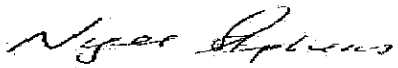
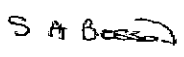
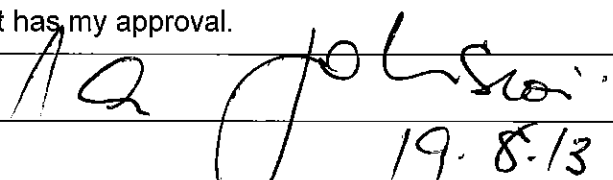


<b>DECISION NO: PCCG-2013-101</b>	
<b>OFFICE OF POLICE AND CRIME COMMISSIONER</b>	
<b>TITLE:</b>	<b>CONSULTATION ON ALIGNMENT OF ICT STAFF AND SERVICES</b>
<b>DATE:</b>	<b>12 July 2013</b>
<b>TIMING:</b>	<b>Box Day</b>
<b>PURPOSE:</b>	<b>To seek approval to begin consultation on the alignment of ICT resources into common services, service areas and service roles with common job descriptions to deliver improved services.</b>
<b>1.</b>	<b><u>RECOMMENDATION</u></b>
1.1	The recommendation is to approve the commencement of the staff transfer process that will enable appropriate engagement and consultation for a transfer completion by 1 December 2013.
<b>2.</b>	<b><u>INTRODUCTION &amp; BACKGROUND</u></b>
2.1	The Shared Resource Service (SRS) was formally established on 4 July 2011 with the aim to deliver ICT services to three organisations, Torfaen County Borough Council, Monmouthshire County Council and Gwent Police Authority.
2.2	Prior to the establishment of the SRS each organisation had their own ICT teams to deliver ICT services. These teams have now been brought together into the SRS and they work as an integrated team to deliver ICT services. This is supported by an integrated management structure.
2.3	Furthermore, from 1 April 2012 the Monmouthshire CC staff transferred to Torfaen CBC to progress the alignment and integration of service delivery. At that time Gwent Police Authority chose to maintain current employment arrangements whilst legislative changes to policing were being finalised ahead of the introduction of the Police & Crime Commissioner. The legislative framework does not preclude such an undertaking and the SRS Board believe progressing the staff transfer for Gwent Police employees will accelerate the service improvements.
<b>3.</b>	<b><u>ISSUES FOR CONSIDERATION</u></b>
3.1	The establishment of the SRS followed senior management discussion concerning the development of a data centre that would replace the existing data centres of all three organisations, initiated by estate plans to vacate both County Hall and also Police Headquarters in 2012 and 2014, respectively.
3.2	The principles of collaboration, the delivery of economies of scale, the implementation of a new ICT infrastructure and the opportunity to integrate service delivery led to the development of the SRS. Furthermore, with ICT staff working in a cross organisational role this enhances skills and knowledge whilst also providing diversity and learning; a good basis for career progression.

3.3	The main infrastructure is housed in Blaenavon and the integrated team are based at that location. The transfer of Monmouthshire CC staff to Torfaen CBC in April 2012 has enabled further team integration and management have encouraged the SRS Board to follow this route for Gwent Police staff. This has always been the plan and it is an opportune time to progress.
3.4	At the time of the transfer of service to Blaenavon the ICT structure was reviewed through the Staying Ahead Programme with grades and posts confirmed. There are 40 Gwent Police ICT posts who have been working in integrated teams with council colleagues. The financial contribution for each organisation is based on a proportion of the full operating cost of the service (determined by utilisation) rather than costs based on the employing organisation.
3.5	During the summer 2012 discussions between Torfaen CBC, Gwent Police and Regional and Local Unison representatives provided an understanding that at times when a Gwent Police post became vacant that the vacancy would be filled through a Torfaen CBC process. At this time Gwent employs 30 ICT staff at the SRS whilst still paying the same contribution for the services provided. Furthermore, it was agreed that for Gwent Police ICT staff that have taken Torfaen ICT roles in the SRS that each individuals length of service and annual leave entitlement would be recognised. The correspondence establishing this arrangement is presented at Appendix 1.
3.6	Discussion with Unison took place on Monday 5 November 2012 to confirm the intention of the SRS Board and agree that a process would commence with a view to achieving a TUPE arrangement (using cabinet office rules). This was re-iterated at a meeting on 28 March 2013.
3.7	Discussion with Joint Legal Services continues and it has been highlighted that such an arrangement may create of challenge that Torfaen CBC could be seen as delivering a service to Gwent Police; denying a procurement opportunity to provide the service. The risk of such a challenge is limited by the mitigation factor of the Memorandum of Understanding which supports the collaborative model.
3.8	The timetable for consultation is provided at Appendix 2.
<b>4.</b>	<b><u>NEXT STEPS</u></b>
4.1	Consultation will take place with SRS Board, Finance, HR, Trade Unions and all members of staff at the SRS. Consultation will take place over a 90 day period if this report is approved.
<b>5.</b>	<b><u>FINANCIAL CONSIDERATIONS</u></b>
5.1	There are no financial considerations relating to this proposal.
<b>6.</b>	<b><u>PERSONNEL CONSIDERATIONS</u></b>
6.1	Staff will be consulted through the proposed process.
<b>7.</b>	<b><u>LEGAL IMPLICATIONS</u></b>
7.1	Legal implications have been highlighted.

<b>8.</b>	<b><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></b>
8.1	This project/proposal has been considered against the general duty to promote equality, as stipulated under the Single Equality Scheme and has been assessed not to discriminate against any particular group.
8.2	Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.
<b>9.</b>	<b><u>RISK</u></b>
9.1	The risk of not progressing the proposal will be to the detriment of the users as the service will not operate as a single integrated provision.
<b>10.</b>	<b><u>PUBLIC INTEREST</u></b>
10.1	This document is available to the public. There are no stakeholder issues.
<b>11.</b>	<b><u>CONTACT OFFICER</u></b>
11.1	Nigel Stephens, Assistant Chief Officer - Resources
<b>12.</b>	<b><u>ANNEXES</u></b>
12.1	Appendix 1 – Agreement to Protect Gwent Police Staff Entitlement
12.2	Appendix 2 - Proposed Timetable

For OPCC use only

<b>Office of the Chief Constable</b>	
I confirm that <b>Consultation on alignment of ICT staff and services</b> report has been discussed and approved at a formal Chief Officers' meeting. It is now forwarded to the OPCC for <b>approval</b> .	
<b>Signature:</b> 	
<b>Date: 29 July 2013</b>	
	<b>Tick to confirm (if applicable)</b>
<b>Financial</b> The Treasurer has been consulted on this proposal.	
<b>OPCC (insert name)</b> The Chief Executive has reviewed the request and is satisfied that it is correct and consistent with the PCC's plans and priorities.	√
<b>Legal</b> The legal team have been consulted on this proposal.	N/A
<b>Equalities</b> The Equalities Officer has been consulted on this proposal.	N/A
<b>Chief Executive/ Deputy Chief Executive:</b> I have been consulted about the proposal and can confirm that financial, legal, equalities etc... advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate report to be submitted to the Police and Crime Commissioner for Gwent.	
<b>Signature:</b> 	
<b>Date: 29/07/13</b>	
<b>Police and Crime Commissioner for Gwent</b> I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. The above request has my approval.	
<b>Signature:</b> 	
<b>Date:</b> 19.8.13	

*[ON HEADED NOTE PAPER OF GWENT POLICE]*

Peter Durkin  
[ADDRESS LINE 1]  
[ADDRESS LINE 2]  
[POSTCODE]

[DATE]

Dear Peter,

**Shared Resource Service - Employment by Torfaen County Borough Council**

As we are both aware, the SRS is a collaborative venture between several public sector partners namely Torfaen CBC, Monmouthshire CC and Gwent Police Authority. The employees of the respective partner members remain employed by their "home" employer, though a TUPE transfer of staff was affected to transfer Monmouthshire staff to Torfaen. Gwent Police Authority staff were not part of this transfer.

Further to recent discussions regarding proposed arrangements in respect of Gwent Police Authority staff applying for roles with Torfaen CBC in the SRS. Whilst we have a verbal understanding of the way forward, my solicitor has insisted that we record the terms of our understanding in writing.

I do not propose that we enter into formal Memorandum of Understanding as the matter is not fundamental enough to require one. I propose that I set out the agreement between us in this letter which will serve as a de facto heads of agreement. An exchange of correspondence will be sufficient.

Should Gwent Police Authority staff wish to apply for (and are successful) in securing positions with Torfaen CBC within the SRS you confirm, warrant and undertake the following:

1. Notwithstanding (and supplemental to) rights granted by Modification Orders Torfaen CBC confirms that it will honour and deem service with Gwent Police Authority continuous for statutory employment purposes for employees who leave Gwent Police Authority by way of resignation to take up positions with Torfaen CBC in the SRS.

2. Torfaen CBC will honour all annual leave accrual based on length of service within Gwent Police.
3. Pension entitlement will be honours though this is probably a moot point as Gwent Police employees are members of the same Local Government Pension Scheme as Torfaen CBC employees.

Any employee who is successful in obtaining a position with Torfaen will have to resign their position with Gwent Police as any other individual leaving our employ would need to do. We confirm, save for an operational need to the contrary Gwent Police will agree to waive the contractual notice of any employee who are successful in applying for a role with Torfaen CBC.

Would you be so kind and to drop me a line confirming your agreement on behalf of Torfaen CBC to what is written above and that Gwent Police Authority acts in reliance on the warranties you have provided herein.

Yours sincerely,

Nigel Stephens  
On behalf of Gwent Police Authority

**Shared Resource Service**  
**HR Project Plan**

**Key Steps in effecting TUPE Transfers**

**Transferee:** Shared Resource Centre, Management Organisation  
**Transferors:** Gwent Police & Torfaen County Borough Council Transfer  
**Date:** December 2013

<b>NO</b>	<b>ACTIVITY</b>	<b>WHEN</b>
1	Secure agreement from the Board to time of transfer and common terms and conditions.	July 2013
2	Preparation of business case to support transfer and terms and conditions. Key issues are: 1. Governance 2. Terms and conditions 3. Harmonisation and Job Evaluation Process.	Commence July 2013
3	Finalisation of governance arrangements.	July 2013
4	Secure necessary agreement of Torfaen County Borough Council and Gwent Police to commence consultations as part of transfer.	July 2013
5	Draw up implementation plan.	Ongoing
6	Data gathering exercise: 1. Structure of new organisation 2. Identification of all staff involved.	July 2013
	3. Preparation of due diligence schedule: Identity of employees to transfer; Age; Statement of employment particulars; Information relating to any collective agreements, which apply	

NO	ACTIVITY	WHEN
7	<p>to those employees; Instances of disciplinary action with preceding 2 years to transfer. Instances of grievances raised by those employees within the preceding 2 years to transfer;</p> <p>Instances of any legal actions taken by those employees against the transfer in the previous 2 years. Instances of potential legal actions which may be brought by those employees (equal pay claims).</p> <p>4. Establish if anyone else affected, but who is not transferring e.g. line managers of the workers transferring. They will also need to be consulted.</p> <p>5. Collect all relevant contractual information, terms and conditions of service, cash and non-cash benefits and pensions details.</p> <p>6. Notify the new service provider of c).</p> <p>7. Respond to additional requests for information from service provider e.g. claims and liabilities which will transfer.</p> <p>8. Undertake Equality Impact Assessment.</p> <p>9. Pensions – Transfer from one employer to another within the Greater Gwent (Torfaen) Pension Fund will be needed. There will therefore need to be an adjustment undertaken by the Actuary to ensure employer contribution rates are adjusted appropriately to reflect the transfer but as both Gwent Police and TCBC are already members of the scheme there is no need for a new admission agreement.</p> <p>What will be required is to have a detailed staff listing of who is to transfer so that the appropriate actuarial adjustment can be carried out. However the size of this transfer is not sufficiently material to affect employer contribution rates immediately but will be factored into the 2013 Actuarial Valuation process which will be undertaken next year.</p>	<p>September 2013 allowing a minimum of 3 months for implementation.</p>



NO	ACTIVITY	WHEN
	<ol style="list-style-type: none"> <li>1. Staff</li> <li>2. Trade Unions</li> <li>3. Pensions</li> <li>4. Payroll</li> <li>5. Consult with Receiving Body and discuss and agree implementation plan and timescales.</li> <li>6. Prepare list of information, which we are required under TUPE to provide to the trade union representatives of any affected employees, including those affected who will not be transferring: <ul style="list-style-type: none"> <li>• The fact that there is a transfer happening</li> <li>• Approximately when it is happening</li> <li>• The reasons why it is happening</li> <li>• The legal, social and economic implications for the affected employees</li> <li>• The measures which as the employer intends to take in relation to those employees</li> <li>• If no measures will be taken, the fact that there won't be any such measures</li> <li>• If the employer is the transferor, the measures which the transferee envisages that he will take in relation to those employees who are to be assigned on the transfer</li> <li>• If the employer is the transferor and the transferee envisages no measures will be taken then that fact.</li> </ul> </li> <li>7. Meet with the affected staff who will be transferring to brief them on the proposed changes and offer one to one meetings with individuals concerned.</li> </ol>	
	<ol style="list-style-type: none"> <li>8. Consider, and if necessary, consult with other people affected who are not transferring</li> </ol>	

NO	ACTIVITY	WHEN
	<p>9. Deal with issues arising from the trade union and employee consultation, listen and respond to points raised in order to be able to show that meaningful consultation has taken place</p> <p>10. Identify and consider any measures arising as per fifth bullet of point b) above e.g. whether there is to be a change of base, whether those who remain are to lose part of their responsibilities, any other measures which are considered relevant to the particular service in question.</p> <p>11. Consult Gwent Police, and Torfaen Payrolls on the proposed transfer and allow time for the two payroll departments to consult with each other on how to affect the change.</p> <p>12. Implement Transfer</p>	
8	<p>Action following transfer:</p> <ol style="list-style-type: none"> <li>1. Consult on Harmonisation and Job Evaluation process with staff</li> <li>2. Undertaken Harmonisation and Job Evaluation</li> <li>3. Transfer staff to shared terms and conditions</li> </ol>	

Re-presented to SRS Board: July 2013