

POLICE, FIRE AND CRIME COMMISSIONER FOR NORTH YORKSHIRE

**TEMPORARY ARRANGEMENTS FOR AN ACTING CHIEF EXECUTIVE IN COMPLIANCE WITH
SCHEDULE 1 PARAGRAPH 7 POLICE REFORM & SOCIAL RESPONSIBILITY ACT 2011**

REPORT TO POLICE FIRE AND CRIME PANEL

I am required by Paragraph 7 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 to appoint a person to act as my Chief Executive where the post has become vacant. I am further required by Paragraph 9 of Schedule 1 to notify members of this proposed appointment, and in notifying the Panel of a proposed senior appointment I must notify you of:

- The name of the person I am proposing to appoint to the role;
- The criteria that were used to assess the suitability of the candidate;
- Why the candidate satisfies those criteria; and
- The terms and conditions upon which the candidate is to be appointed.

This report sets out the background to (and all of the statutory details required in respect of) my proposed temporary arrangements.

SUMMARY – THE LAW

Schedule 1 to the Police Reform & Social Responsibility Act 2011 governs my responsibilities in terms of the appointment of a substantive and (as necessary) acting Chief Executive. Members must review my proposal, undertake a confirmation hearing and report within three weeks of being notified of my proposal.

SUMMARY – BACKGROUND CIRCUMSTANCES

My substantive Chief Executive Officer retired in February 2018 on medical grounds, following a period of absence. During the period of absence until 31 March 2019, this role was fulfilled with the appointment of Interim Chief Executive Officers.

From April 2016 until July 2016, under a collaboration agreement with the Police & Crime Commissioner for Cleveland, the Interim CEO was Simon Dennis, who undertook the role on a 0.20 FTE basis. Mr Dennis was confirmed by Members of this Panel on 7 April 2016.

From July 2016 until 31 March 2019, under a collaboration agreement with the Police & Crime Commissioner for West Yorkshire, the Interim CEO was Fraser Sampson, who undertook the role on a full time basis. Mr Sampson was confirmed by Members of this Panel on 18 July 2016.

I wish to extend my formal thanks to Mr Sampson for his service in the role and to the Police & Crime Commissioner for West Yorkshire for the supportive collaboration arrangement.

Under the Transform 2020 programme, my original plan had been to recruit to the role of 'Chief of Staff', a role configured to incorporate statutory Chief Executive functions and day to day leadership of the Office of the Police, Fire & Crime Commissioner but excluding those elements of the new *Enable North Yorkshire* Managing Director role which had previously formed part of the fused 'Chief Executive Officer' role profile.

Members will be aware that the recent recruitment competition for the role of 'Chief of Staff' within the Office of the Police, Fire & Crime Commissioner was unsuccessful.

I am obliged by paragraph 7 of Schedule 1 to the Police Reform & Social Responsibility Act 2011 ("the 2011 Act") to appoint a person to act as Chief Executive if and for so long as the post is vacant or the holder of the post is unable to carry out the duties of the role.

By convention, confirmation arrangements under paragraph 9 of Schedule 1 to the 2011 Act apply to Acting Chief Executive arrangements once notified to the Panel, although the requirement to ensure continuity in statutory officer provision under paragraph 7 is a mandatory stipulation. In practice, I am not allowed to have a gap in Chief Executive provision.

This report now explains

- a) The short term arrangements since 1 April 2019 made in order to comply with s7 of the 2011 Act; and
- b) By way of statutory notification, the proposed Acting Chief Executive arrangements for the time being.

Members will note that this report now proposes a further and different form of collaborative arrangement for the provision of both statutory Acting Chief Executive provision and for the ongoing leadership and senior management of the Office of the Police, Fire & Crime Commissioner.

Collaboration Proposals

During late February 2019 the Police & Crime Commissioner for Cleveland extended an offer of collaborative support in principle, should it transpire that no other substantive or acting Chief Executive arrangements were put in place in time for the conclusion of the collaboration with West

Yorkshire. Following that dialogue and following the unsuccessful recruitment to the 'Chief of Staff' role, on 13 March 2019 I received a proposal from the Police & Crime Commissioner for Cleveland, the key features of which were as follows:

1. That the Cleveland OPCC would extend the following assistance to the North Yorkshire OPFCC:
 - a. The substantive Chief Executive & Monitoring Officer for the Cleveland OPCC be made available part time to the North Yorkshire OPFCC, principally in order to perform the statutory elements of the role; and
 - b. An additional senior officer be made available to the North Yorkshire OPFCC on a whole time basis to serve in the capacity of Assistant Chief Executive & Deputy Monitoring Officer, in order to perform the wider team leadership of the OPFCC and ensure that there is resilience in the statutory elements of the CE&MO role.
 - c. The opportunity, through those officers, of developing wider supportive links between members of our respective teams.
2. A collaboration agreement to be entered into in order to make detailed provision and in order to cater lawfully for the statutory restrictions on delegation. The features of that collaboration agreement would be
 - a. A capacity and additional responsibility honorarium arrangement for the Chief Executive & Monitoring Officer secondment to match the additional responsibility arrangements in place for the Chief Finance Officer, including a compressed hours working week of 45 hours split 50:50 across both Offices. This arrangement results in an annualised recharge of circa £77,800 between the respective Offices.
 - b. The Assistant Chief Executive secondment to be full time, on a range of PO8-PO17 on the Cleveland pay scale, would result in an annualised recharge of between £53,500 to £65,600 between the respective Offices.
 - c. Acting arrangements to commence 1 April 2019 to comply with Schedule 1 Paragraph 7 of the 2011 Act.
 - d. The collaboration be reviewed by the Chief Finance Officer in time for the second phase of T2020 change process, in respect of its effectiveness, affordability and sustainability and also to ensure that it continues to complement the T2020 staffing and corporate change process.
3. The Cleveland PCC appreciated that an offer of secondment arrangements of this kind may be advantageous to North Yorkshire in view of the need for stable leadership and advisory roles in the OPFCC during a period of significant corporate change.
4. The Cleveland PCC also asked that I considered whether the proposed arrangement carried with it any appreciable risk and wished to be assured that advice was sought and followed in

that regard, which I did by taking advice from my Monitoring Officer and subsequently my Deputy Monitoring Officer, during the latter part of March 2019.

It is important to note that the 'Chief of Staff' role within North Yorkshire OPFCC will remain unfilled for the time being. The proposal from Cleveland involves the part and whole time secondment of roles from the Cleveland structure, to meet the statutory and wider leadership requirements of the North Yorkshire OPFCC.

It follows that I accepted the offer on 28 March 2019 allowing for continuity of Chief Executive provision with effect from 1 April 2019.

PROPOSED APPOINTMENT

Simon Dennis is the officer proposed for formal appointment as statutory Chief Executive under the collaboration agreement. Mr Dennis is presently Chief Executive & Monitoring Officer to the Police & Crime Commissioner for Cleveland.

Sharon Caddell is the officer proposed for secondment to the North Yorkshire OPFCC in the role of Assistant Chief Executive & Deputy Monitoring Officer. Mrs Caddell is substantively employed within Cleveland as Project Manager in respect of the Whole System Approach to Domestic Abuse programme. Although not proposed for formal confirmation, Members will have the opportunity to meet Mrs Caddell at their meeting.

The collaboration between the Cleveland and North Yorkshire Offices is by way of a service provision model under which the North Yorkshire OPFCC will receive services delivering

- i. In respect of the 'Head of Paid Service' element of the Chief Executive role, a resilient overall executive and team leadership structure consisting of part-time secondment of Mr Dennis' time and whole time secondment of Mrs Caddell, ensuring that the OPFCC has stable leadership embedded within the team at a time of significant change; and
- ii. In respect of the 'Chief Executive' element of the role, substantial capacity and expertise to ensure that the Police Fire & Crime Commissioner's programmes in respect of both Policing & Crime and Fire & Rescue, are delivered; and
- iii. In respect of the 'Monitoring Officer' element of the role, the necessary professional expertise, experience, focus and independence in order to ensure that the Commissioner has the fullest advice and guidance on the performance of the powers and duties of PFCC.

Formally therefore I propose to appoint Mr Simon Dennis as Acting Chief Executive on the above basis.

Mr Dennis has a demonstrable track record in public service which includes:

1. The necessary professional qualifications for the role, complemented by substantial post qualification experience at a senior level within complex organisations.
2. Experience of providing statutory functions to a Police and Crime Commissioner.
3. Experience of maintaining and developing governance systems.
4. A comprehensive understanding of Police Service governance arrangements and of operating within a corporate governance framework.
5. Working knowledge of North Yorkshire Police and the effective collegiate decision-making and scrutiny arrangements which are in place within the organisation.

Mr Dennis was in overall charge of the legal and compliance functions within North Yorkshire from 2004 until 2014. He was Acting Chief Executive and Monitoring Officer here in North Yorkshire from April 2016 to July 2016. I am content that Mr Dennis has the experience and skills to work efficiently and effectively with me in the role of Acting Chief Executive & Monitoring Officer. He has a significant record of operating successfully with the Police and Crime Commissioner for Cleveland, and I am sure that he will work well with other senior leaders within North Yorkshire Police.

s.18 of the Police Reform and Social Responsibility Act 2011 enables a Police and Crime Commissioner to arrange for any person (other than a Deputy Commissioner) to exercise any functions of the Commissioner, with the exception that if the person is a member of staff of another policing body they may not exercise certain specific functions (listed in s.18 (7)). I confirm that Mr Dennis will be able to discharge the responsibilities set out in the role profile without contravening this provision. The s22A Collaboration Agreement will reflect this.

TERMS AND CONDITIONS OF SERVICE

The terms of service are set out in the summary of the collaboration agreement and include the payment of a suitable fee to the Police & Crime Commissioner for Cleveland.

SUMMARY

For the reasons set out in this report I commend to the Panel the temporary arrangements proposed in respect of the statutory role of Commissioner's Chief Executive, as well as the suitability of the Mr Simon Dennis for appointment to that role.

JULIA MULLIGAN

POLICE, FIRE AND CRIME COMMISSIONER FOR NORTH YORKSHIRE

7 May 2019