



**Formal Notification to the Northamptonshire Police, Fire and Crime Panel of the Proposed Appointment to the Position of Chief Constable for Northamptonshire Police as required under Schedule 8 of the Police Reform and Social Responsibility Act 2011 (“the Act”) and Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 (“the Regulations”).**

**1. Introduction**

- 1.1 Nick Adderley, the Chief Constable for Northamptonshire Police, was appointed on a five year contract in 2018 which will come to an end in 2023.
- 1.2 The Police, Fire and Crime Commissioner (PFCC) has determined that it is in the best interest of Northamptonshire Police to offer the current Chief Constable a further contract to continue as Chief Constable for a further period of two and half years, with the option to extend by mutual agreement.
- 1.3 The Police, Fire and Crime Panel is required to undertake a confirmation hearing to review and endorse the appointment of a Chief Constable.
- 1.4 Schedule 8 of the Police Reform and Social Responsibility Act 2011 (“the Act”) and Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 (“the Regulations”) require the Police, Fire and Crime Commissioner to request the Police, Fire and Crime Panel for Northamptonshire to convene a confirmation hearing for the preferred candidate for the position of Chief Constable.
- 1.5 The Commissioner must include the following information in the notification:
  - a) the name of the person whom the commissioner is proposing to appoint ("the candidate");
  - b) the criteria used to assess the suitability of the candidate for the appointment;
  - c) why the candidate satisfies those criteria; and
  - d) the terms and conditions on which the candidate is to be appointed.

- 1.6 The Act, also sets out the Panel's responsibility to review the proposed appointment and make a report to the Police, Fire and Crime Commissioner within a period of three weeks from when the panel received notification from the Commissioner of the proposed appointment, including a recommendation as to whether or not the candidate should be appointed.
- 1.7 The Police, Fire and Crime panel must hold a public confirmation hearing before making a report and recommendation to the Police, Fire and Crime Commissioner in relation to a proposed senior appointment. At this meeting, the candidate is requested to appear to answer any questions relating to the appointment.
- 1.8 The Police, Fire and Crime Panel may, having reviewed the proposed appointment, veto the appointment of the candidate. There needs to be at least two-thirds of panel members to support a decision to veto the appointment for it to be carried and this power is only exercisable in relation to a proposed appointment during the three-week appointment process. If the panel vetoes the appointment of the candidate, their report must include a statement that the panel has vetoed it and the PFCC must not appoint that candidate as Chief Constable.
- 1.9 If the panel does not veto the proposed appointment, the PFCC may accept or reject the panel's recommendation as to whether or not the candidate should be appointed and must notify the panel of their decision whether to accept or reject the recommendation.

## 2. **Background to the Appointment**

- 2.1 The PFCC has determined that the progress made by Northamptonshire Police under the leadership of the current Chief Constable, Nick Adderley, is on a positive trajectory and that continued progress would be best maintained by renewing Nick Adderley's contract for a further period of two and a half years, with the option to extend by mutual agreement.
- 2.2 It is recognised that the current pension scheme for Police Officers can result in a detrimental financial impact for senior officers where they have exceeded their lifetime contributions to the scheme. When this point has been reached continuing to make payments has no benefit to the individual or their pension entitlement post-retirement.
- 2.3 There is precedent in policing where police officers reach this position to enable them to retire and be re-employed in order to abate pension. Under normal circumstances this process requires a break in service of a calendar month to ensure that pension entitlement can be abated without impact on entitlement to lump sum payments or monthly payments.

### **3. The Proposed Appointment**

- 3.1 The Commissioner has agreed with the Chief Constable that, in extending his tenure and renewing his contract, he can retire from the service on the grounds that continuing in service under the current pension arrangements is economically untenable from a personal financial perspective.
- 3.2 It is therefore proposed, subject to the confirmation of the Police, Fire and Crime Panel, that the Chief Constable will technically retire from the service on 26 February 2023 for the purposes of pension abatement. The new contract will commence on 3 April 2023 for a period of two and a half years.
- 3.3 It is a requirement of the legislation for a Police Force to have a Chief Constable. It is therefore the intention of the PFCC to make a temporary appointment to the position of Chief Constable for the period 27 February 2023 to 2 April 2023.
- 3.4 In line with Schedule 8 of the Police Reform and Social Responsibility Act 2011 (“the Act”) and Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 (“the Regulations”) the Police, Fire and Crime Commissioner will request the Police, Fire and Crime Panel for Northamptonshire to convene a confirmation hearing for the preferred candidate for the position of temporary Chief Constable.

### **4. Legal Implications**

- 4.1 The Police, Fire and Crime Commissioner and Monitoring Officer has sought advice from Legal Services and advice confirms that a break between contracts for the purpose of abatement is legal. In addition, the position of national bodies like the National Police Chief Council (NPCC) and Chief Police Officers Staff Association (CPOSA) has also been supportive.

### **5. The terms and conditions on which the Candidate is to be appointed**

- 5.1 The remuneration for Chief Constables can only be reviewed at the point of offering a new contract. The PFCC has considered the salary band for the Chief Constable, as determined by the Home Office, which has increased during Nick Adderley’s tenure as Chief Constable. It is proposed that Nick Adderley will be reappointed to the position of Chief Constable on an annual salary of £165,000.
- 5.3 Under the leadership of the Chief Constable the service has seen significant performance improvement, made significant progress towards key performance indicators and large-scale recruitment of new police officers.
- 5.4 The Commissioner, satisfied with the current performance of the Chief Constable, has not undertaken a formal process related to his re-employment on a fixed-term contract. The Commissioner seeks to confirm the re-employment of the Chief Constable to ensure consistency of leadership and direction for the Police Force.

## **6. Financial Implications**

- 6.1 There will be a financial cost of £6k per annum to Northamptonshire Police as a consequence of this proposal. This decision will result in cost avoidance to the Authority equivalent to employer pension contributions to the scheme for the period of fixed term employment.
- 6.2 The pay remuneration for a chief constable is set by the Police Pay Review Body annually. For Northamptonshire, the salary rate is £151,815 as at 1/9/22 and, on appointment only, the PFCC can vary the salary by + or - 10% of the set rate. This equates to a salary range of between £136k to £167k.
- 6.3 Nick Adderley is currently on a salary of £159,494. His new appointment will be at a salary of £165,000 and increased in accordance with future increases set by the Police Pay Review Body.

## **7. Recommendation**

- 7.1 The Panel is requested to review and confirm the proposed appointment of Nick Adderley to the position of Chief Constable for Northamptonshire Police on a two and a half year fixed term contract commencing on 3 April 2023, with the option to extend by mutual agreement.

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