



2013

Members of the Warwickshire Police and Crime Panel

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Dear Colleague

Second Stage Transfer

I am writing to inform you of the approach which the Police and Crime Commissioner in West Mercia and I are proposing to take in response to the provisions for Second Stage Transfer in the Police Reform and Social Responsibility Act 2011.

Background

As you know in November 2012, police authorities were replaced by police and crime commissioners. Police authorities employed all civilian staff within police forces as well as the staff who directly supported the functions of the authority. However the direction and control of civilian staff within the force was vested in chief constables. In November the employment of civilian staff was transferred from the police authorities to police and crime commissioners. This was known as the First Stage Transfer.

The 2011 Act made provisions for a second stage transfer of operational civilian staff to transfer to the chief constables bring together employment and direction and control. In March 2013, the Home Secretary wrote to police and crime commissioners requiring them to prepare a transfer scheme which would detail the civilian staff which would transfer to the Chief Constable and those which the Commissioner proposed to retain in his employment and under his direction and control, to enable him/her to fulfil the Commissioner's statutory responsibilities.

A further letter in July 2013 set out some principle which should inform the development of the scheme:

- All operational staff should transfer to the Chief constable
- Transfer plans must adhere to the policing protocol
- The plans must set out clear roles and responsibilities for the police and Crime Commissioner and the Chief Constable

It also make clear that the matter is for local determination.

Proposed Way Forward

While we appreciate the requirement to prepare a scheme, we believe in the particular circumstances of the Strategic Alliance that to implement such a transfer of staff will cause real difficulties which could impact on the effectiveness of both Forces and the Alliance. In consultation with the Commissioner in West Mercia and with both Chief Constables the proposal that we are making is that in our unique situation, there should be no change to the current arrangements and that the status quo should continue.

We have reached that decision because:

1. A change of employment status now for the civilian staff within the forces will represent further change on top of the root and branch restructuring associated with the introduction of the new policing model which will be implemented from 1 October 2013. The establishment of combined service units for both Forces, for example HR and Finance has helped secure greater resilience and significant savings. However further savings will be required. Second Stage Transfer will be a costly and complex process involving TUPE transfer and will represent further change for staff who have already faced a period of sustained change.
2. Any change would be difficult to manage in the context of the Alliance with a single staff working across the whole Alliance area but two Chief Constables and two Police and Crime Commissioners. The transfer of staff while designed to reduce complexity could increase complexity and make collaboration more difficult in the context of an Alliance which has been recognised as the best example of collaborative working between two forces in the country.
3. The Second Stage Transfer is not cost neutral. Apart from the costs of the transfer process itself, it is likely to require a number of administrative and legal changes all of which are likely to have on-going cost implications.
4. There is no evidence that the current arrangements presents any operational difficulties for the two Chief Constables both of whom are supportive of the proposed approach. This approach would prevent any fragmentation of the civilian staff which would give concern to the Chief Constables.
5. This approach meets the principles set out by the Home Secretary.

It is recognised that the Home Secretary's direction refers to the 'transfer of staff to the Chief Constable' but also that this is a matter for local determination. That is why I wanted to write to you as members of the Police and Crime Panel and representatives of the local councils in Warwickshire. Other Commissioners may make a similar case, but we believe that in the unique circumstances of the Strategic Alliance seen as a model of good practice in terms of collaboration between Forces, the Home Secretary should agree that no transfer scheme should be developed in Warwickshire and West Mercia at this time.

The West Mercia Commissioner and I have written to the Home Secretary setting out this proposal. I intend to write to our local MPs and will be seeking a meeting with the Policing Minister so he is aware of the case we are making.

I should very much welcome the comments of the Police and Crime Panel and hope very much that you will lend your support to the way forward I have outlined. If you wish I would be more than happy to bring a report to the Panel for further discussion in the light of the response from the Home Secretary and in advance of any submission to the Secretary of State which is required in outline at least by 16 September.

In the meantime if you have any comments or queries pleased do not hesitate to be in touch.

Yours sincerely

A handwritten signature in blue ink that reads "Ron Ball". The signature is written in a cursive style with a large initial 'R' and 'B'.

Ron Ball
Police and Crime Commissioner