



Cambridgeshire  
Police & Crime  
Commissioner



## **STAFF TRANSFER SCHEME**

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### **POLICE AREA OF CAMBRIDGESHIRE**

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

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## **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. By letter of 3 July 2013, the Minister of State for Policing and Criminal Justice provided more detail on the Government's expectations regarding stage 2 transfers. This proposed scheme is submitted by the Cambridgeshire Police and Crime Commissioner in respect of the police area of Cambridgeshire. The proposed formal legal instrument giving effect to what is articulated in the scheme, is attached as Appendix A.

### **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 instrument at Appendix A.
- 1.3 Under paragraphs 13 – 16 of Schedule 15 to the Act, the scheme may provide for the transfer of persons employed by the Police and Crime Commissioner to the employment of the Chief Constable.
- 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by a Police and Crime Commissioner before transfer to the employment of the Chief Constable shall have effect as if originally made between that person and the Chief Constable.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 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.
- 1.6 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.

- 1.7 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. As stated in this Act this 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, the scheme may provide that property, rights and liabilities may be apportioned between the Police and Crime Commissioner and Chief Constable.

### **Home Secretary's Principles**

- 1.8 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 role and responsibilities of the Police and Crime Commissioner and Chief Constable were clear;

- 1.9 This transfer scheme addresses the matters that touch and concern the transfer of staff, property, rights and liabilities in relation to the above requirements and in respect of the police area of Cambridgeshire.

## **2. KEY CONSIDERATIONS AND LOCAL CONTEXT IN CAMBRIDGESHIRE**

- 2.1 The Police and Crime Commissioner for Cambridgeshire recognises the Commissioner and Chief Constable's separate but complementary roles. He has been impressed by the Chief Constable and his team. He has also often voiced his respect for operational independence.
- 2.2 The Commissioner also recognises the key role that collaboration plays in helping to make efficient use of available financial resources and assets. Cambridgeshire is involved in national, regional and local collaborations. The Commissioner has

pledged, within the Police and Crime Plan, to more co-operation with neighbouring forces. In recent years the focus of collaboration has been on local preferred partnership arrangements with Bedfordshire and Hertfordshire. This has provided the foundation for significant collaboration and has generated significant savings for Cambridgeshire.

- 2.3 The more recent focus of the three force collaboration on protective services has enabled Cambridgeshire to move forward with two force collaboration with Bedfordshire and to explore wider collaboration with other forces. The transfer scheme is designed to ensure it does not prevent the ongoing development of collaboration.
- 2.4 The Commissioner recognises other work in Cambridgeshire designed to protect the frontline and safeguard the future delivery of efficient and effective policing. A force restructure in April 2012, created a local policing delivery model which protected frontline local policing. The current focus is on work to better exploit existing IT systems. This will provide the opportunity to automate and improve the flow of information across the Constabulary and for the public to access the police digitally.
- 2.5 The Commissioner also recognises the responsibilities, legal powers and duties of the Commissioner and Chief Constable set out in the Policing Protocol Order 2011, for the Commissioner including:
  - setting the strategic direction and objectives for policing through the Police and Crime Plan;
  - setting the budget;
  - holding the police to account; and
  - being a link between the police and communities.

In light of these responsibilities and the financial context, the scheme seeks to ensure that the Commissioner retains the necessary strategic capacity in respect of finance, communications and estates, in addition to the small number of staff already employed in his office to discharge wider strategic and governance duties. The exact arrangements for how the structures of the two organisations will work alongside each other will be developed for implementation on 1 April 2014, with the scheme(s) of governance.

### 3. **TRANSFER SCHEME**

- 3.1 The Police and Crime Commissioner has examined the available options for the transfer scheme in light of the considerations outlined above. The second stage transfer is seen, therefore, as part of the evolution towards the Commissioner and Chief Constable's shared ambition for Cambridgeshire.
- 3.2 Following careful consideration of the available options, the Police and Crime Commissioner and Chief Constable have reached a view that the vast majority of police staff should be transferred to the employment of the Chief Constable. In this way, the Chief Constable will be responsible for the delivery of policing and support services. Alongside that, it is the Police and Crime Commissioner's role to hold the Chief Constable to account for the totality of that delivery. The only posts retained by the Police and Crime Commissioner would be those to be employed within the Office of the Police and Crime Commissioner.
- 3.3 Under this transfer scheme it is proposed that in Cambridgeshire:

- within the policy intent of the legislation all operational police staff currently employed by the Police and Crime Commissioner will transfer to the Chief Constable. 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 Commissioner will, with the exception of those referred to below, transfer to the Chief Constable.
- the Police and Crime Commissioner will retain within his employment his staff team from the Office of the Police and Crime Commissioner. This comprises 12 posts.
- the Police and Crime Commissioner will retain within his employment 3 posts which currently fall under the Direction and Control of the Chief Constable.

### **Control by the Police and Crime Commissioner**

- 3.3 The Police and Crime Commissioner will hold the Chief Constable to account, through the accountability and governance mechanisms which have become established since November 2012 and which will require modification alongside the implementation of the transfer scheme.
- 3.4 The Police and Crime Commissioner will be able to hold the Chief Constable to account for the delivery of efficient and effective policing and the management of resources and expenditure by the Chief Constable.
- 3.5 The Police and Crime Commissioner considers that he 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 and monitoring over funding released to the Chief Constable and the Constabulary. In doing so he will have full cognisance of the respective roles and responsibilities of the Police and Crime Commissioner and Chief Constable as laid out in the Act and the Policing Protocol Order 2011.

### **Services for the Police and Crime Commissioner**

- 3.6 In view of the proposal whereby the vast majority of police staff will transfer to the employment of the Chief Constable, there is a clear need to ensure that the Police and Crime Commissioner has access to the necessary staffing resources to discharge his responsibilities.
- 3.7 In order to discharge his responsibilities, the Police and Crime Commissioner will not only require the staff retained under his employment but, as is the case presently, access will also be required to services comprising amongst other things, finance, human resources, procurement, performance management, consultation, collaboration and ICT. 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.”*

- 3.8 The Police and Crime Commissioner will rely on this provision, within the context of service level agreements as appropriate, to obtain the necessary functional support from the staff of the Chief Constable and which is not available directly through his own staff team. The Police and Crime Commissioner has, in making this proposed transfer scheme, the clear and unequivocal commitment of their Chief Constable to assist the Police and Crime Commissioner as required by the statutory intent.

#### **Property, rights and liabilities**

- 3.9 The Scheme of Governance is in an early stage of development. As this comes to fruition in January 2014 it will define the approach to the transfer of property, rights and liabilities.

#### **4. THE HOME SECRETARY'S PRINCIPLES**

- 4.1 The transfer scheme is designed to meet the principles set by the Government that transfer plans will be considered against.

#### **Maintaining Operational Independence**

- 4.2 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.

- 4.3 It is clear from the above that the transfer scheme being put forward, whereby the vast majority of staff transfer to the employment of the Chief Constable, will comply with the requirements of the operational independence principle.

#### **Upholding the Policing Protocol**

- 4.4 The Policing Protocol Order 2011 sets out the ways that the Police and Crime Commissioner and Chief Constable, amongst others, should exercise their functions. Full cognisance has been had towards the Order in drawing up the transfer scheme. The Police and Crime Commissioner and Chief Constable 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.

#### **Clearly Defined Roles and Responsibilities**

- 4.5 The Order helps define the roles and responsibilities of the Police and Crime Commissioner and Chief Constable. The Home Secretary is keen to ensure that these roles and responsibilities remain clearly defined. The clear intent of the Cambridgeshire Police and Crime Commissioner and Chief Constable is to operate within the clearly articulated roles and responsibilities.

## **5. GOVERNANCE ARRANGEMENTS**

### **Governance Scheme**

- 5.1 The Police and Crime Commissioner has established a new scheme of governance since being elected in 2012. The Commissioner and Chief Constable will work together towards modified governance arrangements to apply from 1 April 2014, in line with best practice.

## **6. STAFF AND UNION ENGAGEMENT**

- 6.1 The Commissioner can confirm that he has engaged with Unison representatives locally on this matter.

## **7. APPROVAL OF POLICE AND CRIME COMMISSIONER AND CHIEF CONSTABLE**

- 7.1 The proposal commands the full support of the Police and Crime Commissioner and Chief Constable and is now put forward following final discussion and agreement reached at the Business Coordination Board meeting on 4 September 2013.

## **Appendix A**

Transfer Instrument – Cambridgeshire