

**OFFICE OF THE POLICE AND CRIME COMMISSIONER
FOR HUMBERSIDE
DECISION RECORD**

Decision Record Number: **34/2013**

Title: **Formal submission for second stage staff transfer**

Executive Summary:

The Home Secretary has directed you to submit a staff transfer scheme to her by 16th September 2013, which seeks authority to move police staff from your employment to that of the Chief Constable by 1 April 2014. Following extensive work the proposed formal submission is attached for approval.

Decision:

That the second stage transfer scheme and associated plan be approved for formal submission to the Home Secretary.

Background Report: Open

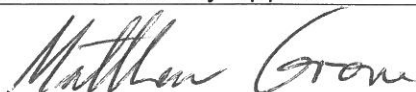
Police and Crime Commissioner for Humberside

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with my code of conduct.

Any such interests are recorded below.

The above decision has my approval.

Signature



Date 12.09.13

**POLICE AND CRIME COMMISSIONER
FOR HUMBERSIDE**

SUBMISSION FOR DECISION - OPEN

Title: Formal submission for second stage staff transfer

Date: 12 September 2013

1. Executive Summary

The Home Secretary has directed you to submit a staff transfer scheme to her by 16th September 2013, which seeks authority to move police staff from your employment to that of the Chief Constable by 1 April 2014. Following extensive work the proposed formal submission is attached for approval.

2. Recommendation

That you approve the second stage transfer scheme and associated plan for formal submission to the Home Secretary.

3. Background

Extensive research, consideration of findings and principle decisions have shaped the development of the second stage staff transfer scheme and associated plan.

At the Corporate Governance Group meeting on the 22nd August you gave principle approval to a draft scheme and plan. Subsequent to the meeting final revisions have been made, none of which are substantive changes, but include:

- inclusion of a section on legal implications in the plan,
- minor formatting changes to the scheme,
- slight revision to the financial implication section of the plan, and
- presentational changes to the draft protocol.

4. Options

The options are to approval the submission or determine revisions prior to it being forwarded to the Home Secretary.

5. Risks

The risks associated with the transfer are articulated within the submission/

6. Financial Implications

The financial implications are set out in the attached documentation.

7. Legal Implications

The legal implications are also set out in the transfer plan.

8. Equalities Implications

There are no equalities implications in the context of the submission.

9. Consultation

Consultation has taken place with the Chief Constable, staff and respective staff associations.

10. Media information

There are not considered to be any media issues in relation to this issue

11. Background documents

Previous documentation for Corporate Governance Group meetings.

12. Publication

The report is open.

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 HUMBERSIDE POLICE SECOND STAGE STAFF TRANSFER

This formal submission is as directed by the Home Secretary under paragraph 10(1) of Schedule 15 to the Police Reform and Social Responsibility Act 2011 [The Act].

This document is the proposed statutory transfer of non-warranted police staff from the employment of the Police and Crime Commissioner for Humberside to that of the Chief Constable of Humberside Police. If approved, the transfer will have effect from midnight 31st March 2014.

BACKGROUND

The Act transferred the employment of all staff from Police Authorities to Police and Crime Commissioners at midnight on 21st November 2012.

As a consequence of this first stage staff transfer, the Police and Crime Commissioner for Humberside is the employer of 1705 members of staff, of which 1692 are currently under the direction and control of the Chief Constable.

PROCESS

The detail of this proposed transfer was developed from local research, desktop analysis and an independent review, with consideration of findings at corporate governance meetings. The Chief Constable has been actively engaged in the development of the scheme and is in agreement with it.

Engagement with staff and their trade union has been undertaken.

PRINCIPLES

This proposal complies with the principles of:

- all operational staff pass to the employ of the Chief Constable,
- the scheme and associated plan adheres to the principles within the Policing Protocol, and
- the plan sets out clear roles and responsibilities.

The guiding principles used to inform decision making were:

- the need for clarity of role between the Commissioner's Office and that of the Force/ partners,
- the Commissioner's electoral mandate can be best discharged through the model of being a commissioner of services,
- the Chief Constable and the operational elements of the Force must remain operationally independent and be seen as a provider of services,

- despite the different roles and responsibilities, work with the Force must be a joint endeavour focused upon improving outcomes for local people as set out in the Police and Crime Plan,
- the need for effective arrangements, which best support the Commissioner, the Chief Constable and the statutory officers,
- the need to secure best value for money. Therefore where both Corporations Sole need the same function there should be a presumption of a shared service arrangement, with duplicate functions within the Commissioner's Office and the Force only where absolutely necessary.

STAFF ACTIVITIES TO BE TRANSFERRED TO THE CHIEF CONSTABLE

Staff who immediately before the transfer date are engaged in any of the activities shown below and who are in the employment of the Police and Crime Commissioner for Humberside, will be transferred to the employment of the Chief Constable.

This currently amounts to 1657 members of staff (99%) working within the following activities. These details are provided on an indicative basis as the current headcount will be subject to change by 31st March 2014:

Local policing (inc 304 PCSOs)	334
Dealing with the public	320
Criminal justice	218
Roads policing	25
Specialist operations	33
Intelligence	93
Investigations	243
Investigative support	83
National policing	4
Human resources & training	70
Finance	21
Information services	1
Estate, fleet, catering & procurement	55
Administrative, command & trade union support	70
Corporate support; strategic planning, FOI, information compliance & projects	41
Professional standards	15
Community safety	14
Force media relations	9
Legal services	8
total	1657

GOVERNANCE

The statutory transfer of staff will be supported by formal governance arrangements. These will enable the expertise and activities transferred to the Chief Constable to be made available to support the Commissioner. These arrangements will be incorporated into the existing Corporate Governance Framework, which will be further developed following approval of the scheme.

In accordance with the provisions in Schedule 15 of the Act and the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector, the transfer will incorporate the following provisions:

- the contract of employment which a member of staff has immediately before transfer will have the effect (subject to modifications) as if originally made between the individual and the Chief Constable,
- all rights, powers, duties and liabilities of the employer under or in connection with the contract of employment will transfer to the Chief Constable,
- all periods of employment before transfer will count as periods of employment with the Chief Constable and together will count as continuous employment,
- no person will be dismissed as a consequence of the operation of the transfer scheme.

The plan attached, provides the detail which underpins this proposed transfer and is submitted as directed by the Minister of State for Policing and Justice

A handwritten signature in black ink that reads "Matthew Grove". The signature is written in a cursive, flowing style.

Matthew Grove
Police and Crime Commissioner for Humberside

STAGE 2 STAFF TRANSFER PLAN - HUMBERSIDE

1 INTRODUCTION

- 1.1 Following the first stage statutory transfer of staff in November 2012, the Commissioner currently employs 1705 members of staff, 1692 being under the direction and control of the Chief Constable.
- 1.2 This plan sets out the detail of the proposed transfer and further detail including guiding principles, role and responsibilities, staff to be employed within each corporation sole and the overarching corporate governance framework.
- 1.3 The transfer proposal and associated plan have been considered against the principles as set out in the letter of Minister of State for Policing and Criminal Justice of 3rd July namely:
 - all operational staff should pass to the employ of the Chief Constable,
 - the transfer plan must adhere to the principles of the Policing Protocol,
 - the plan must set out clear roles and responsibilities between the Commissioner and Chief Constable.

BACKGROUND

- 2.1 The Commissioner and Chief Constable agreed the guiding principles which would underpin the second stage transfer and the subsequent organisational change as:
 - the need for clarity of role between the Commissioner's Office and that of the Force/ partners,
 - the Commissioner's electoral mandate can be best discharged through the model of being a commissioner of services,
 - the Chief Constable and the operational elements of the Force must remain operationally independent and be seen as a provider of services,
 - despite the different roles & responsibilities, work with the Force must be a joint endeavour focused upon improving outcomes for local people as set out in the Police and Crime Plan,
 - the need for effective arrangements, which best support the Commissioner, the Chief Constable and the statutory officers,
 - the need to secure best value for money. Therefore where both Corporations Sole need the same function there should be a presumption of a shared service arrangement, with duplicate functions within the Commissioner's Office and the Force only where absolutely necessary.

- 2.2 These principles provided the framework for decisions relating to the second stage transfer along with regard being given to:
- Policing Protocol Order 2011,
 - Police and Crime Plan,
 - HMIC findings, 'Police governance in austerity', 2010.
- 2.3 The development of the proposals took place between January and August 2013 against the following methodology:
- assessment of the legislation and relevant advice and guidance including reports from HMIC, ACPO and APCC,
 - consideration of organisational and structural issues in the health sector and local authorities,
 - reflections from governance undertaken by Humberside Police Authority and during the first 120 days as Office of Police and Crime Commissioner,
 - initial discussions with the Commissioner and Chief Constable,
 - desktop assessment of the functions and resources currently operating in the workforce,
 - independent review / analysis of highlighted business support activities,
 - formal consideration of proposals by the Chief Constable and Commissioner.
- 2.4 Findings from the above supported decisions which underpin the proposed statutory transfer and the following paragraphs set out the detail of the proposed transfer and associated plan.

ACTIVITIES TO BE TRANSFERRED TO THE CHIEF CONSTABLE

- 3.1 In line with the guiding principle of 'operational independence' an early agreement between the Commissioner and Chief Constable was that frontline and operational support staff would transfer to the Chief Constable (exc corporate services). The police objective analysis data sets¹ were used to define these resources, with the following descriptors:
- Local policing,
 - Dealing with the public,
 - Force criminal justice unit,
 - Roads policing,
 - Specialist operations,
 - Intelligence,
 - Investigations,
 - Investigative support,

¹ Chartered Institute of Public Finance & Accountancy, Police Objective Analysis.

- National policing.
- 3.2 The Commissioner and Chief Constable commissioned independent research into specific areas of 'business support', the findings of which subsequently enabled agreement that staff in the following activities would also transfer to the Chief Constable:
- Human resources,
 - Information services,
 - Estate, fleet, catering and procurement services,
 - Training,
 - Administrative, command and staff association support,
 - Corporate support; Force strategic planning, information compliance, project management, ,
 - Force media relations,
 - Operational community safety,
 - Legal services.
- 3.3 It was agreed that in line with the guiding principle of having one service where both corporations sole required the same function, formal arrangements have been developed to allow the Commissioner to access each of the above business support activities (see below).
- 3.4 The indicative number of staff in the above activities who are to transfer to the employment to the Chief Constable under the statutory scheme is 1657.

ACTIVITIES TO BE RETAINED BY THE COMMISSIONER

- 4.1 The activities to be retained by the Commissioner, which work to discharge the responsibilities of the statutory Office are:
- Statutory Office***
- Deputy Police and Crime Commissioner,
 - Chief Executive & monitoring officer,
 - Chief Finance Officer,
 - Governance and diary management.
- 4.2 It was also agreed that other activities would remain under the Commissioner's employment, providing support to the Commissioner, Chief Constable and partners. Thirty one staff work within these activities:
- Corporate support***
- Strategic planning (e.g. police and crime plan development, commissioning intentions),
 - Corporate finance (e.g. treasury management),
 - Performance / contract monitoring,
 - Assessment and review,

- Public communications and PCC media relations,
 - Partnership support (criminal justice and community safety sector).
- 4.3 This team will operate under the direction and control of the Chief Executive and provide support under a variety of governance arrangements as set out below.

GOVERNANCE ARRANGEMENTS

- 5.1 The Corporate Governance Framework under which both corporations sole operate, either individually or jointly, consist of the following instruments:
- Corporate Governance Statement,
 - Corporate Governance Code,
 - Scheme of Corporate Governance (inc financial regulations and contract standing orders),
 - Operating protocols.
- 5.2 The operating protocols describe how specific areas of business are conducted between the two organisations. However, following approval of the transfer scheme, a protocol with a small number of agreements will replace the current protocols. These will describe how each corporation sole can access support from the other and an indicative draft protocol can be found at appendix 1.
- 5.3 The transfer scheme and plan will not adversely affect the existing Collaboration Agreements between Forces and Local Policing Bodies in the Yorkshire and Humber region. However, these agreements will need to be revised following approval of the individual transfer schemes. This will be the case particularly if differing employment models exist in each Force or Local Policing Body, thereby creating discrepancies for the current collaboration arrangements.

6 TERMS AND CONDITIONS

- 6.1 Implementation of the second stage statutory transfer of staff will be in accordance with Schedule 15 of the Act and the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (COSOP). Essentially, the terms and conditions of staff to be transferred will be the same as those they currently enjoy.

7 ENGAGEMENT WITH STAFF AND THEIR ASSOCIATIONS

- 7.1 Staff who are affected by the transfer have been informed of the process and implications of any relevant changes. Staff associations have also been engaged in process.

8 ENGAGEMENT WITH THE CHIEF CONSTABLE

- 8.1 The Chief Constable has been consulted and engaged throughout the process, with formal consideration at various Corporate Governance Group meetings. She is in agreement with the transfer scheme and associated plan.

9 FINANCIAL IMPLICATIONS

- 9.1 Implementation of this transfer scheme and associated plan will offer value for money. This assumes implementation of the Home Office transition order, which when approved will clarify that the Chief Constable corporation sole will be a local authority body and therefore incur no additional cost in connection with local government pension contributions.

10 LEGAL COMMENTS:

- 10.1 The proposed transfer is considered to be compliant with the statutory requirements of Schedule 15 of the 2011 Act. A significant number of Police Support Staff both operational and non operational will transfer to the employment of the Chief Constable in her capacity of corporation sole as envisaged in the Act.
- 10.2 Such staff who will so transfer will do so without detriment, and their position will be subject to the safeguards envisaged in the Cabinet Office Statement of Practice.
- 10.3 The corporation arrangements contemplated by the Commissioner and the Chief Constable whereby business support staff who undertake work for both the Commissioner and the Chief Constable (in accordance with the attached protocol) are considered lawful and in the interests of effectiveness and efficiency. The Commissioner is able to supply a service to the Chief Constable by virtue of the Local Government (Goods and Services) Act 1970, and the Chief Constable may offer the Commissioner business support in fulfilment of the obligations placed on the Chief Constable in Section 2 (5) of the 2011 Act to exercise the power direction and control of staff in such a way as is reasonable to assist the Commissioner in the exercise of his functions, and paragraph 7 (1) of Schedule 2 of the Act which enables the Chief Constable to do anything calculated to facilitate, or which may be conducive to, the exercise of the Chief Constables functions. One such function is the assistance of the Commissioner as contemplated in Section 2 (5) of the 2011 Act referred to above.

11 CONCLUDING REMARKS

- 11.1 The proposed statutory transfer of staff to the employment of the Chief Constable of Humberside Police has been developed to a logical methodology, which was agreed in advance by the Commissioner and Chief Constable.
- 11.2 As part of the process the Commissioner and Chief Constable agreed a series of principles, which were designed to underpin their decision making and to assist in shaping proposals. Findings which emerged at each stage of the process were formally considered within the existing corporate governance arrangements.
- 11.3 The proposal transfers the majority of staff from the employment of the Commissioner to that of the Chief Constable. The Chief Constable is currently undertaking a strategic review of the Force and the findings will inform the future shape and arrangements of the Force.
- 11.4 The Commissioner will retain 4 staff to operate his statutory Office. In addition, a team of 31 staff will remain in his employment and provide corporate support to the Commissioner, Chief Constable and partners.
- 11.5 Formal arrangements have been developed into a protocol and agreed by the Commissioner and Chief Constable. This provides clarity for the operating arrangements within and between the two corporations sole. Their effectiveness will be monitored through the existing Corporate Governance Group with amendments made as required.
- 11.6 Affected staff have been engaged as the proposals developed and Force wide communications have informed the wider audience.



Matthew Grove
Police and Crime Commissioner for Humberside



**DRAFT PROTOCOL FOR COOPERATION IN PROVISION OF NON
OPERATIONAL BUSINESS SUPPORT TO THE POLICE AND CRIME
COMMISSIONER OF HUMBERSIDE AND THE CHIEF CONSTABLE OF
HUMBERSIDE POLICE**

This Protocol is made between the Police and Crime Commissioner for Humberside of Pacific Exchange, 40 High Street, Hull, HU1 1PS (“the PCC”) (1) and the Chief Constable of Humberside Police of Police Headquarters, Priory Road, Hull, HU5 5SF (“the Chief Constable”) (2).

BACKGROUND

1. Part 2 of Schedule 15 to the Police Reform and Social Responsibility Act 2011 (the 2011 Act) provided that upon the PCC taking up office all members of staff of the former Police Authority would pass into the employment of the PCC.
2. The Chief Constable is now a corporation sole by virtue of paragraph 2 of Schedule 2 of the 2011 Act. The Chief Constable may now employ staff.
3. Schedule 3 of the 2011 Act contains provision for determining which of those non warranted members of staff currently employed by the PCC might remain so employed and which might transfer into the employment of the Chief Constable. Such process has become a Stage Two Transfer.
4. The process for arriving at such determination requires the PCC and the Chief Constable to submit their proposed transfer scheme to the Secretary of State

for the Home Department for approval pursuant to paragraph 10 of Part 3 of the 2011 Act. A proposed scheme of transfer was submitted to the Secretary of State by the PCC and the Chief Constable of the 11th day of September 2013 and was duly approved by the Secretary of State on day of 2013. The transfers themselves are to become effective at midnight on 31 March 2014.

5. Accordingly those staff who at midnight of the 31 March 2014 hold posts within the business areas listed in Part A of the Appendix 1 to this Protocol will remain in the employment of the PCC. Those staff who as at midnight on the 31 March 2014 hold posts within the business areas listed in Part B to Appendix 1 hereto will transfer into the employment of the Chief Constable such that they will become members of the civilian staff of the Police Force as contemplated in Paragraph 13(1)(a) of Schedule 15 of the 2011 Act. Personnel referred to in Appendix 1 are collectively considered to provide business support.
6. All transfers of employment will be effective subject to such additional provisions as are contained within Paragraphs 13, 14, 15 and 16 of Schedule 15 to the 2011 Act and as have been approved by the Secretary of State.

AIM

7. This Protocol sets out the basis on which the PCC and the Chief Constable will cooperate in the provision of (non operational) business support necessary to the functioning of both their offices following successful implementation of Stage Two Transfers.

CONTEXT

8. In conducting negotiations in advance of making their submission to the Secretary of State for the Home Office pursuant to Paragraph 10(1) of

Schedule 15 of the 2011 Act, the PCC and the Chief Constable considered the following matters to be relevant to their deliberation:

- That despite their legally distinct identities and their differing roles and responsibilities it was appropriate for the PCC and the Chief Constable to work together by way of joint endeavour in order to improve outcomes for local people as set out in the PCC's Police and Crime Plan.
- The need for effective and efficient arrangements for the provision of all forms of business support to both the PCC and the Chief Constable which would best support them and their respective statutory offices in the discharge of their obligations.
- The need to balance the requirement for effectiveness and efficiency in provision of business support against need to put in place arrangements which represented best value for money.
- The desirability where possible to avoid duplication of functions within the offices of the PCC and the Chief Constable.

PRINCIPLES

9. The PCC and the Chief Constable will adopt and implement the following principles with regard to the provision to their respective offices of business support and administration:

- Notwithstanding their distinct legal identities, the functions of the PCC and the Chief Constable are acknowledged to have such interdependence as to permit the sharing of significant areas of business support.
- Such sharing of business support is not regarded as the provision of services by one to the other but rather a cooperative arrangement for the effective delivery of business support essential to the operation of both offices.
- The arrangements are not intended to derogate from the effect of the Stage Two Transfers and it is the intention of the PCC and the Chief Constable that their respective rights and obligations as employer of

staff within their employment should be unaffected by these arrangements.

- It is not the intention of the PCC and the Chief Constable to create legal relations in respect of the arrangements contained within this Protocol.
- The arrangements are subject to the governance provisions set out within this Protocol.

10. The PCC and the Chief Constable have considered as relevant to their deliberations the following statutory provisions:

- Section 2(5) of the 2011 Act whereby a Chief Constable must exercise the power of direction and control in such a way as is reasonable to assist the PCC in the exercise of the PCC's functions.
- Paragraph 7(1) of Schedule 2 of the 2011 Act which provides that a Chief Constable may do anything which is calculated to facilitate, or is conducive or incidental to the exercise and functions of Chief Constable.
- Section 18(2) of the 2011 Act which provides that a PCC cannot delegate the exercise of any of his or her functions to a Constable (including the Chief Constable) or a member of a Chief Constable's police staff.
- Paragraph 14 of Schedule 1 to the 2011 Act whereby a PCC may do anything which is calculated to facilitate or is conducive or incidental to the exercise of the functions of the PCC.
- The Local Authorities (Goods and Services) Act 1970 as amended by Paragraph 94 of Schedule 16 of the 2011 Act whereby the PCC constitutes a public body for the purposes of the 1970 Act and may therefore provide to any person (which expression is considered to include the Chief Constable) administrative, professional technical services.

GOVERNANCE

11. The Chief Constable will at all times retain direction and control over staff within her employment.
12. The PCC's Chief of Staff (Chief Executive) will at all times retain managerial authority and operational control in respect of the staff within the PCC's employment.
13. Subject to the provisions contained at Paragraph(s) to of this Protocol both the PCC and the Chief Constable retain the discretion to task and direct their staff as they in their absolute discretion, see fit.
14. This Protocol contemplates and seeks to provide for three circumstances in which business support may be sought from the other party. These are as follows:
 - The PCC wishes to seek support from the Chief Constable's staff.
 - The Chief Constable wishes to seek support from the PCC's staff.
 - The PCC and the Chief Constable agree jointly on the commissioning of work to be undertaken either by the PCC's staff, or the Chief Constable's staff or by both.
 - These proposed arrangements collectively are known as "cooperative arrangements".
15. All cooperation arrangements as contemplated within this Protocol shall be overseen, monitored and reviewed as necessary by the Corporate Governance Group ("CGG") whose membership and Terms of Reference appear at Appendix 2 to this Protocol.
16. The responsibility for day to day management of the arrangements set out within this Protocol shall vest jointly in the Chief Executive from the office of the PCC and the Deputy Chief Constable ("the Business Managers"). They will meet as often as may be necessary (but no less than once per month) to

review ongoing cooperation arrangements and performance of the business support arrangements. They will have particular regard to arrangements in the forthcoming quarter and will also review performance in the preceding month and will provide updates to the CGG.

17. The Business Managers will have authority at their discretion to:-
 - Alter or amend existing tasking arrangements or priorities.
 - In the case of urgency to agree on the commissioning of new cooperation work subject to such prioritisation and timetabling as they may in their absolute discretion think fit.

18. In addition to structured pre determined work which may be requested either by the PCC or the Chief Constable by way of cooperation arrangements it is acknowledged that routine enquiries will regularly be made onto those providing business support by way of requests for information, clarification, or advice.

19. The Business Managers will make such arrangements as appear to them to be practicable for the recording and monitoring of work undertaken by way of the cooperation arrangements set out within this protocol such that the CGG can from time to time receive information relating the working to these arrangements and in particular the nature and volume of work commissioned by both the PCC and the Chief Constable.

20. Neither the PCC nor the Chief Constable will seek to impose any form of recharge on the other in respect of staffing costs arising out of the cooperation arrangements but the either the PCC or the Chief Constable will be entitled to recover from the other any additional disbursements which might include (and this list is not exhaustive) consultants fees, external legal fees, travel and accommodation costs, the cost of training courses or publications rather than materials specific to the work being undertaken or the cost of IS equipment or consumables.

21. Where work is commissioned jointly by the PCC and the Chief Constable then all disbursements and other non staffing costs will be shared equally.
22. Whilst it is contemplated whenever the PCC or the Chief Constable wishes to have work undertaken which could be provided by way of cooperation arrangements then such work will be so requested, it is acknowledged that circumstances may arise in which either the PCC or the Chief Constable may wish to commission such work from another source and nothing in this protocol shall be deemed to prevent or inhibit such course of action.
23. In the event that any form of dispute should arise in relation to the interpretation of this protocol or its implementation then such dispute in the first instance will be referred to the Business Managers who shall seek to resolve it. In the event that the Business Managers fail to resolve the dispute then the matter would be referred to the CGG for resolution.
24. The PCC and the Chief Constable acknowledge that when they or their staff (the commissioning staff) have requested business support from personnel employed by the other, the commissioning staff will endeavour to ensure that such staff are not required to undertake duties or tasks outwith their role requirement and in case of doubt the commissioning staff shall make appropriate enquiry with the Human Resources Development Branch. Additionally, the commissioning staff in their dealings with all business support staff will observe all relevant statutory provisions relating to the employment relationship as contained within the Equality Act 2010 or otherwise.
25. If either the PCC or the Chief Constable has concerns about the conduct or performance of business support personnel employed by the other then the PCC or the Chief Constable as appropriate will report those concerns as soon as practicable to the relevant line manager.

26. Where a grievance is raised by members of staff whilst undertaking work commissioned under the terms of this protocol then such grievance will be dealt with under the grievance procedure of the employer but commissioning staff will cooperate fully in the determination of their grievance.
27. In the event that either the PCC or the Chief Constable should identify any form of conflict in interest in relation to specific areas of work, or the personnel undertaking such work, then the existence of such conflict will be disclosed (but not necessarily the causes). The PCC and the Chief Constable will seek to remedy the conflict but if this is not possible then the commissioning party will commission the work from another source.
28. All personnel involved in provision of Business support by way of these cooperation arrangements will continue to owe such duties to their employer as are commensurate with that relationship. Such duties will ordinarily include a duty of confidentiality. In the circumstances envisaged by protocol, business support services staff employed by both the PCC and the Chief Constable will be undertaking work requested by the other (or both) and the PCC and the Chief Constable acknowledge that ordinarily the free flow of information envisaged in these cooperation arrangements will negate any duty of confidentiality. However in the event that either the PCC or the Chief Constable wishes to commission work of a discrete nature to which either party would want a duty of confidentiality to apply, then such arrangements will be considered by the Business Managers who may permit such an arrangement on the terms and conditions that they see fit and such permission will be provided in writing.
29. Any limitation or waiver of the right of confidentiality contemplated in the provisions paragraph of this protocol applies only to the relationship between the PCC and the Chief Constable and all staff will remain subject to an obligation of confidentiality in respect of third parties.

30. Nothing in this protocol should prevent any personnel employed either by the PCC or the Chief Constable from disclosing information which they are entitled to disclose under the Public Interest Disclosure Act 1998 provided that such disclosures are made in accordance with provision of that Act.
31. For the avoidance of doubt the PCC and the Chief Constable agree that when business support personnel are engaged in work commissioned other by their employer such an arrangement does not amount to a secondment of their employment and at all times such personnel remain subject to ordinary supervisory and management arrangements.
32. The PCC and the Chief Constable will share information where appropriate to fulfil the purposes of this protocol subject to any conditions imposed by the party providing the information in respect of such disclosure. The PCC and the Chief Constable shall endeavour to ensure compliance with Data Protection legislation through proper application of the governance arrangements contemplated in this protocol.
33. For the purposes of the Data Protection Act 1998 the PCC and the Chief Constable remain the data controller for any personal information recorded (in whatever format) on any information system under their respective control.
34. For the purposes of the Freedom of Information Act 2000 (FOIA) if either the PCC or the Chief Constable should receive a request under FOIA then the PCC or Chief Constables appropriate would be responsible for responding to that request and with any subsequent compliance arrangements required under FOIA. Any FOIA requests received by either the PCC or the Chief Constable which relate to or touch upon the subject matter of this protocol or any matters arising from it would be brought to the attention of the other party as soon as practicable, and where necessary the PCC and the Chief

Constable will provide reasonable assistance to the other in order to facilitate a timely and compliant response to the FOIA request or any subsequent compliance requirement.

35. This protocol shall not fetter the discretion of either the PCC nor the Chief Constable to make such alterations to their staffing resources as they may from time to time see fit including the reorganisation of functions or the deletion of posts. However in considering any such alterations the PCC and the Chief Constable will be mindful of the cooperation arrangements provided for in this protocol.
36. This protocol may be varied at any time by agreement between the PCC or the Chief Constable provided that any variation shall in the first instance be noted in correspondence between the parties and shall be reflected in any subsequent revision of this protocol.
37. The PCC or the Chief Constable will be free to seek to terminate any of the arrangements contained in this protocol, or all of them, at any time but the PCC and the Chief Constable acknowledge that a suitable notice period should be agreed between them in order to provide the parties with adequate time to make suitable alternative arrangements for the provision of business support.
38. The PCC and the Chief Constable agree that in respect of certain business areas namely corporate Finance, Performance, Assessment and Review, Community Safety, Legal and Press and Media, individual Service Level Agreements (SLA's) will be required which will deal with the management of work commissioned from these business areas in more detail that is considered necessary in other areas of cooperation contemplated within this protocol. The SLA's will deal with the arrangements for accessing the relevant areas of business support the co ordination of work being

undertaken, the future planning and tasking within that area of business, the timescales for responses and reporting mechanisms.

Dated this day of 2013

.....

The Police & Crime Commissioner for Humberside

.....

The Chief Constable of Humberside Police

PART A

Staff who at midnight of the 31 March 2014 hold posts within the business areas listed below will remain in the employment of the PCC

Shared service team	Indicative number of posts
Strategic planning	2
Humberside Criminal Justice Board	3
Estates/ Building	1
Finance	3
Performance	9.3
Assessment & Review	7
Insurance/Risk Management	1
Public engagement / communications	2
Administrative support	2
Statutory Office of PCC	
Deputy PCC	1
Governance & administration	2
Chief Executive	1
OPCC Chief Financial Officer	1
total	35.3

Part B

Staff who as at midnight on the 31 March 2014 hold posts within the business areas listed below will transfer into the employment of the Chief Constable.

Business area	Indicative number of posts
Human resources & training	70
Finance	21
Information services	1
Estate, fleet, catering & procurement	55
Administrative, command & trade union support	70
Corporate support; strategic planning, FOI, information compliance & projects	41
Professional standards	15
Community safety	14
Force media relations	9
Legal services	8
total	304

