

EXECUTIVE NOTE

The Scottish Police Services Authority (Staff Transfer) Order 2007 SSI/2007/88

The above instrument is made in exercise of the powers conferred by section 103(2) and paragraph 2 of schedule 3 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the 2006 Act”). The instrument is subject to negative resolution procedure.

Policy Objectives

The 2006 Act provides for the establishment of a body corporate, the Scottish Police Services Authority (“the Authority”) which has a duty to provide a range of police support services to Scottish police forces (including a new national forensic science service) and to maintain the Scottish Crime and Drug Enforcement Agency (“the Agency”). The Authority came into being as a legal entity on 1 January 2007 and will obtain its full functions, powers and duties on 1 April 2007.

The intention is that any support staff and constables currently seconded to the existing common police services and the Scottish Drug Enforcement Agency (“the SDEA”) will transfer to the Authority on 1 April 2007. Accordingly all constables and support staff currently engaged at the SDEA, the Scottish Police College, the Scottish Criminal Records Office (with the exception of the staff of Disclosure Scotland) and the Scottish Police Information Strategy, will transfer. In addition, constables and support staff who are currently engaged in the provision of services which will from 1 April be carried out by the new Scottish Forensic Science Service will transfer to the Authority. These are the services currently provided by the 4 forensic science laboratories, the Scottish Fingerprint Service, scenes of crime examiners, photographic staff and the administrative staff who support these functions.

The purpose of this instrument is to make provision in respect of those constables and other persons who will transfer to the Authority on the transfer day and become members of staff of the Authority. The Order provides that all constables and other persons who immediately prior to the 1st April are engaged wholly or mainly in the provision of any of the police support services which after 1 April will be provided by the Authority or are seconded to the SDEA will transfer. The Order also provides that those constables and other persons who are currently seconded to the SDEA will (in addition to becoming members of staff of the Authority) become members of the Agency.

The Order also places a duty on police authorities and joint police boards to prepare staff transfer schemes by 23 March 2007 in respect of constables and other persons who are to transfer under the provisions of the Order. The staff transfer schemes will identify the individuals who will transfer either by name or pay reference number. The reference to pay reference number has been included as it may not be appropriate for operational reasons (particularly in relation to the SDEA) for individuals to be identified by name.

Consultation

Paragraph 3 of schedule 3 provides that before making a staff transfer order, the Scottish Ministers are required to consult the Authority and in certain circumstances the Director General of the Agency. The Scottish Ministers accordingly sent a draft of the Order on 26 January 2007 to the Convener of the Authority, the Director General of the Agency and, in addition, to the Conveners of police authorities and joint police boards, chief constables, UNISON, ACPOS, the Police Federation for Scotland and the Association of Scottish Police Superintendents seeking comments on the draft Order by 9 February. Comments were received from Strathclyde Joint Police Board, Fife Police Authority, the Chief Constable of Northern Constabulary and ACPOS. None of those who responded objected to the making of the Order.

Financial Effects

The instrument has no financial effect on the Scottish Executive, local government or on business.

Scottish Executive – Justice Department
February 2007