfolk

Date: ~~...~~ 27th February 2014

Schedule

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

Deputy Police & Crime Commissioner	-	Jenny McKibben
Chief Executive & Monitoring Officer	-	Mark Stokes
Chief Finance Officer	-	John Hummersone
Senior Support Services Officer	-	Claire Buckley
Support Services Officer	-	Susan Kirkham
PA to PCC & Chief Executive	-	Kerrie Wright
Consultation & Engagement Officer	-	Mandy Allen
Media & Communications Officer	-	Sarah Sutton
Media & Communications Officer	-	Diana Dring
Policy, Planning and Partnerships Officer	-	Peter Haystead
Policy, Planning & Performance Officer	-	Sarah Bryant
Domestic Abuse & Sexual Violence Co-ordinator	-	Ian Sturgess
Media & Public Affairs Manager	-	Martin Barsby