

# PCC Decision Form

Subject matter	Name of Proposer (e.g. Chief Executive, Chief Constable, Director of Finance)	Date of Request	Previous related decisions
<b>Appointment of Temporary Chief Constable</b>	<b>Michelle Buttery (Chief Executive &amp; Solicitor)</b>	<b>13/05/2021</b>	

Private / Exemption - Yes / No If Yes Reason Why (eg Schedule 12A Local Government Act 1972, Freedom of Information Act 2000)	Urgent (if Yes, Why and by When?)
	<b>Yes – business continuity - by 14/5/21</b>

Decision Requested
<p>The Police and Crime Commissioner is asked to approve:</p> <ol style="list-style-type: none"> <li>The appointment of Deputy Chief Constable Lauren Poultney, as Temporary Chief Constable of South Yorkshire Police, with effect from 00.01hrs on 17 May 2021, and until such time as the role is filled substantively.</li> <li>The payment to DCC Poultney of an honorarium payment to take the acting Chief Constable's pay up to a rate equivalent of 90% of the higher rank's basic pay i.e. up to £150,219.90.</li> </ol> <p>The honorarium will commence 29 days after the period of acting begins, which in this case is the 14<sup>th</sup> June 2021, and will continue until the vacancy is filled. The additional payment will be made retrospectively, in line with the normal payroll process, on a monthly basis.</p>

Executive Summary of Request	Supporting Report attached?	No		
<p>Chief Constable Stephen Watson has notified the Police and Crime Commissioner (PCC) of his resignation from South Yorkshire Police, and his last day in Force will be 16 May 2021.</p> <p>By virtue of Schedule 1, paragraphs 6 to 8 of the Police Reform and Social Responsibility Act 2011, the PCC must appoint a chief constable, and a recruitment process has begun. However, it is anticipated that there will be a gap of at least 7-8 weeks before a preferred candidate for Chief Constable can be confirmed by the Police and Crime Panel.</p> <p>Section 41(1)(a) of the Police Reform and Social Responsibility Act 2011 sets out that, "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 during any period when the chief constable is unable to exercise functions". The term 'during any period when the chief constable is unable to exercise functions' includes when the office of chief constable is vacant.</p> <p>Under this provision, Deputy Chief Constable Lauren Poultney (DCC Poultney) will therefore assume the responsibilities of Temporary Chief Constable with effect from 17 May 2021, until such time as the role of Chief Constable is filled substantively.</p> <p>This decision enables the strategic leadership, operational stability and business continuity of South Yorkshire Police to be maintained for the workforce, communities and partners.</p>				

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There is no requirement to seek Home Secretary approval for temporary appointments, or any requirement for confirmatory hearings by the Police and Crime Panel for South Yorkshire. The PCC will, however, be advising the Police and Crime Panel of his decision to appoint a Temporary Chief Constable at this time.

The Chief Constable vacancy will not be filled within 28 days of the leaving date of Stephen Watson, and therefore it is reasonable to set out what should happen during the period of the vacancy in terms of payment.

DCC Poultney will retain all terms and conditions of contract in her existing role, whilst acting up in a temporary capacity, subject to the below, relating to her rate of pay.

Regulation 27 of the Police Regulations 2003 (Annex I – Temporary Salary and Annex J – Temporary Promotion) and Home Office Circular 002/2018 set out the applicable temporary promotion and pay arrangements.

In essence, in this case, the determination under Regulation 27 states that an officer of substantive ACC rank or above is entitled to be paid either:

- a. 90% of the Chief Constable's basic pay, on a pensionable basis; or
- b. A non-pensionable payment (essentially an honorarium), the amount of which is to be determined by the local policing body i.e. the PCC.

The payment takes effect after the officer has been performing the higher level duties for 28 consecutive days, and the officer is able to choose which payment option s/he would prefer.

The regulations state that the officer will not be permitted to revoke the decision to receive a non-pensionable payment at a later date unless the circumstances of the temporary promotion, or time spent in receipt of temporary salary, were to change significantly after the agreement was reached.

A copy of the determination and Home Office Circular is attached at Appendix A for information.

DCC Poultney has elected to take the payment as an honorarium.

As outlined in the Police Remuneration Review Body 6<sup>th</sup> Report for England and Wales 2020, the 'Basic' pay for the role of the Chief Constable of South Yorkshire Police is £166,911. The PCC has determined that the honorarium payment elected can accordingly be made to take the acting Chief Constable's pay up to a rate equivalent to 90% of the higher rank's basic pay i.e. up to £150,219.90 p.a., which would then be paid pro-rata until the vacancy is filled.

The honorarium will commence 29 days after the period of acting begins, which in this case is the 14<sup>th</sup> June 2021, and will continue until the vacancy is filled. The additional payment will be made retrospectively, in line with the normal payroll process, on a monthly basis.

### **Recommendation:**

It is recommended that the PCC approves:

1. The appointment of Lauren Poultney, as Temporary Chief Constable of South Yorkshire Police, with effect from 00.01hrs on 17 May 2021, and until such time as the role is filled substantively.

## PCC Decision Form

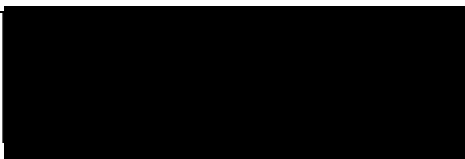
2. The payment to DCC Poultney of an honorarium payment to take the acting Chief Constable's pay up to a rate equivalent of 90% of the higher rank's basic pay i.e. up to £150,219.90.

The honorarium will commence 29 days after the period of acting begins, which in this case is the 14<sup>th</sup> June 2021, and will continue until the vacancy is filled. The additional payment will be made retrospectively, in line with the normal payroll process, on a monthly basis.

**Approval by proposer (SLG lead / OPCC SMG lead) and confirmation request is ready for PCC consideration**

PCC approval recommended by the Chief Executive & Solicitor, OPCC.

**Signed:**



**Date:**

14/05/2021

Considerations	Evidence of information or advice gathered or discussion / consultation conducted	How has all this evidence impacted on overall proposal?
Public and / or Partners		
Impact on Service		
Financial		
Legal		
HR		
T/Unions / Staff Assoc.		
Equality & Diversity (Public Sector Equality Duty)		
Risks / Opportunities		
Sustainability		
Other (specify)		

### Views of PCC's Chief Finance Officer

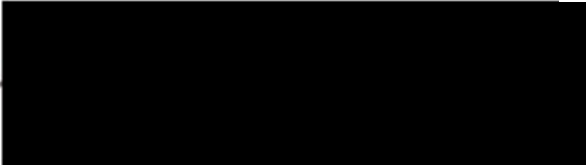
I have been consulted about this proposal and I support this decision.

# PCC Decision Form

<b>Signature:</b>		<b>Date:</b>	14/05/2021
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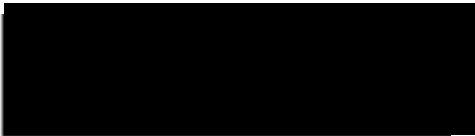
## Views of PCC's Chief Executive & Solicitor

I have put forward this proposal and support it.

<b>Signature:</b>		<b>Date:</b>	14/05/2021
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## PCC's Decision and Rationale

Approved.

<b>Signature:</b>		<b>Date:</b>	14/05/2021
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## OPCC GATEKEEPER (Information Officer)

Decision Ref. No	PAB Minute No: (where applicable)	Date Proposer notified of Decision	Date Published

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