

**POLICE AND CRIME
COMMISSIONER FOR
THE WEST MIDLANDS**

NON-CONFIDENTIAL

NOTICE OF DECISION

019/2019

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Appointments of Deputy Police and Crime Commissioner, Assistant Police and Crime Commissioner and Strategic Adviser

EXECUTIVE SUMMARY

The purpose of this report is to approve the following appointments:-

- Deputy Police and Crime Commissioner
- Assistant Police and Crime Commissioner
- Strategic Adviser to the Police and Crime Commissioner

DECISION

1. To appoint to the position of Deputy Police and Crime Commissioner (DPCC).
2. To appoint to the position of Assistant Police and Crime Commissioner (APCC).
3. To appoint to the position of the Strategic Adviser to the Police and Crime Commissioner.
4. That the process used for the selection and appointments be approved as meeting the principles of obtaining value for money as required by the rules for contracts and financial regulations.
5. That:

Ashley Bertie be appointed to the position of Deputy Police and Crime Commissioner with a start date of 1 June 2019.

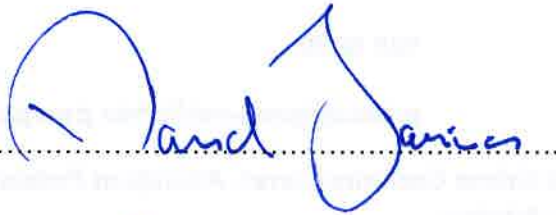
Waheed Saleem be appointed to the position of the Assistant Police and Crime Commissioner with a start date of 1 June 2019.

Thomas McNeil be appointed to the position of Strategic Adviser to the Police and Crime Commissioner with a start date of the 10 July 2019.

Police and Crime Commissioner for the West Midlands

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

Signature.....

David Davies

Date.....

31.05.19

NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER

1. The purpose of the Strategic Policing and Crime Board (SPCB) is to ensure that the Commissioner is able to effectively engage and represent all areas of the West Midlands and to support the Commissioner in his role of ensuring an efficient and effective police service for the West Midlands through the setting of the strategic direction for the Force and holding the Chief Constable to account for the exercise of his functions.
2. The proposal is to continue a Board with 9 members, including the Commissioner, a Deputy Police and Crime Commissioner, an Assistant Police and Crime Commissioner, a Strategic Adviser to the Police and Crime Commissioner and 5 Non-executive Board members. The appointments to the 5 Non-executive Board members took place in May 2016 has been extended thereafter. Therefore this decision only deals with the appointments of:-
 - Deputy Police and Crime Commissioner (subject to ratification of the Police and Crime Panel)
 - Assistant Police and Crime Commissioner
 - Strategic Adviser to the Police and Crime Commissioner

STRATEGIC POLICING AND CRIME BOARD TERMS OF REFERENCE

3. The principal terms of reference for the Board, which will work as a team under the leadership and direction of the Commissioner, are to:
 - maintain an overview of the implementation of the Commissioner's manifesto in order to ensure consistency in approach but having regard to the differing needs in the West Midlands
 - assist the Commissioner to monitor the implementation and achievement of the Police and Crime Plan and support the Commissioner in any work required to vary the Plan during his term of office
 - scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan
 - advise the Commissioner in exercising his functions in setting the budget and precept

- ensure the effective working of arrangements for consulting with and engaging local residents, communities and victims of crime
 - ensure effective working with local authorities and other partners and advise the Commissioner on their effectiveness in achieving the outcomes from his award of crime and disorder reduction grants
 - advise and support the Commissioner in his decision making role and in holding the Chief Constable to account
 - support the Commissioner more generally in the fulfilment of his statutory duties, to include equalities and human rights obligations
4. The proposal is to continue the existing Board arrangements with effect from 1 June 2019, with a membership consisting of 9 people: the Commissioner, a Deputy Police and Crime Commissioner (DPCC), an Assistant Police and Crime Commissioner (APCC), a Strategic Adviser and 5 Non-executive Board members.
 5. The DPCC and APCC will have some functions delegated to them and will have particular roles to support the PCC generally in the exercise of the PCC's statutory functions, to support the delivery of the PCC's manifesto and the political ambitions of the PCC. The Deputy Police and Crime Commissioner will deputise for the Commissioner where appropriate. The non-executive members will be full members of the Board. It is not envisaged that they will be given individual delegated responsibilities. They will be expected to provide an independent element of challenge to the work of the Commissioner, and may be required to form part of the membership of the Joint Audit Committee as required under the statutory Financial Code of Practice. Their inclusion in the Joint Audit Committee membership is supported by the Chief Constable. However the Chief Constable did not have a role in their selection.
 6. The Board will meet in public on a monthly basis, and will also meet informally once each month.
 7. The Strategic Adviser to the Commissioner will be a member of the Board and will have particular responsibilities in assisting with the delivery of the Police and Crime Plan.

ROLE OF DPCC, APCC and STRATEGIC ADVISER

8. The role profiles for the DPCC/APCC and the Strategic Advisor are attached at Annex 1 to this report.

APPOINTMENT AND SELECTION PROCESS

9. The proposed appointments followed an open application process which was based upon the principles set out in the Code of Practice published by the Commissioner for Public Appointments relating to ministerial appointments to public bodies. The three basic principles are that appointments be made on merit by an objective, fair and open selection process.
10. The closing date for applications was 5pm on 13 May 2019. Shortlisting took place on 15 May 2019 and was undertaken by the Commissioner and the Chief Executive. Interviews took place on 23 May 2019. The interviews for the posts were conducted by the Commissioner and the Chief Executive and an independent participant, Janet Marsh, Magistrate for Birmingham and Solihull.
11. Selection for the roles has been made using the role profiles set out at Annex One. Shortlisting and interviews were designed to test the knowledge and skills required for each role, as set out in Annex One.

PROPOSED TERMS OF APPOINTMENT

12. The DPCC will be an employed member of the staff of the Office of the Police and Crime Commissioner. The persons appointed to the posts of APCC and Strategic Adviser are not be members of the Commissioner's staff nor will they be employees. They will be engaged on a contract for services with detailed terms and conditions which will secure the proper performance of their role in the public interest. Appointees will not be politically restricted. A detailed list of proposed terms of appointment is set out in Annex 2.
13. DPCC Ashley Bertie will be a full time member of staff paid on SCP 53 at MB2 - £56,925. APCC Waheed Saleem will be contracted to perform an average equivalent to 12 days per month and fees of £35,000 per annum will be paid for delivery of these services. Strategic Adviser Thomas McNeil will be contracted to perform 20 days per month and fees of £79,000 per annum will be paid for delivery of these services.

FINANCIAL IMPLICATIONS

14. The full year total costs for salaries, contract fees and all expenses for the PCC, SAPCC APCC, Strategic Advisor and members of the Strategic Policing and Crime Board is estimated to be £374,000 this will be funded through the budget of the OPCC.

LEGAL IMPLICATIONS

15. The Commissioner has power under paragraph 14 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 (the Act) to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the PCC. This includes entering into contracts.
16. The proposed appointments are to be contracts for the provision of services by the persons appointed. The proposed terms set out in Annex 2 will be incorporated into a legally binding contract for services.

EQUALITY IMPLICATIONS

17. Appointments will be made in accordance with the Commissioner's Equality Policy.

Schedule of Background Papers

Attached to this report:

Annex 1 – Role Specifications for the DPCC/APCC and Strategic Adviser

Annex 2 – Terms of Appointment for the APCC and Strategic Adviser

Public Access to Information

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.

Annex 1

**Assistant Police and Crime Commissioner
Service Specification**

1. As a member of the Board, to assist the West Midlands Police and Crime Commissioner by ensuring that he is able to effectively engage and represent all areas of the West Midlands and to support the PCC in his role of ensuring an efficient and effective police service for the West Midlands through the setting of the strategic direction for the Force and through holding the Chief Constable to account for the exercise of his functions.
2. To contribute to meetings of the Board to apply and promote the principal terms of reference for the Board to:
 - maintain an overview of the implementation of the Commissioner's manifesto in order to ensure consistency in approach but having regard to the differing needs in the West Midlands
 - assist the Commissioner to monitor the implementation and achievement of the Police and Crime Plan and support the Commissioner in any work required to vary the Plan during his term of office
 - scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan
 - advise the Commissioner in exercising his functions in setting the budget and precept
 - ensure the effective working of arrangements for consulting with and engaging local residents, communities and victims of crime
 - ensure effective working with local authorities and other partners and advise the Commissioner on their effectiveness in achieving the outcomes from his award of crime and disorder reduction grants
 - advise and support the Commissioner in his decision making role and in holding the Chief Constable to account
 - support the Commissioner more generally in the fulfilment of his statutory duties, to include equalities and human rights obligations
3. Attendance at meetings:-
 - (a) The Board
 - (b) Joint Audit Committee (if required to do so by the PCC)
 - (c) Such other meetings and events at which attendance may be required for the effective fulfilment of the APCC's obligations under this Agreement either to support or represent the PCC
4. To consider papers and reports and proposed decisions of the PCC to be considered at meetings of the Board and apply skill, knowledge and expertise in Board

discussions by providing constructive criticism, analysis, comments and views to the PCC.

5. To undertake responsibility for liaison with the Force in relation to such matters as may be agreed with the PCC.
6. To make timely reports in writing to PCC as required from time to time on such matters as fall within the area of responsibility of the APCC.
7. To support the PCC generally in the exercise of the PCC's statutory functions.
8. To have a commitment to delivery of the PCC's manifesto and the political ambitions of the PCC.
9. To help the PCC to uphold the very high standards of public life detailed in the Nolan Principles.
10. To proactively contribute to the working of the Strategic Policing and Crime Board.
11. To exercise such decision making powers as may be delegated.
12. To undertake on behalf of the PCC community engagement and consultation activities.
13. To represent the PCC as required.
14. To act as a critical friend and to provide advice and challenge as appropriate.
15. To help promote equality and diversity within the Force and across the West Midlands.

Essential Knowledge, Skills and Experience

- knowledge of current issues facing the public sector and policing in particular
- ability to use information and intelligence to ensure effective decision making and continuous improvement of services
- horizon scanning to keep abreast of emerging agendas and issues
- ability to construct coherent arguments and articulate ideas clearly to a range of audiences, formally and informally using a variety of techniques
- ability to articulate key issues and priorities through the construction of reports, briefings and other written material
- oral communication skills including speech making and presentations
- ability to build and maintain relationships, broker partnerships and establish and maintain networks
- ability to work with a wide range of people at all levels
- a profound understanding of the diverse nature of the communities of the West Midlands
- oral communication skills with the ability to speak on behalf of the PCC on broadcast and other types of media

The Assistant Police and Crime Commissioners are not politically restricted roles. They must be residents of the West Midlands.

Strategic Adviser - Service Specification

1. Provide advice and guidance to the Police and Crime Commissioner and his office on a number of key priorities and areas for action.
2. Serve as an integral part of shaping policy decisions for identified elements of the Police and Crime Plan.
3. Develop and review plans, strategies and initiatives to advance programmes and projects.
4. Develop and maintain partnerships with key external organisations, both locally, regionally and nationally.
5. To engage with the Force and build relationships accordingly.
6. Support and drive forward specific initiatives for example:
 - a. Ethics Committee
 - b. Preparation for the Commonwealth Games
 - c. Working with the Combined Authority in partnership activity and specifically around secure Children's Homes
7. Carry out special projects and studies as required.
8. To attend meetings and events as required by the PCC or the role.
9. To consider papers and reports and proposed decisions of the WMPCC to be considered at meetings of the Board and apply skill, knowledge and expertise in Board discussions by providing constructive criticism, analysis and views.
10. Carry out other duties and roles as reasonably expected.

The Strategic Adviser will also sit on the Police and Crime Commissioner's Board, and provide assistance to ensure that the PCC is effectively able to engage and represent all areas of the West Midlands, and to ensure that he is able to carry out his role to ensure an efficient and effective police services for the West Midlands through the setting of the strategic direction for the Force and through holding the Chief Constable to account for the exercise of his functions.

Skills, Knowledge and Experience required

- Knowledge of current issues facing the public sector and policing in particular
- Experience of and ability to provide strategic advice in relation to key policy areas
- Skills in managing complex projects and programmes
- Ability to deal with complex information, making assessments and responding/acting appropriately,
- Analysing, interpreting and utilising insight and data to inform decision making and continual improvement

- Understanding of legal and governance frameworks in which the Commissioner operates
- Ability to build relationships, partnerships and networks within the force and with external partners to identify and address shared priorities
- Ability to express information to others effectively, taking into account the audience and nature of the information; makes clear and convincing oral presentations; listens to others, attends to nonverbal cues and responds appropriately.
- A profound understanding of the diverse nature of the communities of the West Midlands

The Strategic Adviser will not be not politically restricted. They must be a resident of the West Midlands.

Annex 2 - SUMMARY OF PROPOSED TERMS AND CONDITIONS OF APPOINTMENT FOR APCC AND STRATEGIC ADVISER

1. Terms and conditions of appointment:-
 - a) Appointees will not be employees or members of staff of the PCC and will be engaged under a contract for services. The applicant must acknowledge that there is no contract of employment with the PCC.
 - b) Appointees will be required to provide the contracted services with due care, skill and to act in the best interests of the PCC in accordance with the directions and powers of the PCC.
 - c) Qualification provisions – appointed persons must:-
 - a. Be over 18 years of age;
 - b. Not be a serving police officer or employed police staff;
 - c. Not be subject to a bankruptcy or debt relief order or restriction;
 - d. Not be subject to disqualification as a company director;
 - e. Not within 5 years prior to the date of the application have been convicted in the UK, the Channel Islands or the Isle of Man of an offence and has had passed a sentence of imprisonment (whether suspended or not) for a period of not less than three months. (Full disclosure of previous convictions will be required.)
 - f. Satisfy the citizenship condition as set out in Section 68 of the Police Reform and Social Responsibility Act 2011.
 - d) Appointees will be responsible for payment of income tax and national insurance.
 - e) Any claims made against the PCC in respect of services provided to the PCC under the contract for services shall be the responsibility of the appointee. This includes any claims for tax and national insurance liabilities. Appointees will be required to indemnify the PCC in respect of any liability, costs and expenses.
 - f) Appointees will be required to have indemnity insurance in respect of public liability and negligence in undertaking duties (appointees will however be indemnified when acting under delegation from the PCC and carrying out PCC duties and functions in good faith).
 - g) Appointees will be contracted for twelve calendar months. The contract is renewable every twelve calendar months with the agreement of both parties, for the duration of the term of office of the PCC.
 - a) Appointments will be made to an individual person only and not to a corporate body and accordingly any fees will only be payable to the individual appointed.
 - b) The appointee will not be permitted under any circumstances to sub-contract the work involved in the appointment. Any additional work required by a third party will be subject to separate contractual arrangements undertaken through the PCC's office.
 - c) Notice of removal may take effect at any time and no period of notice will be required.
 - d) There will be no obligation on the PCC to pay any fees or damages in the event of termination in respect of early termination except fees payable to the date of termination only.

- e) Fees – will be paid gross on the first day of each month without any element of gratuity or additional fee on delivery of an invoice from the appointee. If the appointee is registered for VAT, VAT shall be charged at the prevailing rate.
- f) Expenses will be paid for reasonable travelling and subsistence expenses incurred in respect of business undertaken on behalf of the PCC at the same amounts as paid to the PCC. Claims must be made in accordance with any expenses scheme and must be supported by receipts and only for expenditure actually incurred.
- g) Vetting – appointees will be subject to vetting in accordance with the Vetting Policy of the PCC
- h) Conduct – appointees will be subject to the PCC’s Code of Conduct and will at all times be required to conform to the principles of conduct in public life (Nolan Principles).
- i) Conflicts of interest – appointees will be required to declare pecuniary interests including detail of other paid offices held and such interests will be included in the published register of interests. Appointees will have an on-going obligation to immediately declare in writing any matter which may represent a conflict of interest between the service to be provided and other or personal interests of the appointee and to comply with such directions as may be given by the PCC in order to avoid or mitigate the effect of such a conflict of interest.
- j) Service commitment – appointees will be generally required to make themselves available for meetings and attendance at other events as required by the PCC. Failure to attend meetings may lead to termination of the contract for services.
- k) In the event of an appointee failing or being unable to provide services as required, the PCC shall be informed without delay as to the reason for the failure or inability to provide service.
- l) Non- Executive Board Members will be required to provide such equipment and resources as are required to effectively undertake their role. This includes office space, IT equipment (including email provisions), stationery and vehicles. The use of IT for the purpose of the provision of services will be subject to a policy which will require that any confidential or restricted information is subject to appropriate safeguards. The SAPCC, APCC and Strategic Adviser will also be subject to this paragraph, although office space and IT facilities shall also be made available within the OPCC in order to facilitate the efficient conduct of business.
- m) Appointees are not subject to restriction on political activities but in undertaking the provision of services are required not to undertake any political activities in their own name whilst undertaking PCC business or give the impression that the resources of the PCC as local policing body are being used for party political purposes.
- n) Appointees will be required to comply with relevant policies and procedures of the Commissioner and the OPCC, all of which are available for inspection on the Commissioner’s website.
- o) Appointees authorised to exercise delegated powers on behalf of the PCC shall be under a fiduciary duty to exercise such powers properly, in accordance with the law and professional advice of the statutory officers of the Office of the PCC.
- p) Appointees shall only have power to authorise expenditure in accordance with the authority and direction and in accordance with the policies of the PCC.

- q) Confidentiality clause – appointees will be under a duty of confidentiality to the PCC and must indemnify the PCC in respect of the consequences of any unauthorised disclosure of confidential information.
- r) Data Protection – the appointee is responsible for determining whether the requirements of the service require registration as a data controller.
- s) Freedom of Information – appointees have an obligation to ensure that the PCC is able to comply with the requirements of the Freedom of Information Act 2000.
- t) Ownership of material – all material produced under the contract is to be owned by PCC and shall not to be re-used for any purpose other than in connection with the PCC's functions without the consent of the PCC.
- u) The appointee will be required and be under a continuing duty following termination of the appointment to account for and return to the PCC all property and assets, including digital media used by the appointee in connection with the service.

