



WEST YORKSHIRE POLICE AND CRIME PANEL

11 December 2020

OPCC Organisational Change

1. INTRODUCTION

- 1.1 This report will provide the Police and Crime Panel with a summary of the processes followed in relation to the end of the fixed term contract for Interim Chief Executive post.

2. POLICY AND PROCESSES FOLLOWED

- 2.1 The Office of Police and Crime Commissioner (OPCC) has adopted the same HR policies and processes as West Yorkshire Police since 2012 and is advised and supported by the West Yorkshire Police People Directorate. Staff in the People Directorate have provided advice and support throughout this process along with external legal advice sourced via a Legal Services Framework Agreement with external suppliers.
- 2.2 The Interim Chief Executive was appointed on 2 October 2017 to a twenty month fixed term contract, later extended to 30 November 2020. The contract was extended once to allow time for national work on the role to be undertaken by advisory bodies and subsequently due to the fact that it was not felt appropriate to recruit on a permanent basis to one of the statutory posts prior to an election as it should be a matter for an incoming PCC.
- 2.3 Notice of the end of the fixed term contract, with effect from 3 December 2020, was issued on 4 September 2020 (90 days' notice) in accordance with the Employment Rights Act 1996. In line with the Organisational Change Policy staff 'at risk' are placed on a register during which time they are given priority consideration, alongside other staff members 'at risk' requiring potential redeployment for any suitable vacancies that become available in both West Yorkshire Police and the OPCC. The Organisational Change Policy is attached (Appendix A)
- 2.4 A new role profile for a Chief of Staff was established in line with the Organisational Change Policy. The policy requires engagement with affected staff and Trade Unions, formal

consultation, an examination of the similarity between the previous role and the new role (based on an 80/20 assessment) to determine whether the positions could reasonably be considered to be the same and priority assessment for suitable alternative employment.

- 2.5 The Organisational Change Policy includes a challenge stage, which allows affected staff to challenge its application, including a peer review of the 80/20 similarity assessment.
- 2.6 The Chief of Staff role profile (attached at Appendix B) was established and evaluated via a Hay Job Evaluation process. The OPCC adopts the Hay Job Evaluation process used by West Yorkshire Police to evaluate roles which ensures that role profiles are subject to objective evaluation against a structured framework by a panel of trained evaluators, consisting of a facilitator, Trade Union representative, HR representative and a neutral representative.
- 2.7 The Government announced a 'minded to' devolution deal for West Yorkshire in March 2020 which will see an elected Mayor for the first time in May 2021, sitting within a Mayoral Combined Authority (MCA) office and assuming the PCC's responsibilities for policing from May 2021 following the postponement of the May 2020 PCC elections. The Panel considered a report on 13 November 2020 outlining progress to date in preparing for the transition and transfer. The report noted that a due diligence review of the devolution proposals had concluded that there were no 'insurmountable barriers' to the transfer of the PCC powers and duties but recognised the legal complexities and significant challenges associated with the transition and transfer in a collapsing timeframe (Attached Appendix C) setting out the wider context. The report also highlighted the fact that no additional funding has been provided to date in order to undertake the transfer.
- 2.8 The Chief of Staff role is focussed on leading the transfer of the PCC functions, assets and liabilities from the Office of the Police and Crime Commissioner to the West Yorkshire Mayoral Combined Authority, whilst providing direct legal representation and offering sound legal expertise to protect the best interests of the OPCC and to ensure the Commissioner can act in compliance with relevant legal requirements and standards. The transfer also includes the PCC's unique national responsibilities for the National Police Air Service (NPAS), including Lead Policing Body responsibilities as the legal entity for NPAS contracts, governance and legal owner of the fleet of helicopters, fixed wing aircraft and the majority of air base leases throughout England and Wales. It is anticipated that further complex legal issues will arise in relation to NPAS as the future governance arrangements are developed with the Mayoral Combined Authority, National Strategic Board, NPCC, APCC and Home Office. The pace required for this transfer and the large amount of work associated with it prohibits bringing an external commercial lawyer into every meeting.

3. OUTCOME

- 3.1 Recruitment to the Chief of Staff role commenced in early November 2020. The position is offered on a one-year fixed-term contract and a further report outlining the process undertaken and followed will be made to a confirmation hearing to be held by the Panel.
- 3.2 The Chief of Staff is a statutory appointment by the PCC. The statutory responsibilities have not changed as a result of the change in role profile.

Appendices

- A Organisational Change Policy
- B Chief of Staff role profile
- C Police and Crime Panel report, Item 8 - Devolution