

From: Ann Barnes, Kent Police and Crime Commissioner
To: Kent and Medway Police and Crime Panel
Subject: Stage 2 Staff Transfers

Summary:

This paper provides information on the background for stage 2 staff transfers, as required by the Police and Social Responsibility Act. It also aims to provide the overarching principles for how the Commissioner will deliver this requirement.

Background:

1. At the creation of the Police & Crime Commissioners (PCCs) in November 2011, all land, assets, liabilities, contracts, legal proceedings and employed staff automatically transferred from the police authority to the PCCs. This was referred to as a 'Stage 1' Transfer.
2. The Police Reform and Social Responsibility Act (the Act) created two new corporation soles, the PCC and the Chief Constable. Prior to the introduction of PCCs, Chief Constables were not legal entities and could not employ police staff. In making the Chief Constable a corporation sole (and therefore a legal entity) they will be able to employ staff for the first time.
3. As the PCC currently employs all police staff an agreement needs to be reached about which staff will be employed by which 'corporation sole.' This process is known as the 'Stage 2' transfer and involves the movement of certain staff, property, rights and liabilities from the Commissioner to the Chief Constable.

Introduction:

4. This paper provides information on the principles for stage 2 staff transfers, as defined by the Home Office, and the overarching principles the Commissioner is considering in order to meet the requirement.
5. Whilst it is expected that stage 2 transfers is a process that should be resolved locally, under the Act (schedule 15, part 3) Commissioners must submit their transfer proposal for approval by the Home Secretary. It is expected that Home Secretary's decisions on the submitted transfer proposals will be made known in November.
6. There is not a standard format for stage 2 proposals but the Home Office are considering plans against the following principles:
 - That all operational staff should pass to the employ of the Chief Constable
 - That transfer plans must adhere to the principles of the Policing Protocol
 - That plans must set out clear roles and responsibilities between PCCs and Chief Constables
 - Plans should not jeopardise the implementation of the policing plan, or the strategic duties of the force.
7. In addition to the Home Office principles a further 5 principles, which have been agreed with the Chief Constable are also central to the Commissioners approach to stage 2.

- Ensure that the Commissioner can fulfil responsibilities to hold the Force to account in an effective way, and to ensure the operational independence of the Chief Constable.
- Ensure that the Commissioner can fulfil her responsibility to deliver the Police & Crime Plan.
- Ensure, as the directly elected representative, the Commissioner can fulfil her key role as the community's voice in policing and her responsibility to ensure effective engagement with the public of Kent and Medway.
- Recognise the distinctive strategic requirements of the Commissioner's role as opposed to the operational matters for the Chief Constable.
- Minimise the cost of change to the Council Tax payer, as far as possible.

8. The transfer proposals, if agreed will take effect at 23.59 hours on 31 March 2014.

Stage 2 Proposals:

9. In line with the principles of both the Home Office and those additionally agreed between the Commissioner and the Chief Constable, a proposal has been put forward to the Home Secretary. A decision or further queries regarding the proposal is expected in November and therefore formal engagement with the staff concerned has not yet commenced.
10. The Chief Constable has been fully engaged in the development of the stage 2 transfer proposals, and supports the principles and proposals forwarded to the Home Office.
11. Unison has been engaged on the stage 2 transfer proposals and is in agreement with the principles and proposals.