

Nottinghamshire Police and Crime Commissioner
Notice of Decision



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For Decision or Information	Decision
Date received*:	25 th May 2016
Ref*:	2016.032

*to be inserted by Office of PCC

TITLE:

RECRUITMENT OF PERMANENT CHIEF CONSTABLE AND ACTING CHIEF CONSTABLE

EXECUTIVE SUMMARY:

Chief Constable Chris Eyre will retire on 22nd July 2016. Attached report sets out in broad terms the timetable for the recruitment of a new permanent Chief Constable. The Police and Crime Commissioner has asked the Deputy Chief Constable Sue Fish to delay her retirement until 31st March 2017. Sue Fish will become Acting Chief Constable from Monday 26th June 2016.

INFORMATION IN SUPPORT OF DECISION: (e.g. report or business case)

Police and Crime Panel report 6th June 2016 – Recruitment of Chief Constable.

FINANCIAL INFORMATION (please include if is it capital or revenue or both. What the split is and the totals being requested. Is this a virement/ something already budgeted for or something that requires additional funding. Are there any savings that can be offered up/or achieved)

Costs relating to the advertising and recruitment of another Chief Constable will be met from existing police budget 2016/17.

Signature:

Chief Finance Officer

Date: 27th May 2016

Is any of the supporting information classified as non public or confidential information**?	Yes		No	x
If yes, please state under which category number from the guidance**				

DECISION:

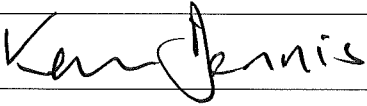
To commence recruitment of a new permanent Chief Constable and for Sue Fish to become Acting Chief Constable from 26th June 2016 to 31st March 2017.

OFFICER APPROVAL

I have been consulted about the proposal and confirm that the appropriate advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

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Signature:
Chief Executive



Date:

31st May 2016

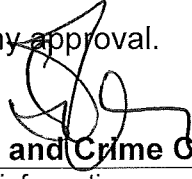
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DECLARATION:

I confirm that I do not have any disclosable pecuniary interests in this decision and I take the decision in compliance with the Code of Conduct for the Nottinghamshire Police and Crime Commissioner. Any interests are indicated below:

The above request has my approval.

Signature:



Nottinghamshire Police and Crime Commissioner

Date:

4/6/14.

** See guidance on non public information

For Information / Consideration / Comment / Decision (delete as appropriate)	
Public/Non Public*	
Report to:	Police and Crime Panel
Date of Meeting:	6th June 2016
Report of:	Chief Executive Kevin Dennis
Report Author:	Kevin Dennis
E-mail:	kevin.dennis@nottinghamshire.pnn.police.uk
Other Contacts:	
Agenda Item:	

*If Non Public, please state under which category number from the guidance in the space provided.

CHIEF CONSTABLE RECRUITMENT

1. Purpose of the Report

- 1.1 This report informs the Police and Crime Panel of the retirement of the current Chief Constable, Chris Eyre. It provides detail on the timescales and process for the recruitment of a replacement permanent Chief Constable.

2. Recommendations

- 2.1 The panel to note the content of the report and agrees to organise an appointment confirmation hearing in 'December' 2016 at the latest to enable the panel to review the recruitment process in accordance with legislation.

3. Reasons for Recommendations

- 3.1 The Chief Constable has notified in writing to the Police and Crime Commissioner his intention to retire on 22nd July 2016 following his 30 year service in policing.

4. Summary of Key Points (this should include background information and options appraisal if applicable)

- 4.1 With outstanding annual leave Chris Eyre's last day as Chief Constable of Nottinghamshire Police will be on Friday 24th June 2016.
- 4.2 Under Chris Eyre's leadership crime in Nottinghamshire has fallen faster than almost anywhere else in the UK and the Force is the fastest improving Force in England and Wales. HMIC PEEL assessment in 2015 has been rated Nottinghamshire good for overall effectiveness, efficiency and legitimacy.
- 4.3 The Police and Crime Commissioner has asked Deputy Chief Constable Sue Fish to delay her retirement until 31st March 2017. Sue Fish will become Acting Chief Constable from Monday 26th June 2016.
- 4.4 Simon Torr will take up his new role as Deputy Chief Constable on 11th June 2016.

Recruitment Process

- 4.5 Section 38 of the Police Reform and Social Responsibility Act 2011 provides the Police and Crime Commissioner with the legal authority to appoint a Chief Constable for their Force area. The Police and Crime Commissioner must inform the Panel of the proposed appointment within three weeks of his decision.
- 4.6 In appointing a Chief Constable under Section 38 the Police and Crime Commissioner must comply with schedule 8 of the Act. Under this schedule no appointment can be made until the end of a confirmation process. The Police and Crime Panel must hold a confirmation hearing to review the proposed appointment and then submit a report to the Police and Crime Commissioner on whether the appointment should be made.
- 4.7 In addition the Secretary of State has made regulations on how the Police and Crime Panel must exercise their powers as referred to in Schedule 8 of the Police Reform and Social Responsibility Act.
- 4.8 The table below sets out in broad terms the recruitment timetable for the recruitment of the Chief Constable. It is possible following discussion with the College of Policing and other bodies that this timetable might change.
- 4.9 The form of the selection is subject to consideration and agreement by the Police and Crime Commissioner. It is likely to include an interview, psychometric testing, stakeholder panel and final appointments panel.
- 4.10 Under legislation the Police and Crime Commissioner must appoint an independent member to be part of the appointments panel. Their role is to ensure the appointments process is conducted in line with the principles of merit, fairness and openness, and the successful candidate is selected on merit. They are required to submit a report to the Police and Crime Panel to be considered at the confirmation hearing.

Item	Date
Appointment of Independent Policing Advisor/organisation to assist with recruitment and attracting high calibre candidates	June 2016
Advertisement published	1 st September 2016
Closing date for application	23 rd September 2016
Shortlisting	w/b 26 th September 2016
Notification to short list candidates	w/b 3 rd October 2016
Online psychometric assessments	w/b 17 th October 2016
Selection process (2 days)	w/b 7 th November 2016
Confirmation hearing	December (Latest)
Notice and handover period	January to March 2017

5. Financial Implications and Budget Provision

- 5.1 Costs relating to the advertising and recruitment of another Chief Constable will be met from the Police budget 2016/17.

6. Human Resources Implications

- 6.1 Both the Home Office and the College of Police have published good practice guidance and a tool kit on successfully appointing Chief Officers. A copy of the Home Office circular 20/2012 is attached for information in Appendix A.

7. Equality Implications

- 7.1 All aspects of the recruitment process will comply with the provision of the equalities Act 2010. The Act prohibits discrimination, harassment and unlawful conduct because of protected characteristics.

8. Risk Management

- 8.1 Police and Crime Commissioner has asked the Deputy Chief Constable to delay her retirement until 31st March 2017 to ensure continuity of police leadership and a continued focus on delivering an efficient and effective force during 2016/17.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 None. Key responsibility of a Chief Constable is to support the Police and Crime Commission in the delivery of the strategy and objectives set out in the Police and Crime plan.

10. Changes in Legislation or other Legal Considerations

- 10.1 The Police Reform and Social Responsibility Act 2011 provides the legal basis for the recruitment and appointment of a Chief Constable.

11. Details of outcome of consultation

- 11.1 The Police and Crime Commissioner has been fully consulted on the timetable and recruitment process contained within this report.

12. Appendices

- 12.1 Home Office Circular 20/2012 is attached for background information.

13. Background Papers (relevant for Police and Crime Panel Only)

- 13.1 Home Office Circular 20/2012.

Selection and Appointment of Chief Officers - from 22 November 2012

1. This Circular outlines the legal requirements and principles for the appointment of Chief Constables (CCs), Deputy Chief Constables (DCCs) and Assistant Chief Constables (ACCs) and equivalent ranks in the Metropolitan Police Service.

Legal Requirements

2. Section 38 of the Police Reform and Social Responsibility Act 2011 requires the selection and appointment of CCs to be made by Police and Crime Commissioners (PCCs):
3. PCCs must adhere to the processes set out in Part I of Schedule 8 to the Police Reform and Social Responsibility Act 2011 when appointing CCs which prescribes that a PCC must not appoint a person to be CC unless:
 - a) that person is, or has been, a constable in any part of the United Kingdom; and
 - b) the end of the confirmation process has been reached.
4. Sections 45, 46 and 47 of the Act make provision for the appointment of senior Metropolitan Police Service officers including Assistant Commissioners (ACs), Deputy Assistant Commissioners (DACs) and Commanders respectively.
5. Sections 42 and 43 of the Act make provision for the appointment of the Commissioner and Deputy Commissioner.
6. Sections 39 and 40 of the Act relate to the appointment of chief officers (DCCs and ACCs) by CCs for forces across England and Wales outside London. The appointment of the Commissioner and Assistant Commissioner of the City of London Police continues to be governed by the City of London Police Act 1839.
7. Part One of Annex B of the Secretary of State's determinations, made under Regulation 11 of the Police Regulations 2003, specifies that the Senior Police National Assessment Centre and the Strategic Command Course must be satisfactorily completed before a person may be substantively appointed to a rank higher than that of Chief Superintendent. The College of Policing holds records of officers who have passed these courses which should be requested by those responsible for appointing chief officers in order to verify policing qualifications and experience.
8. In making appointments PCCs and CCs must comply with the provisions of the Equality Act 2010, and candidates' personal data must be handled in accordance with the Data Protection Act 1998.

Fixed Term Appointments

9. Regulation 11 of the Police Regulations 2003 makes provision for fixed term appointments and extensions for senior officers.

Job Advertisement

10. Part Two of Annex B of the Secretary of State's determinations, made under Regulation 11 of the Police Regulations 2003, specifies that vacancies must be advertised on a public website or some other form of publication which deals with police matters circulating throughout England and Wales, and the closing date for applications must be at least three weeks after the date of the publication of the advertisement.

Police and Crime Panel Scrutiny of Appointment

11. Schedule 8 to the Police Reform and Social Responsibility Act 2011 requires a PCC to notify the Police and Crime Panel (PCP) of a proposed Chief Constable appointment.
12. The PCP must review the proposed appointment within three weeks. This must include holding a public confirmation hearing and making a report to the PCC. The report must include a recommendation as to whether the candidate should be appointed.
13. The PCP has the power to veto, with a two-thirds majority, the proposed appointment. The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 outline the process to be followed should the PCP veto a proposed chief constable appointment.

Complaints

14. The Elected Local Policing Body (Complaints and Misconduct) Regulations 2012 set out the process for making complaints against PCCs, which can be made by members of the public or candidates involved in appointment processes.

Principles of Appointment

15. Those responsible for the selection and appointment of chief officers must observe the three principles of **merit, fairness and openness**.

The Appointment of CCs (police forces outside London)

16. It is for the PCC to decide how they wish to run their recruitment process and which candidate they wish to appoint. The PCC should involve an independent member during assessment, shortlisting and interviewing of candidates for CC positions.

The Appointment of DCCs and ACCs (and ACs, DACs and Commanders in the MPS)

17. The Commissioner must consult the Mayor's Office for Policing and Crime before appointing an AC, DAC or Commander. The CC must consult the PCC before appointing a person to be DCC or ACC for forces outside London.
18. It is for the CC (and Commissioner) to decide how they wish to run their appointment process and which candidate they wish to appoint. The CC (and Commissioner) should involve an independent member during assessment, shortlisting and interviewing of candidates.

The Independent Member

19. The independent member should be chosen by the PCC/CC/Commissioner, and be someone independent of him / her and the force. The role of the independent member is to ensure the selection and appointment process is conducted fairly and openly, and the successful candidate is selected on merit. The PCC/CC/Commissioner should appoint the independent member through a fair, open and merit based process.
20. The independent panel member should not be a PCC, a member of the PCC's staff, a member of the Police and Crime Panel, a Member of Parliament, a Member of the European Parliament, a local councillor, a serving or retired police officer or member of police staff, a civil servant, a member of the National Assembly for Wales, a member of the Northern Ireland Assembly, a member of the Scottish Government, an employee of Her Majesty's Inspectorate of Constabulary, an employee of the Independent Police Complaints Commission, or an employee of the College of Policing.
21. The types of people suitable for the role of independent panel member might include, but is not limited to, Magistrates, Chief Executives of local authorities, and representatives of community organisations. The independent member may also be drawn from an established pool of accredited independent members or assessors.

Further Information

22. Further information and assistance may be obtained from the College of Policing (Gordon Ryan, 01423 876606).

Home Office
1 November 2012