

Police and Crime Commissioner for Surrey – Decision Making Record

Report Title: Stage 2 Transfer Scheme
Decision number: 048/2014
Author and Job Role: Alison Bolton, Chief Executive
Protective Marking: Part One

Executive Summary:

On 27th March 2013, PCCs were directed by the Home Secretary to submit a scheme to outline their proposals for the transfer of staff from the employment of the PCC to the employment of the Chief Constable under the Police Reform and Social Responsibility Act 2011. The PCC submitted his scheme by the 16th September 2013 deadline.

The PCC received the Home Secretary's in principle approval for his proposals in a letter dated 6th December 2013. This letter also requested submission of a definitive transfer scheme by 3rd March, together with a checklist for those matters that must be included within the scheme. The definitive transfer scheme will be subject to final approval by the Home Secretary. The Home Secretary does not intend to re-examine the substance of the transfer plans; rather, officials will check that the necessary formalities have been complied with. Given the approval in principle, the Home Secretary stated that she will not accept revisions which fundamentally and substantially alter the transfer plan.

The PCC's definitive transfer scheme applies the same principles he outlined in his original submission. It is concerned only with the transfer of staff, not with assets or liabilities. The majority of police staff will transfer to the employment of the Chief Constable, with the PCC retaining a small team to support his office. It is the PCC's view that the Chief Constable is responsible for the delivery of policing and the PCC will hold the Chief Constable to account for the *totality* of that delivery. The PCC's focus should remain on his strategic and representative role, whilst the Chief Constable should focus on the delivery of operational policing with responsibility for the back office services that support this delivery.

Recommendation

- That the PCC approves the definitive Stage 2 Scheme of Transfer for submission to the Home Office by its deadline of 3rd March 2014.

Police and Crime Commissioner Approval

I approve the recommendation(s):

Signature: 

Date: 04/03/2014

All decisions must be added to the decision register.

Areas of consideration

Consultation

Unison has been engaged in discussions on the Stage 2 transfer plans from the outset. The Chief Constable has also been consulted.

Financial implications

No significant implications.

Legal

The Scheme of Transfer has been legally reviewed and is compliant with the Home Office's checklist.

Risks

None arising.

Equality and diversity

No implications.

Risks to human rights

None.

Surrey Stage 2 Scheme of Transfer

1. BACKGROUND

- 1.1 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.
- 1.2 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 midnight on 31 March 2014.
- 1.3 The Secretary of State has the power under Part 3 of Schedule 15 of the Police Reform and Social Responsibility Act 2011 to modify a transfer scheme before approving it, and to make a scheme him/herself if none is submitted or he/she is unable to approve the one that is submitted. Once the proposed scheme is submitted and it has been made by the Secretary of State, the police and crime commissioner is not able to vary the transfer scheme.


2. TRANSFER OF POLICE & CRIME COMMISSIONER EMPLOYEES

The Police and Crime Commissioner for Surrey ('the Commissioner') now makes this transfer scheme under the Police Reform and Social Responsibility Act 2011 as follows:

- 2.1 All persons employed by the Commissioner will, with the exception of those described at Schedule 1 to this transfer scheme, at midnight on 31 March 2014 transfer to the employment of the Chief Constable of Surrey Police ('the Chief Constable').
- 2.2 All those persons described at Schedule 1 to this transfer scheme shall remain in the employment of the Commissioner.
- 2.3 Those persons to whom the scheme applies were notified in writing on 17th January 2014.
- 2.4 The contracts of employment which persons transferring by virtue of paragraph 2.1 had before transferring by operation of paragraph 2.1 above will have effect (subject to any necessary modifications), as if they had been made originally between such persons and the Chief Constable.
- 2.5 The rights, powers, duties and liabilities of the Commissioner under or in connection with the contracts of employment of the persons transferring by operation of paragraph 2.1 above will transfer in their entirety to the Chief Constable at midnight on 31 March 2014.
- 2.6 The periods of employment with the Commissioner of a person who transfers to the employment of the Chief Constable under paragraph 2.1 above will count as if such

periods of employment were periods of employment with the Chief Constable, and further where such periods are continuous, will count as periods of continuous employment by the Chief Constable.

- 2.7 Pension rights of the persons transferring by operation of paragraph 2.1 above will be protected in their entirety. The Chief Constable will take over responsibility for pension arrangements within the Local Government Pension Scheme.
- 2.8 Any person who is employed by the Commissioner and would otherwise become employed by the Chief Constable by the operation of this scheme may request not to become employed by the Chief Constable if the person gives notice in writing objecting to the operation of the scheme in relation to them.
- 2.9. Should there be any persons who at midnight on 31 March 2014 are seconded to the Commissioner then such secondment shall have effect from 1 April 2014 as a secondment to the Chief Constable and the terms and conditions for which will remain the same apart from the change of person to whom they are seconded.

POLICE AND CRIME COMMISSIONER FOR SURREY
Signature 
Name Kevin Hurley
Date 26 th February 2014

Exceptions to the Scheme of Transfer:**Office of the Police & Crime Commissioner for Surrey:**

Chief Executive and Monitoring Officer	Alison Bolton
Chief Finance Officer	Ian Perkin
Senior Policy Officer	Johanna Burne
Senior Policy Officer (Victims)	Katie Kempen
Partnerships Policy Officer	Amy McLeod (Sarah Haywood – on her return from maternity leave)
Communication Manager	Paul Rowan
Communications Advisor	Melenie Francis
Policy Officer (Victims)	Lisa Herrington*
Policy Support Officer	Sam Meyer
Independent Custody Visitors Scheme Manager	Nicola Hall
Office Manager	Rachel Lupanko
PA to the PCC and Deputy PCC	Sarah Thomas

Deputy Police & Crime Commissioner	Jeffrey Harris
Assistant Police & Crime Commissioner	Jane Anderson

Surrey Police Finance Staff**

Sue Eaton	Accountant
Louise Chiverton	Accounting Technician

**The temporary post of Policy Officer (Victims) will be retained by the Office of the PCC. The post-holder, Lisa Herrington, is currently on a short-term contract with the Office of the PCC. She will transfer to the employment of Surrey Police on 1st April 2014, but the terms of her short-term contract with the OPCC will remain the same.*

*** These staff will be retained on PCC contracts, but will remain under the day-to-day management of the Force finance team*