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# Have you got what it takes?

**Managing staff transfers**

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## Managing staff transfers

### Important facts

All staff within a police authority and the police force are employed by the police authority, as chief constables cannot employ staff in their own right. The police authority delegates direction of most police staff to the chief constable so that the chief constable can deliver policing within their force area.

Her Majesty's Inspectorate of Constabulary's (HMIC's) report into police governance structures, [Police Governance in Austerity](#) identified that the more successful police authorities distinguished between those charged with governance and those responsible for delivering policing. They concluded that the first characteristic associated with good governance was greater clarity about roles and the second was a clear division of responsibilities between the governing body and the chief constable.

On 22 November 2012 all police staff will move by law to the employment of the local Police and Crime Commissioner (PCC), and existing delegations of direction to the chief constable will remain in force.

By 1 April 2014 the Home Secretary will exercise her power to require a division of Police staff between the office of the PCC and the chief constable – in effect creating two separate bodies, or corporations sole.

### Background

In creating two corporations sole – the PCC and the chief constable - the Government was responding to the learning about good governance identified in HMIC's report on police authorities, *Police Governance in Austerity*. The report found that the more successful police authorities distinguished between those charged with governance and those responsible for delivering policing. Debates in both Houses during the passage of the Police Reform and Social Responsibility Act 2011 reinforced the conclusion that 'greater role clarity and focus will be critical if police authorities are to respond effectively to the economic challenges ahead'.

Each PCC will want to fulfil their statutory functions to secure an efficient force, and the chief constable will want to ensure they are able to exercise control over the force. PCCs will therefore need to consider what functions would be better transferred to employment by the chief constable. This may mean that staff who are now under the direction of the chief constable and have either a clear role in policing the front line, or a specialist role that supports the front line, or work in the 'middle office' (as defined by HMIC's report [Police Visibility: Demanding Times](#)) should remain as such.

The PCC will also have to consider which staff they wish to remain in their employment, in order to hold the force to account and secure an efficient police service.

### More information

Staff will be transferred through a two-stage process. First, on 22 November 2012 all existing police authority staff will transfer to employment by the chief constable. The Home Secretary intends to direct each PCC to consult with their chief constable and submit for her approval a transfer scheme setting out which staff will be transferred to the chief constable and which will remain in the employ of the PCC. This second stage must be completed by 1 April 2014. The Policing Protocol Order sets out the roles and responsibilities of each of the parties clearly, so the Home Secretary will therefore use it to judge each proposed transfer scheme, and either approve, approve with variation, or reject the scheme. Further detail on the timing of this process will be provided once PCCs have been elected into office.

The Home Office has invited the Police Staff Council to coordinate employer communications to provide consistency to police staff. Local police authority or local police staff trade union representatives can provide further details on how staff within your force are being engaged.