



REPORT TO: POLICE AND CRIME COMMISSIONER FOR LANCASHIRE

REPORT BY: DEPUTY CHIEF EXECUTIVE

DATE: 27 FEBRUARY 2014

TITLE: POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011: STAGE II STAFF TRANSFER

EXECUTIVE SUMMARY

Under the provisions of the Police Reform and Social Responsibility Act 2011 (the Act), the Home Secretary has directed Police and Crime Commissioners (PCC) to make and submit for her approval a staff transfer scheme. The transfer scheme should set out which staff will transfer from the PCC's employment to the CC's employment on 1 April 2014.

In drawing up the transfer scheme, the Act requires PCCs to consider what staff they and the Chief Constable (CC) require to discharge their functions and to consult with the CC. The PCC and the CC have together looked at the most effective way for the two corporate bodies to discharge their functions and responsibilities for the Lancashire Constabulary area. The approach being taken forward is for the PCC to transfer all staff, save those directly supporting the Office of the PCC (OPCC), to the CC. Staff employed by the CC will deliver the services to meet the needs of both corporate bodies.

The Chief Executive submitted Lancashire's draft transfer plans to the Home Office in September 2013, for the Home Secretary's consideration. By letter of 19 January 2014, the Home Secretary indicated that she was content to approve Lancashire's transfer proposals in principle. The Home Secretary asked the PCC to submit a definitive transfer scheme by 3 March 2014, which would be subject to her final approval. The final staff Transfer Scheme now requires formal sign off by the PCC and the CC prior to being submitted to the Home Office.

RECOMMENDATIONS

It is recommended that

1. the Police and Crime Commissioner for Lancashire, with the agreement of the Chief Constable, approves the final Staff Transfer Scheme as attached at Appendix A;
2. the final Staff Transfer Scheme be shared with the recognised Trade Unions at the LJC meeting on 3 March.
3. the final Staff Transfer Scheme is submitted by the PCC to the Home Secretary for approval in respect of the Lancashire Constabulary area.

Decision taken by the Police and Crime Commissioner for Lancashire:

Original decision, as set out in the attached report, approved without amendment (please delete as appropriate)	YES	NO
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Original decision required to be amended and decision as detailed below:

The reasons for the amended decision are as detailed below:

Police and Crime Commissioner: Comments

DECLARATIONS OF INTEREST

The PCC is asked to consider any personal / prejudicial interests he may have to disclose in relation to the matter under consideration in accordance with the law, the Nolan Principles and the Code of Conduct.

STATEMENT OF COMPLIANCE

The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation.

Signed: Police and Crime Commissioner Date:	Signed: Chief Officer: Date:
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Signed: Chief Constable Date:	Signed: Chief Finance Officer: Date:
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Background

By a letter dated 27 March 2013, the Home Secretary directed all Police and Crime Commissioners to make and submit a staff transfer scheme under Part 3 Schedule 15 of the Police Reform and Social Responsibility Act (the Act) for her approval.

The Act requires PCCs to consider what staff they and the Chief Constable (CC) require to discharge their functions and to consult with the CC. The transfer scheme must set out which staff will transfer from PCC's employment to the CC's employment on 1 April 2014.

The PCC and the CC have together looked at the most effective way for the two corporate bodies to discharge their functions and responsibilities. The PCC has taken cognisance of the CC's need to deliver effective and efficient policing, whilst retaining the ability to set strategic direction and to be responsible for the totality of policing.

The approach being taken forward for the Lancashire Constabulary area is for the PCC to transfer all staff, save those directly supporting the OPCC, to the CC. The staff employed by the CC will deliver the services to meet the needs of both corporate bodies.

Following consultation with the CC, the PCC approved draft staff transfer plans for submission to the Home Secretary in September 2013. The Home Secretary considered the plans in relation to the requirements set out in the Act and in the Policing Minister's letter of 3 July 2013.

By letter of 19 January 2014, the Home Secretary indicated that she was content to approve Lancashire's transfer proposals in principle, and she asked the PCC to submit a definitive transfer scheme by 3 March 2014, which would be subject to her final approval.

At this point, the Home Secretary does not intend to re-examine the substance of transfer schemes; the Home Office will simply check that the necessary formalities have been complied with. Given her approval in principle, the Home Secretary will not accept revisions which fundamentally and substantially alter the transfer plan as it stood in September 2013.

The Chief Executive has prepared a final Staff Transfer Scheme for the Lancashire Constabulary area following detailed discussions between the PCC and the CC. The final scheme is in accordance with the Act, the Home Secretary's letter of 19 January 2014 and recent Home Office guidance on the definitive Staff Transfer Schemes.

The Scheme will be supported by a Memorandum of Understanding, a Protocol for Collaborative Working between the PCC and CC, and an integrated Scheme of Governance, comprising a Scheme of Consent, Financial Regulations, Standing Orders relating to Contracts and Schemes of Delegation. These documents are now being finalised prior to 1 April 2014.

Financial Implications

The Staff Transfer Scheme will be implemented within the existing budget.

Background Papers

PCC Decision 2013/15

Letter from the Home Secretary 19 January 2014, Lancs S2 approval

Home Office checklist for legal transfer schemes under Part 3 of Sch. 15 PRSR Act 2011