

STAFF TRANSFER SCHEME

POLICE AREAS OF NORFOLK AND SUFFOLK

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

1. INTRODUCTION

Secretary of State's Direction

- 1.1 By letter of 27 March 2013, the Home Secretary directed all Police and Crime Commissioners to make and submit a transfer scheme under Part 3 Schedule 15 of the Police Reform and Social Responsibility Act 2011 (the Act), for approval. This scheme is submitted by the Norfolk and Suffolk Police and Crime Commissioners in respect of the police areas of Norfolk and Suffolk. It commands the full support of the Chief Constables of Norfolk and Suffolk. Formal legal instruments, one each for Norfolk and Suffolk, to give effect to what is articulated in the scheme, are attached as Appendices A and B.

Transfer of Staff – Requirements to be Addressed

- 1.2 A number of matters must be provided for in the scheme. These are set out below and are specifically addressed, in terms of formality, in the legal instruments at Appendix A and B.
- 1.3 Under paragraphs 13 – 16 of Schedule 15 to the Act, the scheme may provide for the transfer of persons employed by police and crime commissioners to the employment of the chief constables for their forces.
- 1.4 Under Paragraph 13 (2) of Schedule 15 to the Act, the scheme may provide that a contract of employment of a person employed by a police and crime commissioner before transfer to the employment of the chief constable shall have effect as if originally made between that person and the chief constable.
- 1.5 Under paragraph 14 (1) of Schedule 15 to the Act, the scheme may provide that where a person is seconded to a police and crime commissioner, the secondment is to have effect as a secondment to the civilian staff of the police force.
- 1.6 Under paragraph 15 (1) of Schedule 15 to the Act, the scheme may provide for the transfer to a chief constable of the rights, powers, duties and liabilities of a police and crime commissioner under or in connection with the contract of employment of a person who becomes employed by the chief constable.
- 1.7 Under paragraph 15 (3) of Schedule 15 to the Act the scheme may make provision for periods before a person became a member of the civilian staff of the police force to count as periods of employment with the chief constable, and for periods before a person became a member of the civilian staff of the police force, and the periods after the person become a member of the civilian staff of the police force, to count as a period of continuous employment.

- 1.8 Under paragraph 17 of Schedule 15 to the Act the scheme may also provide for the transfer of property, rights and liabilities of a police and crime commissioner to a chief constable. Further the scheme may create rights or interests, or impose liabilities, in relation to property, rights and liabilities transferred or retained or create rights or liabilities as between the police and crime commissioner and chief constable. Additionally, property, rights and liabilities may be apportioned between the police and crime commissioner and chief constable.

Home Secretary's Principles

- 1.9 The Home Secretary has advised that there are three principles that should be addressed in conducting the transfer as set out in the transfer scheme referred to above. They are:
- the maintenance of the operational independence of chief constables;

and whereby the intention under the Act is that operational staff will transfer to chief constables as part of this remit;
 - upholding the Policing Protocol as provided for in the Schedule to The Policing Protocol Order 2011;

and which sets out the statutory functions of each policing body and defines how they are exercised in relation to each other;
 - clearly defined roles and responsibilities;

and in relation to which the creation of two corporations sole was designed to ensure that the roles and responsibilities of the police and crime commissioner and chief constable were clear.
- 1.10 This transfer scheme addresses the matters that touch and concern the transfer of staff, in relation to the above requirements and in respect of the police areas of Norfolk and Suffolk.

2. LOCAL CONTEXT IN NORFOLK AND SUFFOLK

Collaboration Strategy

- 2.1 The Police and Crime Commissioners for Norfolk and Suffolk both recognise the key role that collaboration plays in helping to make efficient use of available financial resources and assets. They have both embraced, adopted and reasserted their commitment to the Collaboration Strategy entered into by the predecessor Norfolk and Suffolk Police Authorities. The refreshed Collaboration Strategy adopted by both Police and Crime Commissioners is attached at Appendix C. The collaboration programme that has derived from the Collaboration Strategy has been described by Her Majesty's Inspectorate of Constabulary (HMIC) as "*one of the most ambitious and well planned in the country.*" Indeed, the HMIC has, in the Valuing the Police Force Reports for Norfolk and Suffolk published in July 2013, described the collaboration work between the two police areas as "*exemplary*" and as having achieved "*excellent efficiencies.*" Whilst recognising that collaboration with other

forces and the wider public sector is also necessary, the Norfolk and Suffolk collaboration programme is vital to the savings plans in both policing areas. Although collaboration with others is actively pursued and is being achieved with others, both regionally and with public sector partners, there is a very great mutuality of interest in pursuing and perfecting the delivery of the Norfolk and Suffolk programme.

- 2.2 The aim of the Collaboration Strategy is to work jointly to address the financial and service gaps of both forces and Police and Crime Commissioners to deliver more effective and efficient policing services, operational support and business support functions for local people.

Extent of Collaboration between Norfolk and Suffolk

- 2.3 Collaboration activity between Norfolk and Suffolk has been undertaken for a number of years. Beginning in 2004, when an outline business case for joint police investigation centres was agreed, the pace of collaborative engagement accelerated in 2009 when the first two joint teams between Norfolk and Suffolk became active. They were in respect of Major Investigations and Witness Protection. The scale of the collaborative activity is now such that both police areas are heavily dependent upon each other for the delivery of policing services. The collaborations are essentially:

- a Joint Justice Command;

comprising criminal justice, custody and custody investigation (including 6 police investigation centres across the two police areas);
- a Protective Services Command;

with the key areas addressed comprising major investigations, source handling, dogs, firearms and licensing, economic crime, special branch, technical support, specialist operations, intelligence, serious and organised crime, vulnerable people and forensics and royalty protection
- Business Support;

comprising joint departments for communications, financial services, estates and facilities, performance and analysis, human resources, transport, strategic change, procurement and supplies, ICT, operational business support and professional standards.

As part of the programme of change in both police areas a number of major projects are underway to further support collaborative objectives and release savings. These include:

- delivery of joint STORM for command and control interoperability;
- delivery of the ATHENA single IT system to support Crime Management, Intelligence, Case Preparation and Custody; and

- the delivery of ERP (Enterprise Resource Planning) in order to provide a joint cohesive suite of applications for human resources, duty, finance, procurement and payroll.

Further collaborative opportunities are now also being explored for Norfolk and Suffolk.

- 2.4 Both Police and Crime Commissioners for Norfolk and Suffolk and their Chief Constables are committed to the collaborative partnership. There is a proven track record of successfully delivering major change as well as delivering significant levels of savings.

Collaboration Ambition

- 2.5 During the Business Support Review which comprised the developmental stages of the Business Support collaboration, a roadmap for the development of this area of business was identified. The Business Support Review envisaged that when the functional collaborated areas had been combined the next step would be to progress from the current model of shared joint departments to a model of a shared services partnership.
- 2.6 The Police and Crime Commissioners and Chief Constables are now in the course of taking independent advice as to how best to progress and develop a shared services partnership. It is currently envisaged that there will be a separate entity jointly owned by both Police and Crime Commissioners and Chief Constables that would be responsible for supplying business support services to both police areas. Importantly the business model to be developed must be scaleable such that it could be capable of being developed to provide business support services to other forces by way of extending current collaboration and to other public sector partners (including potentially other emergency services). The Police and Crime Commissioners and Chief Constables will be guided by advice to a solution that best meets their objectives. It is key that the plans for transfer do not prevent the achievement of the above and are thoroughly consistent with what is sought to be delivered. At this point there is no clear timescale for delivery so that the actions set down in the transfer scheme must allow for the plan set out above, or its potential variation, whenever that occurs. The transfer scheme proposals therefore are made in full cognisance of the joint Norfolk and Suffolk ambition.

3. TRANSFER SCHEME OPTIONS

- 3.1 The Police and Crime Commissioners and Chief Constables have examined the available options for the transfer scheme in the light of the collaboration background and collaboration ambition set out above. In particular the following factors are considered important in selecting the most appropriate way to proceed:-
- that the delivery of efficient and effective policing will be safeguarded;
 - that the structure to be agreed aligns with the extensive collaboration between Norfolk and Suffolk;
 - that delivery of the existing collaboration agreements continues to be progressed where practically possible; and

- that the scheme to be agreed is consistent with, and will contribute to, the delivery of the collaboration ambition set out above within whatever timeframe is required.

The second stage transfer therefore is seen very much as one of the steps along the continuum towards the shared ambition for Norfolk and Suffolk.

Chief Constable's Accountability Model

- 3.2 The Police and Crime Commissioners and Chief Constables have reached a view having regard to the above that in the transitional period leading to the delivery of the collaborative ambition for a shared service partnership the most suitable mode of proceeding is for the Chief Constables to be responsible for the delivery of policing and support services. Alongside that it is the Police and Crime Commissioners' role to hold the Chief Constables to account for the totality of that delivery. This would see the majority of police staff transferred to the employment of the Chief Constables with the only staff retained by the Police and Crime Commissioners being those employed within the Offices of the Police and Crime Commissioners.
- 3.3 This would provide a clear and suitable operating model in the period up to the establishment of the shared services partnership. Indeed should the shared services partnership not develop as anticipated, the model would in any event provide a simple, straightforward and workable model for delivery and governance. This model is commonly referred to as the Chief Constable's Accountability Model.

Minimum Transfer Schedule

- 3.4 This option has been considered in the light of the Police and Crime Commissioners' and Chief Constables' plans and whereby all the police staff would remain within the employment of the Police and Crime Commissioners but with line management remaining with the Chief Constables. This would, if progressed, in the context of a shared services partnership, be a temporary solution only, to minimise the numbers of potential transfers for staff i.e. from Police and Crime Commissioners to Chief Constables and then from Chief Constables into the shared services partnership. However, in view of the uncertainty at this juncture as to how and when the shared services partnership may develop, and which needs advice and detailed consideration, this option has been discarded.

Other Options

- 3.5 Consideration has also been given to the Police and Crime Commissioners retaining some of the non-operational staff performing business support roles. This too has, after discussion, been discounted in view of the extensive collaborations currently existing within business support areas, the joint departments that have been established between Norfolk and Suffolk and the established lines of management that exist. Should either Police and Crime Commissioner wish to retain some or all of the business support staff, this would have consequences for either the business support collaborations themselves or create further complexity for the joint management of these departments. On balance, options to this effect were not felt to be appropriate.

Model Selected

- 3.6 Accordingly following extensive consideration and discussion, the Police and Crime

Commissioners and Chief Constables have taken the view that the Chief Constable's Accountability Model, as a progression towards a shared services partnership, provides the best model to both police areas.

4. CHIEF CONSTABLE'S ACCOUNTABILITY MODEL

What will Happen

4.1 Under the Chief Constable's Accountability Model it is proposed in Norfolk and Suffolk that:

- within the policy intent of the legislation all operational police staff currently employed by the Police and Crime Commissioners will transfer to their respective Chief Constables. Operational Police Staff include those who are front-line staff or where the staff perform a significant front-line support role;
- all non-operational police staff currently employed by the Police and Crime Commissioners will, with the exception of those referred to below, transfer to their respective Chief Constables;
- the Police and Crime Commissioners will retain within their employment, their respective staff teams from the two Offices of the Police and Crime Commissioner. At the date of this scheme this comprises 15 roles for members of staff in Norfolk and 9 roles for members for staff in Suffolk. These numbers may of course fluctuate before 1 April 2014.

Operational Control by Chief Constables

4.2 The above proposal will enable the Chief Constables, individually and through the collaborative arrangements, to manage their forces and to conduct the operational requirements for which they are responsible, whilst being operationally responsible for the delivery of all functions. Accordingly all activities will (with the exception of the Offices of the Police and Crime Commissioners) sit with the Chief Constables.

Control by the Police and Crime Commissioners

4.3 The Police and Crime Commissioners will hold the Chief Constables to account, both through their individual accountability and governance mechanisms which have become established since November 2012 as well as the joint accountability arrangements established in respect of collaboration by the two Police and Crime Commissioners. These will require modification to accommodate the new arrangements that will pertain as a consequence of the transfer scheme. This is explored below. The Police and Crime Commissioners will be able to hold to account for the delivery of efficient and effective policing and the management of resources and expenditure by the Chief Constables. The Police and Crime Commissioners consider that they will possess the necessary and required levers of control through maintaining accountability and governance arrangements as referred to above in conjunction with the ultimate financial control over funding released to the Chief Constables and their constabularies, and whilst having full cognisance of the respective roles and responsibilities of police and crime commissioners and chief constables as laid out in the Act and the Policing Protocol Order 2011.

- 4.4 The staff teams within the Offices of the Police and Crime Commissioners will support their respective Police and Crime Commissioners in the delivery of their core governance and accountability functions.
- 4.5 Yet further modification to the accountability arrangements as and when the collaboration ambition toward the shared services partnership is realised, will be required.

Services for the Police and Crime Commissioners

- 4.6 In view of the proposal whereby the majority of police staff will transfer to the employment of the Chief Constables, there is a clear need to ensure that the Police and Crime Commissioners have access to the necessary staffing resources to discharge their responsibilities. In order to run an effective office, the Police and Crime Commissioners will not only require the staff currently employed in their offices but further, access will also be required to services comprising amongst other things, finance, human resources, procurement, performance management, consultation, ICT and media. Section 2 (5) of the Act provides that:

“The Chief Constable must exercise the power of direction and control... (of the force and police staff)... in such a way as is reasonable to assist the relevant police and crime commissioner to exercise the commissioner’s functions.”

In the first instance, the Police and Crime Commissioners will rely on this provision, within the context of a broad service level agreement, to obtain the necessary functional support from the staff of the Chief Constables and which is not available directly through their own respective staff teams. In due course the development of the shared services partnership will need to factor in support for the Police and Crime Commissioners. Both Police and Crime Commissioners have, in making this proposed transfer scheme, the clear and unequivocal commitment of their Chief Constables to assist the Police and Crime Commissioners as required by the statutory intent.

Principles

- 4.7 The next section of this transfer scheme explores the delivery of the three principles established by the Home Secretary.

5. THE HOME SECRETARY’S PRINCIPLES

Maintaining Operational Independence

- 5.1 The Home Secretary requires the transfer scheme to address the maintenance of operational independence by chief officers. Part and parcel of this is that operational staff will transfer to them as part of this remit.
- 5.2 It is clear from the above that the transfer scheme being put forward, whereby all staff, apart from those currently employed within the offices of the Police and Crime Commissioners, transfer to the employment of the Chief Constables, will comply with the requirements of the operational independence principle.

Upholding the Policing Protocol

- 5.3 The Policing Protocol Order 2011 sets out the ways that police and crime commissioners and chief constables, amongst others, should exercise their functions. Full cognisance has been had towards the Order in drawing up the transfer scheme. The Police and Crime Commissioners and Chief Constables are fully satisfied that what is proposed will not deviate from the statutory intent of the Order. Indeed the Order helps shape what is required from the key protagonists in the transfer scheme arrangements. The transfer scheme is fully consistent with the Policing Protocol.

Clearly Defined Roles and Responsibilities

- 5.4 The Order helps define the roles and responsibilities of police and crime commissioners and chief constables. The Home Secretary is keen to ensure that these roles and responsibilities remain clearly defined. The clear intent of the Norfolk and Suffolk Police and Crime Commissioners and Chief Constables is to operate within the clearly articulated roles and responsibilities within the Order.
- 5.5 The transfer scheme is fully consistent with the delivery of the Police and Crime Plans of both Police and Crime Commissioners as well as the strategic intent of both Police and Crime Commissioners and both Chief Constables.

6. GOVERNANCE ARRANGEMENTS

Governance Scheme

- 6.1 Both Police and Crime Commissioners have established new Governance Schemes since they were elected in 2012. In view of the extensive collaboration between Norfolk and Suffolk there is much similarity in arrangements and in some cases the governance instruments are identical. For example, identical Contract Standing Orders and Financial Regulations have been adopted to facilitate the efficient working of the joint collaborated departments within Norfolk and Suffolk Constabularies. The Schemes of Delegation and Accountability and Decision-Making Arrangements are very similar. Both police areas will work together towards modified governance arrangements to apply from 1 April 2014 and it is anticipated that again these will be very similar, if not identical, in many regards. As well as the governing instruments referred to above, a Scheme of Consent will also need to be developed and which will be an important lever of control in the new arrangements. Arrangements are in place as described at paragraph 8.1 below to ensure that modified governance instruments will be developed by 1 April 2014.

No arrangements are set out in this scheme for consideration in respect of the transfer of property, rights and liabilities. The arrangements for these matters are being considered as part of developing the local Governance Scheme arrangements. Accordingly unless any change is put forward ownership of assets will remain with the Police and Crime Commissioners and operational use and maintenance will stay with the Chief Constable.

- 6.2 Further development of the governance arrangements will be required if and when there is a transition to a shared services partnership (as referred to at paragraph 2.6 above).

6.3 Key amongst existing governance arrangements for collaboration is the Norfolk/Suffolk Collaboration Panel, which comprising both Police and Crime Commissioners, meets 6 times per year and where issues of mutual interest and formal governance responsibilities are discharged with both Chief Constables

7. TRANSFER OF STAFF

7.1 Staff will transfer as set out above in full cognisance of the principles in the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector. Staff will transfer on their contracts of employment (subject to appropriate modification) and which will have effect as if originally made between them and the respective Chief Constable. The transfers will occur on terms as if made under the Transfer of Undertakings (Protection of Employment) Regulations 2006 so that transferring employees' employment rights are fully protected and in particular with regard to occupational pensions, continuity of employment, redundancy and severance terms.

7.2 Should there be any persons who at 31 March 2014 are seconded to the Police and Crime Commissioners, then such secondments will have effect from 1 April 2014 as secondments to the respective Chief Constable, the terms and conditions for which will remain the same apart from the change of person to whom they are seconded.

8. DEVELOPMENT OF TRANSFER SCHEME PROPOSAL

Stage 2 Transition Working Group

8.1 In order to progress towards staff transfer the Police and Crime Commissioners and Chief Constables established a Joint Stage 2 Transfer Transition Working Group comprising senior officers from the two Offices of the Police and Crime Commissioners and the two Constabularies. Latterly the Unison Branch Secretaries for the Norfolk and Suffolk Constabularies have participated in the Group. After full discussion between the Police and Crime Commissioners, Chief Constables and members of the Working Group, the proposal as articulated in this transfer scheme emerged as the most appropriate way to achieve what is required for Norfolk and Suffolk in order to deliver the shared ambition.

Staff and Union Engagement

8.2 Staff in Norfolk and Suffolk have been kept informed by virtue of messaging on the Forces' Intranet sites as to progress towards the likely Chief Constable's Accountability Model and as to what this means. Staff have, in the first instance, been invited to discuss matters with their managers or UNISON representatives if they had any queries. No issue of material concern upon the division of staff as proposed by the transfer scheme for the purposes of the statutory transfer have emerged.

8.3 The Branch Secretaries for UNISON have been invited to attend at the Transition Working Group and have also had full opportunity to comment upon the transfer scheme on behalf of staff. No concerns over the division of staff as set out in the transfer scheme for the purposes of the statutory transfer have been raised.

8.4 Formal consultation with staff will commence as soon as the transfer scheme has been approved by the Home Secretary.

Approval of Police and Crime Commissioners and Chief Constables

- 8.5 The proposal commands the full support of Police and Crime Commissioners and Chief Constables and is now put forward by both Police and Crime Commissioners, following final discussion and agreement reached at the Norfolk/Suffolk Collaboration Panel meeting on 5 September 2013, as the next step to achieving the collaboration ambition that is set out within the document.

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Stephen Bett
Norfolk Police & Crime Commissioner

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Tim Passmore
Suffolk Police & Crime Commissioner

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Simon Bailey
Temporary Chief Constable of Norfolk

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Douglas Paxton
Chief Constable of Suffolk

Dated September 2013

Appendix A

Transfer Instrument – Norfolk

Appendix B

Transfer Instrument – Suffolk

Appendix C

Collaboration Strategy