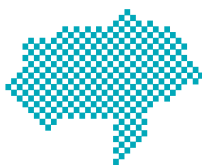


Police and Crime
Commissioner
North Yorkshire



OFFICE OF POLICE AND CRIME COMMISSIONER FOR NORTH YORKSHIRE

DECISION NOTICE – PART 1

RECORD OF DECISION MADE BY THE COMMISSIONER

Decision Notice (21/2016)

Title/Description:

Approval for the appointment of an Acting Chief Executive Officer to the Police and Crime Commissioner for North Yorkshire.

Executive Summary and Recommendation:

This Decision Notice sets out the background for the commencement of arrangements for the position of an Acting Chief Executive Officer during a period of absence of the permanent post holder. This will enable the Police and Crime Commissioner to comply with the legislation in that there must be a person appointed to act as Chief Executive further to Schedule 1 Paragraph 7 of the Police Reform and Social Responsibility Act 2011.

In accordance with the terms of the collaboration with the Police & Crime Commissioner for Cleveland, Commissioner Mulligan reviewed the arrangements for secondment of his Chief Executive on a 0.20FTE basis. This arrangement has worked well for the pre-election 'purdah' period and the immediate post-election phase. Both Commissioner Copping and Commissioner Mulligan are satisfied that it is appropriate to make provision for whole time Chief Executive arrangements in order to carry their electoral mandates into effect as forward programmes under our respective Police & Crime Plans - and with that in mind, it is proposed that the 0.20FTE secondment arrangement between both parties should come to an end on 31 July 2016.

The Police and Crime Commissioner for West Yorkshire has kindly agreed to make available his Chief Executive Officer, Mr Fraser Sampson, on a whole time secondment basis with effect from 1 August 2016. Therefore, it is recommended that the Commissioner:

- Agree to the proposed arrangements for Mr Sampson.
- Progress, following to the confirmation from the Police and Crime Panel hearing on 18 July 2016, the proposed appointment by agreeing a s22a Police Reform Act 1996 Collaboration Agreement with the Police and Crime Commissioner for West Yorkshire in relation to the provision of the agreed services.

Decision	
Police and Crime Commissioner decision Or Officer decision under urgency powers* (*delete as appropriate)	
Signature: Julia Mulligan	Date: 18/07/16
Title: Police and Crime Commissioner for North Yorkshire	
1. Introduction and Background	

The Commissioner's current post holder, for the purposes of Paragraph 6(1)(a) of Schedule 1 to the Police Reform and Social Responsibility Act 2011 ("PRSA"), is currently out of force and unable to carry out the statutory duties for the Police and Crime Commissioner.

In such circumstances, the Police and Crime Commissioner has an obligation under Paragraph 7(1) of Schedule 1 to the PRSA to appoint a person to act as Chief Executive.

Various options have been explored in order to appoint a suitable person that could best serve the needs of the organisation. Since 7 April 2016 Mr Simon Dennis has been acting as Chief Executive Officer on 0.20 FTE basis (one day a week) which provided sufficient capacity over the pre-election 'purdah' period for Police & Crime Commissioners and in the immediate post-election phase.

The position now needs to be filled on a full time basis until such time as the permanent post holder is able to return.

Further to Paragraphs 9-11 of Schedule 1 to the PRSA, this proposal has been notified to the Police and Crime Panel so that they can review this proposed senior appointment. The Police and Crime Panel must hold a confirmation hearing before making a report and recommendation to Police and Crime Commissioner for North Yorkshire in relation to this proposed appointment - this hearing is due to take place on 18 July 2016.

Following the confirmation hearing today, the Police and Crime Commissioner has moved to enter into, as soon as practicable, a collaboration agreement with the Police and Crime Commissioner for West Yorkshire in relation to the provision of services, the key terms of which have been discussed.

In order to ensure that the maximum value is delivered from the secondment, in addition to the capacity that a whole time secondment will provide, the Commissioner proposed to harness Mr Sampson's wide strategic experience in order to drive forward the following key strategic objectives in the early part of her new term as Police & Crime Commissioner

1. Effecting transformational reform to the governance of Fire & Rescue Service within North Yorkshire, by assembling and delivering upon a business case for the appropriate business model under the terms of the Policing & Crime Bill when duly enacted.
2. Carrying into effect, reforms to the handling of police complaints within North Yorkshire in order that the Office of the Police & Crime Commissioner performs the full public

complaints-handling service which will be available as part of the suite of options for PCCs under the provisions of the same Bill.

3. Working closely alongside me in the Commissioner's national role in respect of police reform and transformation.
4. Meeting legal advice requirements in respect of the business of the Police & Crime Commissioner, in view of his qualification and extensive experience in that field.

2. Other Options Considered

Other arrangements were considered, however, they were discounted on the basis that:

- There was a further opportunity to work collaboratively with a neighbouring Police and Crime Commissioner.
- Mr Sampson's prior substantial experience of the role
- The need for the individual to have the necessary professional qualifications and experience to carry out the role

3. Contribution to Police and Crime Plan Priorities

This proposal supports the effective discharge of the Commissioner's statutory functions.

Additionally, the Police and Crime Plan includes the three corporate priorities of Transforming the Organisation, People First and Partnerships and Commissioning. Work towards collaborative agreements through s22A Agreements are one of the means of contributing to these priorities and ensuring the service provided can continue.

4. Implementation and Resourcing Implications

There is an agreement between the Police and Crime Commissioners for West Yorkshire and North Yorkshire that North Yorkshire will pay a fee to the Police & Crime Commissioner for West Yorkshire representing an appropriate proportion of the salary costs of Mr Sampson. This will form part of and will be subject to a full collaboration agreement.

The collaboration agreement will be entered into as soon as practicably possible providing for

- i. Mr Sampson to undertake the role of Chief Executive Officer to the Police & Crime Commissioner for North Yorkshire on a FTE basis initially on a month to month basis which can be reviewed as necessary.
- ii. The reimbursement by North Yorkshire to West Yorkshire of the amount of £112,500 FTE per annum (90% of the current remuneration package) plus any expenses incurred by Mr

Sampson when undertaking work for North Yorkshire. The amount will be paid on a pro-rata basis depending on how long the arrangement is in place.

- iii. Approximately 10% of Mr Sampson's time, and therefore cost, is retained by the West Yorkshire Police and Crime Commissioner so as Mr Sampson can continue with any regional and national responsibilities on behalf of West Yorkshire as appropriate.
- iv. The arrangement to be brought to an end when the acting appointment is no longer required and in any event, subjected to regular (monthly) review by the respective Police & Crime Commissioners to ensure that it is efficient and effective.
- v. The appointment is available to run until at least 31 May 2017, and to be reviewed on a month by month basis.

The £112,500 (plus on costs) payment to West Yorkshire for the services of Mr Sampson equates to less than the package (plus on costs) which is provided to the substantive Chief Executive Officer. This in turn means the proposed solution will cost less than an in-house arrangement. It is also worth bearing in mind that costs like this would also be incurred in instances such as maternity or paternity leave.

5. Consultations Carried Out

Consultation has been carried out with the Chief Constable (for collaboration law purposes).

6. Compliance Checks

Financial Implications/Value for money:

The £112,500 (plus on costs) payment to West Yorkshire for the services of Mr Sampson equates to less than the package (plus on costs) which is provided to the substantive Chief Executive Officer. This in turn means the proposed solution will cost less than an in-house arrangement. While there will be additional costs to the PCC, in terms of the payment for 2 Chief Executives, these costs would also be incurred in instances such as maternity or paternity leave or where there is a requirement/need to back fill for any role during a period of paid absence.

Legal Implications:

Having read this report and having considered such information as has been provided at the time of being asked to express this view, the Acting Force Solicitor and Head of Legal Services is satisfied that this report does not ask the PCC for North Yorkshire to make a decision which would (or would be likely to) give rise to a contravention of the law

Human Resources Implications:

This decision notice relates to the secondment of an Interim CEO in the absence of the current post holder for a period which could continue up to May 2017, but which is reviewable monthly and can be ceased once no longer required. Communication has commenced internally in respect of this proposed

arrangement.

The recommendation that the PCC for NYP should agree to this arrangement and progress agreeing a s22a Police Reform Act 1996 Collaboration Agreement with the Police and Crime Commissioner for West Yorkshire in relation to the provision of the agreed services is supported. This is on the understanding that the extent and scope of that agreement will provide clarity around this appointment, including the proposed objectives identified for this interim role for which Mr Sampson has the relevant skills knowledge and experience, but which are subject to statutory reform.

Public Access to information

As a general principle, the Commissioner expects to be able to publish all decisions taken and all matters taken into account when reaching the decision. This Notice will detail all information which the Commissioner will disclose into the public domain. The decision and information will be made available on the Commissioner's website.

Only where material is properly classified as Restricted under the Government Protective Marking Scheme or if that material falls within the description at 2(2) of The Elected Local Policing Bodies (Specified Information) Order 2011 will the Commissioner not disclose decisions and/or information provided to enable that decision to be made. In these instances, Part 2 will be used to detail those matters considered to be restricted. Information in Part 2 will not be published.

All decisions taken by the Commissioner will be subject to the Freedom of Information Act 2000 (FOIA).

Is there a Part 2 to this Notice – **NO**

Report Information

Author(s) : Jane Wintermeyer
Head of Department: T/Head of Legal Services
Executive Group Sponsor(s) : PCC
Date created: 10 June 2016

Background documents: N/A

I confirm that all the above advice has been sought and received against this and any associated Part 2 information and I am satisfied that this is an appropriate request to be submitted for a decision

Signature: Jane Wintermeyer
Author to complete at all times

Date: 15 July 2016