



Northamptonshire Police, Fire & Crime Panel

30th November 2023

Office of the Northamptonshire Police Fire & Crime Commissioner

ACTING CHIEF CONSTABLE ARRANGEMENTS

1. Introduction

1.1 This report updates the Panel on arrangements for an Acting Chief Constable for Northamptonshire Police.

2. Background

2.1 As the Panel were made aware on 17th October 2023 the Chief Constable of Northamptonshire, Mr Nick Adderley, was suspended from duty.

2.2 The suspension followed a mandatory referral to the Independent Office for Police Conduct (IOPC) in July 2023, and their subsequent decision to deal with this matter as an independent investigation.

2.3 At the time of writing this report the suspension has been reviewed and remains in place, with a further review due in early December.

2.4 The Police Fire and Crime Commissioner has therefore needed to put temporary arrangements in place to ensure leadership and stability for the Force.

2.5 Following their scrutiny of other temporary senior appointments the Panel had indicated that their expectation would be that all temporary senior appointments would be subject to a confirmation hearing process as required for substantive appointments. There are, however, specific provisions in legislation relating to temporary/acting arrangements for Chief Constables.

3. Legal Context

3.1 The Police Reform and Social Responsibility Act 2011 (PRSRA) contains specific provisions within it relating to Chief Constables as well as Deputy and Assistant Chief Constables.

3.2 Specifically Section 41 of the PRSRA deals with the power to exercise functions of a chief constable. It states (emphasis added):

- (1) **The appropriate deputy chief constable of a police force may exercise or perform any or all of the functions of a 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.**

- (2) **For the purposes of subsection (1), the appropriate deputy chief constable is –**
 - (a) **If the police force has only one deputy chief constable, the deputy chief constable;**
 - (b) **If the police force has more than one deputy chief constable, the most senior deputy chief constable.**

It goes on to state:

(11) In this section –

- (b) a reference to a period when the chief constable is unable to exercise functions is a reference to a period when -
 - (i) The chief constable is absent, incapacitated or **suspended from duty**, or
 - (ii) The office of chief constable is vacant.

4. Home Office view

- 4.1 Knowing about the specific arrangements in the primary legislation, the office engaged with colleagues at the Home Office to gain their understanding of the situation.

- 4.2 The response from the Home Office was as follows:

I am emailing following our discussions and the PFCC's communication with the Minister's office about whether there is a need to undertake a confirmation hearing process, for the temporary appointment of a Chief Constable. We have reviewed the legislation and, though we cannot give legal advice, in our view there is no requirement for the panel to be consulted. There is a specific provision for interim arrangements (Section 41 of the Police Reform and Social Responsibility Act 2011) which enables the Deputy Chief Constable to "act up" for an interim period. This is separate to Section 38 of the same Act, which sets out the process for substantive Chief Constable appointments, for which a confirmation hearing must be held.

This is different to the position with regard to the appointment of a Chief Fire Officer. Legislation on that issue does not contain a provision equivalent to section 41 of the Police Reform and Social Responsibility Act 2011. In the absence of such provision, it is our view that appointment of an interim CFO must follow the same process as for permanent appointments.

5. Our Approach

- 5.1 Notwithstanding the view that there is no legislative need to consult with the Panel but recognising the need for transparency and working within the spirit of the Panel's expectations around temporary senior appointments, we want to ensure active engagement, and support, from the Panel for our interim arrangements while the Chief Constable is suspended.
- 5.2 We have already engaged with the Chair prior to putting out any media statements about our plans, but felt it important to formally report to, and engage with, the Panel on our plans.
- 5.3 Northamptonshire has only one Deputy Chief Constable role, currently substantively filled by Mr Ivan Balhatchet. We have therefore asked Ivan to act up as Chief Constable to ensure the force has the leadership and stability it needs. During this period his official title will be Acting Chief Constable, in line with the wording of Section 41 of the PRSRA.
- 5.4 It remains unclear how long Mr Adderley will remain suspended, and therefore unable to exercise the functions of a Chief Constable, and Ivan will remain in the role of Acting Chief Constable until the process has reached its conclusion.
- 5.5 We understand that the other Chief Constables in the East Midlands region have reached out to Ivan to offer their ongoing support, for which we are very grateful. Support has also been forthcoming from the heads of both the National Police Chief's Council and the College for Policing.
- 5.6 Should there be any changes to these arrangements we will, of course, ensure the Panel are kept informed.

6. Recommendation(s)

- 6.1 That the Panel supports the temporary acting up arrangements outlined.
- 6.2 That the Panel notes the specific legislation position regarding temporary arrangements for Acting Chief Constables and its difference to other temporary senior appointments.

Stephen Mold
Northamptonshire Police, Fire & Crime Commissioner