

NOT CONFIDENTIAL – for public release

**POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE
REQUEST FOR DECISION**

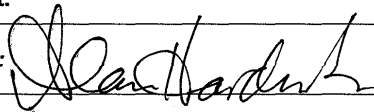
REF: 009/2014
DATE: 4 March 2014

SUBJECT		STAFF TRANSFER SCHEME 2014
REPORT BY	CHIEF EXECUTIVE	
CONTACT OFFICER	MALCOLM BURCH, CHIEF EXECUTIVE Telephone 01522 947192	
EXECUTIVE SUMMARY AND PURPOSE OF REPORT To present a formal Transfer Scheme for the legal transfer of the employment of staff between the Police and Crime Commissioner for Lincolnshire and the Chief Constable of Lincolnshire Police.		
RECOMMENDATION	That the Lincolnshire Police Staff Transfer Scheme 2014 attached at Appendix A be approved.	

POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

I hereby approve the recommendation above, having considered the content of this report.

Signature:



Date:

04/03/14

A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC

A1. INTRODUCTION AND BACKGROUND

1. In accordance with the provisions of the Police Reform and Social Responsibility Act 2011 and the Home Secretary's direction, the Police & Crime Commissioner for Lincolnshire ("the PCC") and the Chief Constable of Lincolnshire Police have agreed and submitted a Stage 2 Staff Transfer proposal to the Home Secretary to take effect from 1 April 2014. Approval in principle for the submitted scheme was received on 5 February 2014.
2. To achieve the legal transfer of the employment of staff it is necessary for the PCC to make a formal transfer scheme under Part 3 of Sch.15 of the Police Reform and Social Responsibility Act 2011.
3. A formal transfer scheme has been prepared and is attached at Appendix A. This has been drafted in accordance with a checklist published by the Home Office Legal Advisor's Branch. The definitive transfer scheme is required by the Home Secretary by 10 March 2014. Subject to her final approval it will come into force on 1 April 2014.

A2. LINKS TO POLICE AND CRIME PLAN AND PCC'S STRATEGIES/PRIORITIES

None.

B. FINANCIAL CONSIDERATIONS

The costs associated with the transfer scheme will be met from within existing budgets.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

[This should include the legal powers the PCC has for making the decision]

As set out in the report.

D. PERSONNEL AND EQUALITIES ISSUES

All staff and their trade union representatives have been informed of the scheme and have had the opportunity to comment on them before the proposals were originally submitted. All parties are satisfied that the proposals are consistent with the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector and that the principles of TUPE have been followed. It is proposed that staff will be offered the opportunity to transfer on terms that are, overall, no less favourable than had TUPE applied since no changes in terms and conditions or pension arrangements are proposed other than, in most cases, the change in employer from the Commissioner to the Chief Constable.

E. REVIEW ARRANGEMENTS

None.

F. RISK MANAGEMENT

The transfer scheme has been prepared in consideration of our Risk Management policies. A separate Risk Register for Stage 2 transfers has been kept. There are no implications to note.

H. PUBLIC ACCESS TO INFORMATION

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC's website within one working day of approval. However, if release by that date would compromise the implementation of the

decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.

<p>Is the publication of this form to be deferred? No</p> <p>If Yes, for what reason:</p> <p>Until what date:</p>

Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

<p>Is there a part 2 form? No</p> <p>If Yes, for what reason:</p>

ORIGINATING OFFICER DECLARATION

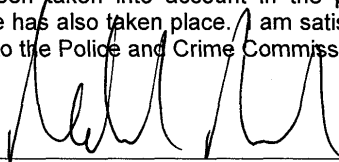
	Tick to confirm
Originating Officer: Julie Hogan recommends this proposal for the reasons outlined above.	✓
Financial advice: The PCC's Chief Finance Officer has been consulted on this proposal.	✓
The CC's Chief Finance Officer has been consulted on this proposal.	✓
Monitoring Officer: The PCC's Monitoring Officer has been consulted on this proposal	✓
Chief Constable: The Chief Constable has been consulted on this proposal	✓

OFFICER APPROVAL

Chief Executive

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.

Signature:



Date: 4/3/2014

The Lincolnshire Police Staff Transfer Scheme 2014

Made: 4 March 2014

Coming into force: 1 April 2014

The Police and Crime Commissioner for Lincolnshire, with the approval of the Secretary of State, makes the following Scheme in exercise of the powers conferred by Part 3 of Schedule 15 to the Police Reform and Social Responsibility Act 2011.

Citation and commencement

1. This scheme may be cited as the Lincolnshire Police Staff Transfer Scheme 2014 and shall come into force on 1st April 2014.

Interpretation

2. In this Scheme—

“the Chief Constable” means the Chief Constable of Lincolnshire Police;

“the Commissioner” means the Police and Crime Commissioner for Lincolnshire;

“the transfer date” means 1st April 2014;

“transferring employee” means a person—

(a) who, immediately before the transfer date, is employed by the Commissioner; and

(b) who is notified in writing on or before **10th February 2014** that the person is transferring to become an employee of the Chief Constable;

“retained employee” means a person-

(a) Who, immediately before the transfer date, is employed by the Commissioner, and

(b) Who is notified in writing on or before **10th February 2014** that their employment will remain with the Commissioner.

A list of retained employee posts is attached as a schedule to this Scheme.

Transfer of employment

3. (1) On the transfer date, a transferring employee becomes an employee of the Chief Constable.
(2) From the transfer date, the contract of employment of a transferring employee has effect as if originally made between the employee and the Chief Constable.

(3) On the transfer date, the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment of a transferring employee transfer to the Chief Constable.

(4) In the case of a transferring employee—

(a) a period of employment with the Commissioner counts, from the transfer date, as a period of employment with the Chief Constable; and

(b) that period and the period after the person becomes an employee of the Chief Constable count as a period of continuous employment.

Objections

4. Paragraph 3 does not apply to a transferring employee who, before the transfer date, gives notice in writing objecting to the operation of this Scheme in relation to the employee, and accordingly the employee does not become an employee of the Chief Constable.

Secondments

5. The secondment of a transferring secondee shall have effect from the transfer date as a secondment to the Chief Constable, on the same terms.

Determinations

6. Any matter requiring determination under or in consequence of this Scheme (including the matter of whether any person is a transferring employee) shall be determined by the Secretary of State.

The Police and Crime Commissioner for Lincolnshire

Signature



Date

04/03/14

Schedule 1

Lincolnshire Police Staff Transfer Scheme 2014 – retained staff schedule

By virtue of paragraph 2 of this transfer scheme, the staff occupying the roles listed below are “retained employees” and will not transfer from the employment of the Police and Crime Commissioner for Lincolnshire.

Department	Title	Post Classification	Post FTE	Current Headcount
Office of the Police and Crime Commissioner	Alcohol Strategy Co-ordinator	Temporary	1.00	1
Office of the Police and Crime Commissioner	Chief Executive	Established	1.00	1
Office of the Police and Crime Commissioner	Chief Finance Officer	Established	0.80	1
Office of the Police and Crime Commissioner	Corporate Administration Officer	Established	1.00	1
Office of the Police and Crime Commissioner	Deputy Chief Executive	Established	1.00	1
Office of the Police and Crime Commissioner	Engagement Officer	Established	1.00	1
Office of the Police and Crime Commissioner	Personal Assistant to the PCC	Established	1.00	1
Office of the Police and Crime Commissioner	Research & Performance Officer	Established	1.00	1
Office of the Police and Crime Commissioner	Research & Policy Internship	Temporary	1.00	1
Office of the Police and Crime Commissioner	Support Services Officer	Established	1.00	1
Corporate Communications	Area Operations Communication Officer	Established	2.00	2
Corporate Communications	Corporate Communications Manager	Established	1.00	1
Corporate Communications	Corporate Communications Officer	Established	1.22	2
Corporate Communications	Design & Publication Operator	Established	1.00	1
Corporate Communications	Design & Publications Officer	Established	1.00	1
Corporate Communications	Engagement and Campaigns Manager	Established	1.00	0
Corporate Communications	HQ Press Office Operations Officer	Established	0.81	1
Corporate Communications	TV & Events Assistant	Established	1.00	1
Corporate Communications	Web and Digital Communications Assistant	Established	1.00	1
Corporate Communications	Web/Intranet & Social Media Operations Officer	Established	1.00	1