



DORSET

POLICE & CRIME COMMISSIONER

AGENDA NO: 7

POLICE AND CRIME PANEL - 1 FEBRUARY 2018

CHIEF CONSTABLE BRIEFING

REPORT BY THE POLICE AND CRIME COMMISSIONER

PURPOSE OF THE REPORT

To offer the Panel the opportunity to hear from Deputy Chief Constable James Vaughan, the PCC's choice for the role of Acting Chief Constable.

1. INTRODUCTION

- 1.1 The Dorset Police Chief Constable, Debbie Simpson QPM, was employed on a fixed-term five year contract starting in February 2013. The PCC and Chief Constable have mutually agreed that this contract should be extended by a period of two months, until April 2018, to allow the Chief Constable the opportunity to oversee the end of the 2017/18 financial year, and to provide a stable platform to handover to her successor.
- 1.2 Following this agreement, there will be an automatic vacancy in the role of Chief Constable from 07 April 2018. At this time the PCC will appoint an Acting Chief Constable. Further rationale on this decision is provided at section 3.
- 1.3 As the established Deputy Chief Constable of Dorset Police, James Vaughan is best placed to perform this role.

2. BACKGROUND

- 2.1 Section 41 (1) of the Police Reform and Social Responsibility Act 2011 (PRORA 2011), states:

*“The appropriate deputy chief constable of a police force may exercise or perform any or all of the functions of the chief constable of the force –
(a) during any period when the chief constable is unable to exercise functions, or
(b) at any other time, with the consent of the chief constable.”*

This provision applies in the case of a Chief Constable retirement, and allows for a Deputy Chief Constable to step into a vacant role.

- 2.2 In line with national guidance (Police Negotiating Board, Circular 08/4) when someone is acting up for more than 56 days consecutively, they should be temporarily promoted from day one of the appointment. Therefore, James Vaughan will be temporarily promoted to the rank of Chief Constable, and become the Acting Chief Constable of Dorset Police from 7 April 2018.

- 2.3 In usual circumstances following a Chief Constable retirement, the PCC would hold an open recruitment process, identify the preferred candidate and notify the Police and Crime Panel to confirm the permanent appointment to Chief Constable. The Panel would hold a confirmation hearing, and would have the power to veto the appointment should they wish (PRsRA 2011, Schedule 8).
- 2.4 In the unique circumstances following the announcement by the Chief Constables of Dorset Police and of Devon & Cornwall Police to explore further collaborative working, including the option of a full merger, there is a possibility that Dorset Police might not exist as a legal entity post May 2020.
- 2.5 With this in mind, the PCC has deemed it appropriate to appoint an Acting Chief Constable for Dorset Police, for an extended period, until the potential outcome of the alliance/merger development work has become clear.
- 2.6 An acting appointment to Chief Constable is not subject to the provisions of PRsRA 2011, Schedule 8. To be clear this means that there is no requirement for a confirmation hearing, or specifically for:
- The PCC to notify the Police and Crime Panel of a proposed Chief Constable appointment, and of the relevant details of the candidate; and
 - The Panel to review the proposed appointment, and to make a report to the PCC on said appointment.
 - And, following this, the Panel has no power to veto the appointment.
- 2.7 However, for the sake of transparency and scrutiny the PCC and the Deputy Chief Constable desire to hold an extraordinary and voluntary process to allow the Police and Crime Panel the opportunity to hear from the proposed Acting Chief Constable and better understand the leadership and vision he will bring to Dorset Police.

3. RATIONALE

- 3.1 PCCs are required to adhere to legal requirements relating to the appointments they make. The College of Police “Guidance for the Appointment of Chief Officers” outlines the principles which underpin effective appointments, noting that the three principles of merit, fairness and openness must be observed, as follows:
- 3.2 Merit
The appointee must be the candidate who best meets the agreed and published requirements of the role. It is also desirable that the successful candidate is chosen from a sufficiently strong and diverse pool of eligible applicants.
- 3.3 Fairness
The process of assessing candidates’ skills and qualities against the agreed and published requirements of the role must be objective, impartial and applied consistently to all candidates.
- 3.4 Openness
Information about the requirements of the role and the appointment process must be available to all prospective candidates. The role should be advertised in a way which ensures that all those who are eligible are likely to see the advert. The aim of the advert should be to attract a strong field of potential candidates.
- 3.5 Whilst temporary and acting appointments are, as mentioned previously, covered by Section 41 of the PRsRA 2011, the above framework is a helpful basis on

which to provide the rationale surrounding the decision to offer a temporary promotion.

3.6 Merit

James Vaughan has been the substantial Deputy Chief Constable for Dorset Police since 2013, and has worked as a Deputy Chief Constable across both Dorset Police and Devon & Cornwall Police as Chief Operating Officer for the last 12 months.

Chief Constable appointments are a matter for the relevant PCC, but not only is DCC Vaughan the preferred candidate for the Dorset PCC; but also the Dorset Chief Constable, the Devon & Cornwall PCC and the Devon & Cornwall Chief Constable.

The PCC has taken the decision to not make an appointment from an external pool of candidates for reasons largely relating to the ongoing alliance and merger work. An incoming Chief Constable would be required to very quickly get to grips with a complex set of structures and simultaneously be responsible for driving forward the alliance and merger work. Given the critical importance of maintaining a strategic focus on the successful delivery of this work, the PCC has determined that at this time it would be detrimental to make an appointment from outside the Alliance.

On that final point, DCC Vaughan is also the agreed choice of the Devon & Cornwall Deputy Chief Constable, with whom this appointment was discussed ahead of the announcement being made.

Finally, the PCC also took informal, but confidential, soundings from other senior officers both in the South West region and wider. The collective view was that DCC Vaughan was best placed to take on this role, and furthermore it was also apparent that should an open recruitment process have taken place it would be very likely that DCC Vaughan would stand unopposed.

3.7 Fairness

Due diligence with respect to the eligibility and legal requirements relating to Chief Constable appointments have been referred to for best practice purposes, although it must be noted that these do not apply in the case of temporary promotions.

Under Schedule 8 of the PRSRA 2011, a PCC must not appoint a person to be a Chief Constable unless that person is, or has been, a constable in any part of the United Kingdom.

Regulation 11 of the Police Regulations 2003 (noted in Home Office Circular 21/2012), specifies that the Senior Police National Assessment Centre (Senior PNAC) and the Strategic Command Course (SCC) must be satisfactorily completed before a person may be substantively appointed to a rank higher than that of Chief Superintendent.

Appointments to chief officer posts are also subject to regulations under Section 50 of the Police Act 1996. These regulations provide the Secretary of State with powers to define specified eligibility requirements for appointment and holding the office of constable and aspects of terms and conditions amongst other provisions.

Finally, in making appointments, provisions of the Equality Act 2010 and the Data Protection Act 1998 must be complied with to ensure compliance with the public-sector Equality Duty, which places a legal duty on public authorities to take account of the need to eliminate unlawful discrimination, harassment and victimisation as

well as to promote equal opportunities and encourage good relations between persons who share a relevant protected characteristic and those who do not.

3.8 Openness

In usual circumstances the PCC would have undertaken a full open recruitment process, as has happened previously in 2013. However, for the reasons provided, these are not usual circumstances.

One of the factors the PCC considered in making his decision was the recent College of Policing research finding confirming the lack of available Chief Officer candidates in recent years; and of the Home Secretary's call for the service to widen the talent pool and bring in suitable qualified individuals from a diverse range of backgrounds, including from outside policing.

Whilst the PCC is fully committed to the principles of openness and cognisant of the benefits that an external candidate might bring to the role of Chief Constable, pursuing this option was not deemed appropriate at this time for both strategic and exigent operational concerns.

4. **RELEVANT INFORMATION**

- 4.1. Whilst Schedule 8 of the PRSRA 2011 does not apply in this circumstance, the PCC is content to supply the relevant information as set out. The name of the person proposed to be appointed, the criteria used to assess their suitability and why the person satisfies those criteria are provided in section 3.
- 4.2. The terms and conditions on which the appointment will be made are as for the existing Chief Constable. For reference, Chief Constables salaries are determined by the size of the force and level of crime demand, and are set nationally by the Police Remuneration Review Body and the Senior Salaries Review Board. Additionally PCCs have discretion to vary the salary of the Chief Constable by up to 10% at the time of appointment. The Chief Constable salary is £152k.

5. **NEXT STEPS**

- 5.1. The Chief Constable has announced her upcoming retirement and her last day will be 6 April 2018.
- 5.2. The Deputy Chief Constable will be temporarily promoted as of 7 April 2018, and become the Acting Chief Constable for Dorset Police.
- 5.3. Chief Officer appointments below the rank of Chief Constable are a matter for the Chief Constable, and the PCC will inform the Dorset Police and Crime Panel as further decisions are made.

6. **RECOMMENDATIONS**

- 6.1 Members are invited to note this update in relation to the Chief Constable.

SIMON BULLOCK CHIEF EXECUTIVE

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Appendix A - Deputy Chief Constable James Vaughan Biography

Deputy Chief Constable James Vaughan began his career in Wiltshire, where he started in 1992 working in various uniform and detective roles in the northern part of the county.

On promotion he served as a Detective Sergeant and Detective Inspector in Swindon up to 2005, when he was selected to join the High Potential Development Scheme.

As a Chief Inspector he undertook the role of staff officer to the Chief Constable and later led the centralisation of roads policing within the Operations Division.

Promoted to Detective Superintendent in 2007, James led Wiltshire's response to major, serious and organised crime and delivered significant capability development, whilst leading and managing numerous murders and other major crime investigations.

Upon promotion to Chief Superintendent, James led the development of Citizen Focused Policing, Partnerships and Safer Neighbourhoods across Wiltshire and was later the Head of Criminal Investigation.

In 2011, James successfully completed the Strategic Command Course. He joined Dorset Police as Assistant Chief Constable in May 2012.

Following promotion to Deputy Chief Constable in 2013, James has led on strategic change, planning, performance, professional standards, people and community focus, and media and communication.

James has also led various regional collaboration programmes including the forensic service collaboration and the strategic alliance with Devon and Cornwall Police. In his national capacity he is the NPCC Lead for Forensic Procurement and Market Development.

In February 2017 James took up a new role as Deputy Chief Constable (Chief Operating Officer) for the Dorset, Devon and Cornwall Strategic Alliance.

James holds a Masters Degree in Criminology and Police Management and has published research on his academic interests in child homicide.

James is married to Sacha and has five children. He enjoys natural history, music, sports and has an aspiration to keep fit!