



APCC GUIDANCE: Overview of transfers to a Mayoral Police / Fire Governance model

Last Update: 09/08/2024

This APCC briefing outlines the process and provides both guidance and advice on the transfer of Police and Crime Commissioner (PCC) and Fire and Rescue Authority (FRA) functions to a Mayoral Combined Authority, or Mayoral Combined County Authority model, in which an elected Mayor exercises PCC and/or FRA functions. This document is only of relevance to PCC areas in England. This is because Mayoral Combined Authorities and Mayoral County Combined Authorities can only be created in England and furthermore legislation relevant to FRA functions means they cannot transfer to PCCs in Wales.

TABLE OF CONTENTS

APCC GUIDANCE: Overview of transfers to a Mayoral Police / Fire Governance model.....	1
Table of Contents	2
1. Introduction and Background	3
2. What needs to be in place for a transfer to take place?	5
Essential criteria for the transfer of PCC and/or FRA Functions	6
3. Legislative Process	8
Statutory Instrument Process	8
4. Managing the practicalities of a transfer process	9
Transition Planning.....	10
Governance Arrangements	13
Staffing Structures under an MCA or MCCA Model.....	16
Communications and Engagement	17
Strategies.....	18
5. Transfer of Fire	18
Appendices	19
Appendix A: Glossary	19
Appendix B: Lessons learned	20
Appendix C: Opportunities and Risks.....	21
Appendix D: Information required to carry out HR Due Diligence and to assess TUPE implications.....	22
CONTACT US	27
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1. Introduction and Background

This document aims to provide an overview of how Police and Crime Commissioner (PCC) and/or Fire and Rescue Authority (FRA) functions can transfer to a Mayoral Combined Authority (MCA) or a Mayoral Combined County Authority (MCCA). The information included in the introduction provides useful background which will assist in understanding what policing and fire governance looks like in England.

PCC and FRA functions can be transferred to an existing or new Mayor of a Combined Authority (CA) or a Mayor of a Combined County Authority (CCA), either on their own or as part of a wider devolution deal with government.

[The Cities and Local Government Devolution Act 2016](#) amended [The Local Democracy, Economic Development and Construction Act 2009](#), to enable Mayors of Combined Authorities to take on PCC and FRA functions, creating one directly elected leader accountable for these functions and wider services.

<https://www.legislation.gov.uk/ukpga/2023/55/schedule/3/enacted> (LURA 2023) enabled the transfer of PCC functions to the Mayor of a CCA and s.30 allows for the Mayor of a CCA to exercise FRA functions.

The consent requirements for transferring PCC functions to a combined authority Mayor were amended and simplified in [s.62 of the Levelling Up and Regeneration Act 2023 \(LURA\)](#), and similar provisions were separately made about the transfer of PCC functions to Mayors of CCAs at [s.33](#) and [Schedule 3](#). The only local consent that is now needed for the PCC functions to be conferred on the Mayor is that of the Mayor, where an order is made in relation to an existing Mayoral Combined Authority. Where there is no existing Mayoral Combined Authority, the transfer of PCC functions to a future combined authority Mayor will be considered as part of the devolution deal as a whole.

In addition, the LURA 2023 placed new requirements on the Home Secretary when making a decision to transfer the functions of a PCC to a CA Mayor or CCA Mayor that, before making an order to enable such a transfer, a public consultation should be conducted (unless one has been conducted by the CA/CCA as part of their proposal for an order). The Home Secretary must also consider that a transfer is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area; and consider that it is appropriate having regard to the need to secure effective and convenient local government and to reflect the identities and interests of local communities.

The requirements for transferring FRA functions to a CA mayor are set out in s.107D of the Local Democracy, Economic Development and Construction Act 2009. LURA 2023 also places the same consultation requirements on the Home Secretary for the transfer of FRA functions as required for the transfer of PCC functions.

Police and Crime Commissioners (PCC)

The [Police Reform and Social Responsibility Act 2011 \(PRSR Act 2011\)](#) established directly elected Police and Crime Commissioners (PCCs) in 41 forces, replacing their respective Police Authorities. In London, the Mayor of London became a PCC equivalent for the Metropolitan Police force area as the occupant of the Mayor's Office for Policing and Crime (MOPAC) in January 2012, and the City of London Police Authority was retained for the City of London police force area. The first PCC elections were held in November 2012.

Fire and Rescue Authorities (FRA)

There are a number of different governance models operating across the 44 Fire and Rescue Service areas in England, the most common being combined Fire and Rescue Authorities (where the fire service area covers the area of more than one local authority area and the authority is formed by locally elected councillors appointed from the constituent councils of that area). The Fire and Rescue Authority (FRA) is therefore a separate legal entity which sets its own precept, where the county council is defined as the FRA responsible for the delivery of fire and rescue services in their area.

Police, Fire and Crime Commissioners (PFCC)

The [Policing and Crime Act 2017](#) enabled PCCs in England to take on governance functions for fire and rescue services, where they become known as Police, Fire and Crime Commissioners (PFCCs). To date there are PFCCs serving Cumbria, Northamptonshire, Staffordshire and Essex.

Mayoral Combined Authorities

The Mayor of Greater Manchester took on PCC and FRA functions in 2017 via [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017](#) and [The Greater Manchester Combined Authority \(Fire and Rescue Functions\) Order 2017](#) respectively.

The Mayor of West Yorkshire took on PCC functions in 2021 via the [West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021](#).

Following the mayoral elections in May 2024, the functions of the North Yorkshire PFCC were transferred to the inaugural Mayor of York and North Yorkshire who will exercise the functions of the North Yorkshire PCC and FRA. The functions of the South Yorkshire PCC were transferred to the Mayor of South Yorkshire who will now exercise the functions of the South Yorkshire PCC.

The transfer of PCC and FRA functions to the Mayor of York and North Yorkshire was made via [The York and North Yorkshire Combined Authority Order 2023](#). The transfer of the PCC functions to the Mayor of South Yorkshire was made via [The South Yorkshire Mayoral Combined Authority \(Election of Mayor and Transfer of Police and Crime Commissioner Functions\) Order 2024](#).

Mayoral Combined County Authorities

A Mayoral CCA is a very similar form of local authority to a CA, but this model is designed to enable two or more county and/or unitary councils in an area to collaborate and take collective decisions across their economic geography. This new model was introduced through [section 9 of the LURA 2023](#). As with combined authorities, CCAs can be mayoral or non-mayoral and a Mayor of a CCA can seek to take on PCC and FRA functions provided the essential criteria set out below are in place.

Mayor of London

In London, the elected Mayor is the equivalent of a PCC and is the occupant of the Mayor's Office for Policing and Crime (MOPAC) which is responsible for overseeing the work of the Metropolitan Police. This remains a distinct model within Mayoral policing governance as MOPAC is a statutory body and a corporation sole in its own right. A Fire Commissioner acts as the Fire and Rescue Authority of Greater London, which is also a unique model amongst Fire and Rescue Authorities.

2. What needs to be in place for a transfer to take place?

The transfer of PCC and / or FRA functions to an MCA or MCCA requires certain criteria to be in place. Requests to transfer these functions are considered on a case-by-case basis and the criteria must be met to allow such a transfer.

Essential criteria for the transfer of PCC and/or FRA Functions

- ✓ The functions can only be transferred to a directly elected Mayor of a CA or CCA, maintaining the direct accountability established by the PCC model.
- ✓ The CA or CCA must align with the boundaries of the police force area, or FRA area depending on which functions are being transferred.
- ✓ PCC functions may only transfer to a Mayor at the point of a mayoral election. This is to ensure that a Mayor exercising the functions of a PCC is elected to do so thereby maintaining the democratic principle of the PCC model. However, the transfer of FRA functions to a Mayor does not need to be aligned with the PCC or any other election cycle.
- ✓ The relevant local consent to the transfer of PCC and/or FRA functions must be received. ([Section 107f of the Local Democracy, Economic Development and Construction Act 2009](#) is relevant for PCC functions and [s.107D for FRA functions](#)). There are different forms of consent based on whether an MCA or a MCCA already exists or is being created. If the PCC transfer relates to an existing CA or CCA, then the Mayor must consent to the transfer of the functions if the transfer is part of a devolution deal, the deal needs to comply with LURA 2023 (s.61 also relates to [s.107DA Local Democracy, Economic Development and Construction Act 2009](#)). For the transfer of FRA functions the Mayor must consult and receive agreement from all the relevant upper tier local authorities of an existing MCA or MCCA. The transfer process also requires engagement with wider stakeholders such as the relevant upper tier local authorities, emergency services and local communities. Lastly, the transfer of governance requires a legislative basis, transfers are exercised via a secondary legislation Statutory Instrument. Process to transfer PCC and/or FRA functions

PCC and/or FRA functions can be transferred to a Mayor either on their own or as part of a wider devolution deal with government. The transfer of PCC and/or FRA functions is a significant change to policing and fire governance which requires effective collaboration locally and with national Government. Where there is an existing PCC who also exercises FRA functions (known as a PFCC) then the transfer process is similar to that for a transfer that only involves the PCC functions.

Transfer of PCC Functions

The requirements for transferring PCC functions to a combined authority mayor are set out in [s.107F and Schedule 5C to the Local Democracy, Economic Development and Construction Act 2009](#) and those requirements were updated in [s.62 of the Levelling Up and Regeneration Act 2023 \(LURA\)](#). The LURA also provides similar provisions for the transfer of PCC functions to CCA mayors at [s.33](#) and [Schedule 3](#).

There are different routes available to enable a Mayor to take on PCC and/or FRA functions:

- ✓ **Local consideration and initial engagement:** Local areas should give strong local consideration to the development of proposals to transfer PCC and/or FRA functions to a CA or CCA, engaging central Government early on. If the area decides to seek to transfer the PCC functions, it will then ask Government for agreement to proceed.
- ✓ **Public consultation:** the Levelling-up and Regeneration Act 2023 placed new requirements on the Home Secretary when making a decision to transfer the functions of a PCC to a combined authority mayor or combined county authority mayor. The Home Secretary must, before making an order to enable such a transfer: conduct a public consultation (unless one has been conducted by the Combined Authority as part of their proposal for an order); consider that the transfer is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area; and consider that it is appropriate having regard to the need to secure effective and efficient local government and to reflect the identities and interests of local communities.
- ✓ **Development of the Order:** If a transfer is agreed by Ministers, Government will work closely with local partners to draft legislation to bring the transfer into effect and will seek the necessary local consent to the draft legislation.
- ✓ **Parliamentary Process:** Government will then lay the relevant legislation before Parliament. If the legislation passes, the transfer will be brought into effect on the date specified in the Statutory Instrument. This will be the point at which a Mayor is elected to exercise the PCC functions.

Transfer of FRA Functions

The requirements for transferring FRA functions to a CA mayor are set out in [s.107D of the Local Democracy, Economic Development and Construction Act 2009](#). The Levelling-up and Regeneration Act 2023 also places the same consultation requirements on the Home Secretary for the transfer of FRA functions as required for the transfer of PCC functions

(detailed above).

Engagement with Government

Throughout the process of transferring PCC/FRA functions, the relevant policy officials in the Home Office will engage closely with the local authority and relevant partners to ensure a smooth transition. If the transfer of PCC and/or FRA functions is being made as part of a wider devolution deal, then the above process may differ, however the Home Office would remain the lead Government department who engage with relevant local partners on the specifics of the transfer of those functions.

There is no single timeline for the transfer of PCC and/or FRA functions. Timing depends on the unique circumstances of each area and an indicative timeline will be agreed with the Government ahead of negotiations. To date no funding has been made available by central Government to support the transfer of these functions. The Home Office works closely with local areas to facilitate transfers and undertake the relevant legislative and parliamentary stages and recognises the work required to transfer these functions. The expectation of the Home Office is that the benefits to local areas of these transfers outweigh the associated costs.

3. Legislative Process

Statutory Instrument Process

The statutory instrument (SI) process required to transfer PCC and/or FRA functions is an affirmative one. This means an SI is laid in Parliament before both the House of Commons and House of Lords. A Committee in each House must debate and approve it before it is signed into law. There are typically 42 sitting days (or 6 weeks) between laying and approving for affirmative SIs. Useful information about the SI process can be found within the [Statutory Instruments Procedure of the House of Commons](#) including this [flowchart](#) which outlines the process.

The Home Office and MHCLG have differing responsibilities in relation to the legislative process that underpins the transfer of PCC and/or FRA functions to a CA or a CCA.

- ✓ **Home Office:** responsible for any legislative text around PCC or FRA related functions, property, rights, and liabilities. Typically, the Home Office are the laying body for SIs that enable a transfer to take place outside of a devolution

deal. They are the lead Department for legislation related to PCCs (the 2011 Act) and FRAs (Fire and Rescue Services Act 2004).

- ✓ **Ministry of Housing, Communities and Local Government:** responsible for any legislative text around the establishment of a mayoral CA or CCA or amendment of elections. Typically, MHCLG are the laying body for SIs that enable a transfer to take place within a larger devolution deal. The Home Office would remain responsible for drafting specific text within the SI on the transfer of functions, which is incorporated into the wider SI. They are the lead Department for legislation related to transfers (the 2009 Act and the 2023 Act).

CASE STUDY: York and North Yorkshire Combined Authority

The York and North Yorkshire Statutory Instrument provides a helpful example of the differing responsibilities of the Home Office and MHCLG in terms of drafting the legislative text for the SI. Part 9 and 10 (PCC and FRA functions) and schedules 4,5 and 6 were Home Office drafted, and the remainder were MHCLG drafted.

4. Managing the practicalities of a transfer process

Best practice for managing a transfer is for the CA or CCA, where it exists, and the Office for the Police and Crime Commissioner (OPCC) or the existing FRA to work together to decide the practicalities of a transfer, for example the management of the TUPE (Transfer of Undertaking (Protection of Employment))¹ process or agreeing to a change of ICT, or other systems, locally.

The transfer process for areas where a transfer of functions has taken place has differed slightly in each case. This reflects the local landscape, the functions transferring across, and the wider devolution deals agreed with Government. However, there are some broad similarities and consistent elements which will need to be considered in any area where a transfer is proposed.

The most effective way to get insight and information about managing a transfer is to look to areas where transfers have taken place to see how they approached and

¹ ACAS provides information which may be useful in relation to [TUPE transfers](#) and a [TUPE transfer checklist for old and new employers](#).

achieved this. The Home Office advises on what exists in statute and the legislative process, but not on the wider practicalities of managing this.

This section will outline transition planning; relevant project streams to support transfers; governance frameworks; staffing structures; and good practice in terms of staff engagement and communications. Lessons learned, opportunities and risks that a CA or CCA model present are covered in **Appendix B** and **Appendix C**.

Timescales for the transfer process and the commencement of a transition programme will vary based on the local situation and the route of the transfer of PCC and/or FRA functions to an MCA or MCCA. Typically, for PCC transfers it is ideal to lay an SI at least six months prior to the election that will see the transfer of functions to a Mayor in order to adhere to the Gould principle of electoral management. The Gould principle advocates that any changes to electoral law (such as a PCC transfer) should be made six months ahead of that election. However, an SI can be laid at any point prior to an election, as long as there are enough sitting days for that SI to come into force before the local government pre-election period (usually approximately six weeks before the election date). It should be noted that, largely, timescales are out of the scope of the MCA, MCCA, OPCC and/or FRA. However, transition planning work should not be delayed for the SI and should begin within adequate time. This requires commitment and resources to be made available by all parties.

Transition Planning

The planning and management of the transition process is essential to a successful transfer, as is ensuring that all organisations and staff impacted feel supported and well informed as it progresses. It is crucial that whatever the approach taken that trust is built between all parties, decision making is seen as fair and transparent, and engagement is effective. As part of the transition, it is best practice to reflect the transfer programme in corporate risk registers for the CA/CCA, OPCC and FRA (if relevant) in terms of the disruption to business as usual and the identification of suitable mitigations.

When planning a transfer of PCC and/or FRA functions, local areas should consider the following themes:

- ✓ Effective programme management support. This can be external and independent of the organisations going through the transition, whilst being supported by and working with internal stakeholders. One advantage of this approach is that it can be perceived as an 'independent voice' for bringing

people together, looking at decision making and moving the work forward. This can also be internal. Staff will have the knowledge and expertise about what needs to be transferred into a new organisation and therefore good staff engagement processes are key to achieving the best possible outcome. Staff will also need adequate support to successfully undertake this and posts may need backfilling so that business as usual is not impacted.

- ✓ Key workstreams that will enable the transition. These include legal, governance, ICT, Data, HR/People, Accommodation, Finance, Communications, Procurement, Contracts, Shared Services and Estates.
- ✓ Support to the key workstreams to enable success. Implementing working groups to look at different aspects of the programme can be helpful, with working groups having representation from the OPCC (or the FRA if fire), the CA or the CCA and Police, to ensure full transparency and clarity on what the issues are and how to best take them forward together.
- ✓ Implementing the right governance structures and processes to support the transfer. Outlining how decisions will be taken, how issues will be resolved, the terms of reference for the work and ensuring that the right programme management tools are all in place is crucial.
- ✓ Transfer of staff, staff consultation and TUPE considerations. A clear desire to “do with and not to” and ensuring that staff health and wellbeing are being considered throughout the process is essential. It is important to manage a transfer sensitively and ensure that the right professional advice is available throughout the process and to clarify whether TUPE applies at the earliest opportunity and confirm this with the CA/CCA. The CA/CCA is likely to require extensive staffing information as part of the necessary HR/people due diligence and in order to assess and prepare for TUPE undertakings (see **Appendix D**).
- ✓ Staffing structures post transfer, and how the PCC and/or FRA functions will be supported. Within this it is critical that attention is given to supporting the monitoring officer functions and the PCC and/or FRA strategic finance functions.
- ✓ Financial impacts of a transfer and additional resources which may be required to support this and a steady state. For example, senior finance and legal support for the Mayor/Deputy Mayor, in addition to that already provided for the MCA.
- ✓ The plan for post-election and integrating an OPCC into a CA or CCA or integrating and developing a whole new organisation. This is also relevant to existing staff in the MCA or MCCA and the simultaneous change programme that

is likely to be underway to develop an MCA or MCCA. Introduction of policing and crime into an MCA or MCCA may require existing staff who will provide support to the PCC function to be vetted which would be a change to their terms and conditions, for example this could be applicable to ICT staff who will provide support to PCC areas of work.

- ✓ Development of the Constitution and how the PCC and/or FRA functions will be referenced and articulated within this to support good governance.

CASE STUDY: West Yorkshire

Transition was managed via a PCC Function Transition Project with a clearly defined and tight project scope. It included successfully transferring core OPCC and Violence Reduction Unit roles identified and in scope to the MCA, transfer of the PCC assets and liabilities including those relating to the National Police Air Service (NPAS) and the establishment of a new entity within the MCA that had a Director and a separate budget.

There was a Transition Project Board and a Transition Working Group which had differing responsibilities.

The project board was responsible for direction and management of the project and reporting on progress to the MCA Board and Transition Working Group. It met on a 3 weekly basis monitoring, supporting and challenging progress against milestones and making decisions on risks and issues. It was jointly chaired by the MCA and the OPCC and included the CA, OPCC and West Yorkshire Police (WYP). The working group was made up of key partners and strategic stakeholders who had an interest in the transfer of functions from PCC to the MCA. It was kept updated around project progress and the key milestones associated with the transfer. Membership of this included CA, OPCC, WYP, Home Office and APCC.

West Yorkshire had nine overarching workstreams. Each one had a named lead from the CA, OPCC and WYP. These were: communications, staffing transition, transfer of financial function, ICT/information governance, governance and decision making, collaboration agreement, internal audit, land assets and rights, procurement and contract management, business continuity including shared services / Service Level Agreements (SLAs) and National Police Air Service (NPAS) transfer.

Governance Arrangements

In transfers which have taken place to date the MCA itself is the corporation sole. This means that the PCC and/or FRA functions do not sit under a separate corporation sole, and the statutory responsible officers within the model are the MCA Monitoring Officer and Treasurer. MOPAC is the exception to this and is a corporation sole in its own right with its own statutory officers.

The [Police Reform and Social Responsibility \(PRSR\) Act 2011](#) confers wide general functions on a Police and Crime Commissioner, and these functions are transferred to the Mayor by virtue of the PCC and/or Fire and Rescue Order, subject to the terms outlined within the Order.

Within an MCA or MCCA the exercise of PCC functions including the exercise of control over the property, rights, and liabilities of a PCC, is a Mayoral function, meaning that these functions can only be conducted by the Mayor (and not the wider members of the CA/CCA).

The Police Fund and Police and Crime Team budget remains under the control of the Mayor and any underspends remain with the Mayor and may not be retained/committed by the MCA.

Under a Mayoral model there is not a separate precept, and therefore ringfenced budget, for the fire and rescue service. What is currently the fire and rescue precept under the PFCC model is subsumed within the overall Mayoral precept (covering everything except their PCC functions). Therefore under a transfer of FRA functions into a mayoral model, fire and rescue services become part of a larger organisational budget.

The Mayor of a CA or CCA can appoint a Deputy Mayor for Policing and Crime to carry out any PCC and/or, where relevant, FRA functions via s.18 of the Police Reform and Social Responsibility Act 2011 except:

- ✓ Production of a Police and Crime Plan or Fire and Rescue Plan.
- ✓ Appointment and dismissal of a Chief Constable or Chief Fire Officer.
- ✓ Setting the policing or fire and rescue budget and precept.

[Sections 8-12 of Schedule 1 of the Police Reform and Social Responsibility Act 2011](#) requires the Mayor to notify the Police and Crime Panel, or the Police, Crime and Fire Panel, of the proposed appointment of the Deputy Mayor for Policing and Crime and/or, where relevant Fire. The Panel holds a public confirmation hearing where the

candidate is requested to appear for the purpose of answering questions relating to the appointment. The Panel then reviews the appointment and makes a report to the Mayor including a recommendation of whether the candidate should be appointed. This report must be published by the Panel. Additionally, the Mayor may accept or reject the panel's recommendations and then notify them of this decision.

In London, the delegation of functions by MOPAC to a Deputy Mayor for Policing and Crime is covered by [s.19](#) and [s.20](#) of the 2011 Act². Additionally, s.20 of the PRSR Act 2011 applies whereby the London Assembly can veto the appointment of a Deputy Mayor for Policing and Crime with a two thirds majority.

More information on Police, (Fire) and Crime Panels can be found within the Government's [Police, Fire and Crime Panels Guidance](#).

In all models the Mayor retains the ultimate responsibility and accountability to the public around their PCC and/or FRA functions.

Constitution

The constitution will underpin local governance arrangements within an MCA or MCCA and will be the primary document that outlines the work and procedures of the MCA or MCCA and identifies the governance arrangements. It provides the framework in which the organisation operates and describes how decisions are made.

Within the Constitution the functions of the Mayor and the governance arrangements will be outlined. These comprise of financial regulations, contract procurement rules, schemes of delegation, schemes of consent and contract standing orders. For Mayors with PCC functions there are separate articles which relate specifically to these functions and form an overarching scheme of governance for how the Mayor carries out their PCC functions. Sections include:

- ✓ Mayor's PCC Financial Regulations.
- ✓ Mayor's PCC Contract Standing Orders.
- ✓ Mayor's PCC Schemes of Delegations.
- ✓ Mayor's PCC Schemes of Consent.

² Section 19 of the Police Reform and Social Responsibility Act sets out the functions that the Deputy Mayor for Policing and Crime may and may not carry out. This differs in relation to their role in the appointment, suspension or removal of the Met Commissioner, Deputy Commissioner, and other senior officers.

- ✓ Chief Constable's Schemes of Delegation.

CASE STUDY: Greater Manchester

The PCC functions are outlined in the [GMCA Constitution](#) - Functions of the GMCA – Part 2, section F and part 9. The Constitution clearly states that only the Mayor can exercise the PCC functions, and that the Mayor may delegate PCC and fire and rescue functions to a Deputy Mayor for Policing and Crime.

An Integrated Scheme of Governance outlines the strategies, arrangements, instruments, and controls to ensure good governance. These are all included within Part 9 of the Constitution – Police and Crime Commissioner Functions. The Scheme of Governance consists of a Scheme of Consent, Mayor's PCC Financial Regulations, Mayor's PCC Contract Standing Orders, Mayor's PCC Schemes of Delegations, and the Chief Constable's Schemes of Delegations.

CASE STUDY: West Yorkshire

The Mayor's PCC functions are outlined in the [West Yorkshire Combined Authority Constitution](#) under Part 2, Article 5. This outlines that the Mayor may appoint and arrange a Deputy Mayor to carry out policing and crime functions, the role of the Police and Crime Panel and the role of the Chief Constable.

The overarching governance framework includes the Mayor's Police and Crime Commissioning Functions Scheme of Delegation, Contract Standing Orders for Policing and Crime (these are different to the wider Combined Authorities because they align with the Police and regional PCCs and appendix 1 in this document outlines how they work), Mayor's decision-making framework for PCC decisions, Mayor's PCC Scheme of Delegation, Deputy Mayor's sub-delegation scheme and the Mayor's PCC Scheme of Consent to the Chief Constable.

Policing Governance, and delivery of the Police and Crime Plan, is supported by a formal governance framework. This consists of monthly Governance meetings (these are held in private between the Chief Constable and Mayor/DMPC with action notes covering urgent matters and operational updates); quarterly Governance meetings (these are held in private between the Chief Constable and Mayor/DMPC, minuted in full with regular agenda items on finance, HR, complaints and conduct, change programme as well as an operational update and the Performance Scrutiny meeting

(these are held quarterly, in private, fully minuted and include detailed reporting by the police against the performance framework linked to the Police and Crime Plan).

Staffing Structures under an MCA or MCCA Model

Staffing structures for policing, crime (and, where relevant) fire functions under an MCA or MCCA are agreed and decided by the local area. Decisions should be made in conjunction and engagement with staff from the OPCC or FRA to ensure their views are represented and reflected. It is strongly advised that proper consideration is given to ensuring that there are enough resources to support the Mayor/Deputy Mayor following a transfer of functions. Staff need to have the relevant expertise and experience and there needs to remain adequate resource to support the requirements of the police and crime and fire functions. Areas may want to give particular consideration to how the monitoring officer and strategic finance functions are supported under this new model.

Decisions will be required about where the staffing functions 'sit' in terms of the wider CA or CCA. The Constitution will outline the regulations relevant to the Mayor's PCC and/or FRA functions and should assist key staff, for example within procurement and legal services, in understanding what these are. It is essential that staff involved in carrying out essential functions within a new organisation are included in its development, so the constitution reflects the reality.

As the Mayor's PCC functions are outlined in legislation specifically relevant to Police and Crime Commissioners ([Police Act 1996 as amended](#), [PRSR 2011](#), [the Policing and Crime Act 2017](#)), this means that policing and crime functions can operate slightly differently within the MCA or MCCA model. For example, there may be different transparency requirements in terms of information which needs to be published and differing procurement regulations. Therefore, these need to be well understood and adequately supported within the Mayoral governance model.

Staff supporting the Mayor and/or Deputy Mayor for Policing and Crime or Fire are, as under a PCC and/or FRA, required to remain impartial and objective, observe the Nolan Principles and continue to work with elected officials to deliver their policing and/or fire priorities. In addition, staff within the Policing and Crime or fire functions

are politically restricted and likely to be subject to vetting. This may contrast with the terms and conditions of other staff in the CA or CCA.

Experience indicates that following a transfer staff structures and terms and conditions are likely to be reviewed, to ensure that these are aligned with the wider organisation, and they meet the needs of the police and crime or fire functions and the wider priorities of the organisation. Embedding new structures will take time and will be an ongoing process following a transfer.

Communications and Engagement

The communication of the transfer of PCC and/or FRA functions to an MCA or MCCA, both internally and externally, is critical. Staff engagement is particularly important to this process.

The list below specifies areas to consider as part of this:

- ✓ Commissioning of awareness packages that focus on supporting employees/managing change which are available to employees and aimed at providing information and building resilience.
- ✓ Scheduling 1-1 sessions for all employees with their line manager to ensure awareness of expected changes and timescales.
- ✓ Considering how to undertake staff engagement well ahead of the requirements through the HR/TUPE consultation processes.
- ✓ Produce a Frequently Asked Questions (FAQ) document which is regularly updated and shared with staff. Greater Manchester's FAQs document can be shared for information. It is recommended that staff FAQs are collected throughout the process and answered on a rolling basis, for example through utilising team meetings and one to ones.
- ✓ If changing premises / IT providers, consider new site visits as these can be extremely useful to give staff plenty of time to consider commuting options and familiarise themselves with a new environment. Early engagement with staff on the choice of IT equipment can be helpful, as can tours of a new building.
- ✓ Be transparent with timelines for the process, lay these out to staff so they are aware when key decisions are expected and when information will be shared with them.

- ✓ Ensure engagement with operational partners is considered as part of the process. Involve policing and/or fire partners in working groups and programme boards.
- ✓ Engagement with all external partners e.g. commissioned services and local authorities is essential to ensure they are aware of the changes taking place and when the new organisation will come into effect. Consider how contracts with external agencies will be managed and how organisations will be updated about this.

Strategies

To support successful integration policing, crime, criminal justice, and community safety priorities should be amalgamated and reflected in the ambitions and strategies for the MCA or MCCA. Under this governance model, a Police and Crime Plan, or, if relevant a Fire Plan, are still required and the issuing of these plans is one of the functions reserved to the directly elected Mayor.

5. Transfer of Fire

Currently the Mayor of Greater Manchester has fire and rescue functions, and the first Mayor of York and North Yorkshire took on these functions when the combined authority in that area came into existence in May 2024.

[The Fire Reform White Paper](#) outlined the Home Office commitment to supporting moves towards a single point of accountability. The Home Office have not taken forward the mandatory transfer of FRA functions to Police and Crime Commissioners or Mayors, choosing instead to proactively encourage PCCs and Mayors, where the police and fire service areas are co-terminus.

The Home Office have also committed to work proactively with PCCs and the Association of Police and Crime Commissioners to explore ways to simplify processes and incentivise voluntary transfers.

Appendices

Appendix A: Glossary

APCC – Association of Police and Crime Commissioners

CA – Combined Authority

CCA – Combined County Authority

MHCLG – Ministry of Housing, Communities and Local Government

DMPC – Deputy Mayor for Policing and Crime

FRA – Fire and Rescue Authority

GMCA – Greater Manchester Combined Authority

LDEDCA - The Local Democracy, Economic Development and Construction Act 2009

LURA – Levelling up and Regeneration Act 2023

MCA – Mayoral Combined Authority

MCCA – Mayoral Combined Country Authority

MOPAC – Mayor’s Office for Policing and Crime

OPCC - Office for the Police and Crime Commissioner

PCC – Police and Crime Commissioner

PFCC – Police Fire and Crime Commissioner

PRSR 2011 Act – Police Reform and Social Responsibility Act 2011

SI – Statutory Instrument

TUPE - Transfer of Undertakings (Protection of Employment)

WYCA – West Yorkshire Combined Authority

Appendix B: Lessons learned

Lessons learned from areas where a transfer has taken place are outlined below.

- ✓ Develop a transition and project plan as early as possible and consider procuring dedicated programme and project resource to support the transition. This can support the maintenance of business as usual and the successful delivery of the transitions.
- ✓ Specialist support may be required for programme and project management, legal, regulations, property management, due diligence, contracting, finance, information technology and human resources.
- ✓ Develop clear internal and external communication strategies, considering the impact of a transfer on OPCC staff. Don't underestimate the attention and focus that areas which affect, and impact people directly, will require.
- ✓ Set out project expectations across all key stakeholders including the Combined Authority, the OPCC, the police force, other regional stakeholders, and central government.
- ✓ Good engagement and relationships, both locally and nationally, have real benefits in the effective delivery of a transfer.
- ✓ When moving to new corporate systems, expectations to embed into new processes/systems from day one can be challenging. Once a transfer has been agreed, consideration needs to be given to how this is managed. Seek early understanding of what finance, HR and case management systems will be in place, and seek agreement on email addresses (if changing) to ensure plans around security and links to partners.
- ✓ Document the 'as is' model – include all services within the current OPCC. This will cover payroll, HR, ICT, pensions, financial requirements and systems, e.g. budget / financial management arrangements, contracts and grants for services, SLAs, property, assets, governance, procurement etc. All will need consideration of how they will transfer into the new model.
- ✓ A clear political 'steer' supports the process alongside getting all the relevant senior people from all organisations in a room together.
- ✓ Use the transfer as an opportunity to review all retained data and consider existing retention schedules prior to the transfer. This will make the handling, transfer, and storage of data easier if you have a new hosting authority.

- ✓ TUPE as part of the legal process requires consent from all employees to share information. When sharing role descriptions and profiles make sure these are up to date and confirm accuracy with staff.

Appendix C: Opportunities and Risks

Opportunities	Risks
Focussed leadership – Mayor has greater statutory convening powers and a stronger ‘voice’ for an area.	Dilution of focus due to wider mayoral responsibility and dilution of responsibility of statutory officers.
Higher profile for the Policing, Crime and Community Safety agenda.	Reduced national engagement by the person with the statutory function. Potential lower profile for FRA work.
Greater opportunities for OPCC staff development and potential career progression.	Team / staffing changes and spectrum of attitudes from team members to transfer. A real risk that during the process the OPCC may lose key members of staff.
Improved and deeper relationships / partnerships with local authorities.	Perception that policing governance could potentially be weakened under this model. The potential weakening of the role of the Chief Fire Officer reporting to the Head of Paid Service of the CA/ CCA.
Potential to improve outcomes for people through integration of objectives (e.g. safety on public transport, reducing reoffending via employment and skills, wider determinants of health & opportunity).	Loss of a dedicated precept and ringfenced budget for transferred FRA functions. Funding for fire and rescue services being subsumed into the wider mayoral budget and the subsequent risk of a lower profile.

Strategically align work of different organisations – leading to greater effectiveness and efficiency.	
Assists with achieving ambitions for the people within an area – sits policing and community safety within a wider agenda.	
Increased access to funding, e.g. Shared Prosperity Funding / further Devolution deals.	The additional funding could be overstated or recycled from existing budgets meaning the transfer is financially less attractive.

Appendix D: Information required to carry out HR Due Diligence and to assess TUPE implications

1. An anonymised list of all substantive employees assigned to those OPCC roles identified as in scope, including those absent from the workplace or on secondment, with the information listed below for each employee:
 - a. job title;
 - b. normal place of work, or where the employee is required and/or permitted to work;
 - c. the date of commencement of service with the OPCC and length of continuous employment;
 - d. any continuous service credited from previous roles/employers;
 - e. the notice required from the employer and the employee to terminate the contract of employment;
 - f. pay grade;
 - g. hours of work;
 - h. contract type (e.g. permanent, fixed term (to include term) or zero hours);
 - i. total annual pay, setting out basic salary or wage, other benefits, and any variable payments where applicable, e.g. First Aider Allowance, Trainer

Allowance, and a statement about whether overtime is contractual or voluntary;

- j. pension details, including scheme and rate of employer contribution;
 - k. entitlement to any other benefits, whether they are believed to be contractual or otherwise, including any arrangement or facility (e.g. free products, discounts, car user allowance, car loan, car parking, mobile phone, childcare vouchers, permanent health insurance, private medical insurance, gym membership);
 - l. holiday entitlement, including bank holidays;
 - m. sick pay entitlement;
 - n. if absent from work, the reason, the start date of absence and expected return date (e.g. maternity or parental leave, suspension, sickness absence of more than one month, secondment or sabbatical);
 - o. whether or not they require permission to work in the UK.
2. Copies of documents (anonymised where necessary) and details of the following:
- a. the standard contract of employment(s) or written employment particulars required under s.1 of the Employment Rights Act 1996 for all the assigned employees;
 - b. employee handbook, grievance procedure, disciplinary procedure;
 - c. all policies relating to terms and conditions of employment;
 - ✓ any significant contractual terms or anything included in any written statement of terms and conditions of employment (e.g. any family friendly leave or other payments in excess of the statutory minimum);
 - d. how holiday pay is calculated (e.g. if overtime is included) and if the method of calculation has changed over the last six years;
 - e. how long employees are allowed to carry forward any of their annual leave entitlement;
 - ✓ any redundancy policy or practice, whether contractual or not, to make redundancy payments in excess of the statutory minimum and any such payments made within the last three years;

- f. details of any trade union recognised by the transferor including particulars of the recognition agreement, the date of the agreement and how long the union has been recognised;
 - g. any other collective agreement with any trade union giving dates, contents, other surrounding circumstances, and any disputes; and
 - h. any other agreement, whether local or national, with any union or other body of employee representatives.
3. An anonymised list of all other individuals currently engaged on a temporary basis within the past 12 months, in the organisation transferring, identifying those that will exceed the date of the proposed transfer and will still be employed at the point of transfer, to include:
- a. status (e.g. apprentice, self-employed contractors, freelancers, workers, casual staff, secondees, interns, trainees);
 - b. job title or description of role;
 - c. hours of work;
 - d. contract type (e.g. permanent, fixed term (to include term and funding period) or zero hours/casual);
 - e. total annual pay, setting out basic salary or wage, other benefits and any variable payments and a statement about whether overtime is contractual or voluntary;
 - f. entitlement to any other benefits, whether contractual or discretionary, including any arrangement or facility (e.g. discounts, car loan, car parking, mobile phone, childcare vouchers, permanent health insurance, private medical insurance, gym membership);
 - g. holiday entitlement, including bank holidays;
 - h. whether or not they are on the payroll and any IR35 implications;
 - i. whether or not they are engaged through a service company or agency;
 - j. term or duration of engagement;
 - k. start date; and
 - l. notice to be provided by both parties to terminate.
4. Details of the following (anonymised where relevant):

- a. any dispute with a trade union or other employee representative body, or strike, or threat of strike, or other industrial action within the past two years;
- b. any dispute with any employee or worker, whether brought under the organisation's disciplinary or grievance procedure or otherwise within the previous two years, and any matters that might give rise to such a dispute that occurred within the last two years (including any that were settled);
- c. any current employment tribunal or county court order, or any High Court judgment in respect of any employee or worker dispute;
- ✓ all employment tribunal or other court claims in the last two years including details of any settlements and whether or not they remain unpaid;
- d. any litigation threatened, pending or ongoing against the transferor, including any county court claims, High Court claims, employment tribunal personal injury claim or arbitration claims within the last two years, or any matters that might give rise to such claims;
- e. any threatened, pending, or ongoing claim in relation to permanent health insurance or early retirement benefits;
- f. any inquiry, correspondence or contact between the transferor and the Equality and Human Rights Commission within the last two years and the outcome;
- g. any inquiry, correspondence or contact between the transferor and the Health and Safety Inspectorate and the outcome, as well as employee liability insurance cover, levels of claims over the past three years, and any current claims or reported accidents;
- h. any inquiry, correspondence or contact between the transferor and HM Revenue & Customs concerning employees within the last two years and the outcome;
- i. any inquiry, correspondence or contact between the transferor and the Information Commissioner's Office (ICO) within the last two years and the outcome and any circumstances within the last two years requiring a notification to the ICO of a data protection breach;
- j. any current appeals against dismissal;
- k. any offer of employment or offer to engage an individual in any capacity, whether accepted or awaiting a response, who is likely to become an assigned

employee pursuant to the TUPE Regulations 2006 if the proposed transfer goes ahead;

- l. any changes to terms and conditions in relation to any employee introduced or negotiated over the past two years or any changes to terms and conditions or working arrangements, which are being negotiated or expected to be negotiated within the next 12 months;
- m. any employee who is about to exercise or who has given notice to exercise a right to maternity, adoption, paternity or parental leave or any other authorised leave and who may elect to return to work after such leave;
- n. numbers of all employees who have been off sick or otherwise absent (other than on holiday) for more than two weeks within a six-month period over the last two years;
- o. any grievance procedure taken by any employee within the previous two years;
- p. any disciplinary procedure taken in relation to any employee within the previous two years;
- q. details of any employee who has resigned in the last year; and
- r. any employee who has been dismissed in the last year and the reasons for the dismissal.
- s. any proposals to change or amend the employees' work base.

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The APCC provides support to all Police and Crime Commissioners and policing governance bodies in England and Wales.

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