



Lancashire Constabulary Area Stage 2 Staff Transfer Scheme 2014

Made 27th February 2014

Commencement Date 1st April 2014

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

Citation and Commencement

1. This Scheme may be cited as the Lancashire Constabulary Area Stage 2 Staff Transfer Scheme and shall come into force on 1st April 2014.

Interpretation

2. In this Scheme-

“the contract of employment” means the terms and conditions of employment of an employee;

“the conditions of service as a constable” means the conditions of service as a constable with an England and Wales police force;

“employer” means the employer of any employee and in respect of constables is a reference to the chief officer of the police force, and the policing body for the police force, in which the constable serves;

“employee” means an individual who, immediately before the transfer date, is employed by the Police and Crime Commissioner for Lancashire (PCC), or who is a member of civilian staff employed by an England and Wales police force, and who has been notified in writing prior to the transfer date that he or she will be transferring to the CC;

“CC” means the Chief Constable of Lancashire Constabulary;

“PCC” means the Police and Crime Commissioner for Lancashire;

“OPCC” means the Office of the Police and Crime Commissioner for Lancashire;

“PCC employee” means an individual who, immediately before the transfer date, is employed by the PCC;

“transfer date” means the 1st April 2014;

“secondment” means any agreement between an individual’s employer and the PCC whereby the individual carries out work for a period of time for the PCC.

Objections

3. (1) The provisions set out in paragraph 4 shall not apply to a PCC employee to whom it would otherwise apply if before the transfer date that individual gives notice in writing to the PCC objecting to the operation of this Transfer Scheme in relation to her or him.

(2) Where a PCC employee would otherwise become an employee of the CC by virtue of paragraph 4 but has given notice in accordance with sub paragraph 3(1) objecting to the operation of this Scheme to her or him –
 - (a) the contract of employment of that individual (and the rights, powers, duties and liabilities under or in connection with it) shall not transfer to the CC;
 - (b) the contract of employment of that individual shall be terminated immediately before the transfer date; and
 - (c) that individual shall not be treated, for any purpose, as having been dismissed by his or her employer.
(3) This scheme does not apply to any constable's conditions of service which transferred to the CC by statutory transfer under Part 1 of Schedule 15 of the Act and for which the CC remains responsible.

Transfer Provisions

4. (1) On the transfer date the contract of employment of employees will transfer to the CC so they will thereafter be employed by the CC.

(2) An employee’s contract of employment has effect from the transfer date as if originally made between the individual and the CC.

(3) Where an employee’s contract of employment is transferred to the CC by virtue of this paragraph, subject to sub-paragraph (5)-
 - (a) all the rights, powers, duties and liabilities of an employer under or in connection with the employee’s contract of employment are by virtue of this sub-paragraph transferred to the CC on the transfer date;
 - (b) any act or omission before that date, of the employer in relation to the employee’s contract of employment, is to be treated from that date as an act or omission of the CC.
(5) Sub-paragraph (4) shall not transfer or otherwise affect the liability of any person to be prosecuted for, convicted of and sentenced for any offence.

(6) The period of employment of employees or the period of service of constables with their employer on the transfer date counts as a period of employment with the CC and a transfer by operation of this Scheme does not break any continuity of employment or any period of service.

Secondments

5. Unless specifically excluded, on the transfer date a person's secondment to the PCC will continue as a secondment of that person to the CC.

Determinations

6. The Secretary of State or any other person nominated by the PCC may determine any matter requiring determination under or in consequence of this Scheme subject to such fees and expenses as determined by the PCC.

Clive Grunshaw
Police and Crime Commissioner for Lancashire
27 February 2014