

RECORD OF DECISION

TITLE: APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER:

Ref. PCC/D/2021/24

EXECUTIVE SUMMARY

By virtue of s.18 of the 2011 Act the Police and Crime Commissioner for West Mercia (the West Mercia Commissioner) may appoint a person to be the Deputy Police and Crime Commissioner for the West Mercia area and to arrange for them to exercise any of the functions of the West Mercia Commissioner other than those functions prohibited by s.18 (7) (a), (e) or (f).

It is proposed that the West Mercia Commissioner appoints Tracey Onslow as Deputy Police and Crime Commissioner for the West Mercia area (the Deputy Police and Crime Commissioner) for the period and subject to the terms and conditions referred to in the accompanying Part 1 report.

PROPOSAL

To approve the appointment of Tracey Onslow as Deputy Police and Crime Commissioner for the West Mercia area.

APPROVAL OF

West Mercia Commissioner

I hereby approve the above proposal.

Signed



PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

SUPPORTING REPORT

1. INTRODUCTION

Under s.18 of the 2011 Act the West Mercia Commissioner may appoint a Deputy Police and Crime Commissioner for the West Mercia area (the Deputy) and may arrange for such person the exercise of any functions of the West Mercia Commissioner save those matters excepted by law; namely those matters contained in s.18 (7) (a) (e) or (f).

2. ISSUES FOR CONSIDERATION

2.1 It is proposed that Tracey Onslow be appointed as Deputy Police and Crime Commissioner for the West Mercia area in accordance with the conditions and limitations and on the terms of employment described hereafter.

2.2 Under s.18 of the 2011 Act certain persons may not be appointed as a Deputy and the said Tracey Onslow has declared that to her best knowledge and belief she is not disqualified from office.

2.3 Tracey Onslow was selected following a thorough, open and transparent recruitment process, including approval by a selection panel independent of the Police and Crime Commissioner. The appointment has been considered by the Police and Crime Panel who recommended that the Police and Crime Commissioner confirm the appointment of Mrs Tracey Onslow to the post of Deputy Police and Crime Commissioner.

2.4 When exercising any delegation or delegated function the Deputy Police and Crime Commissioner shall comply with the Scheme of Governance for the time being approved by the West Mercia Police and Crime Commissioner.

2.5 The Deputy Police and Crime Commissioner is a member of staff of the West Mercia Commissioner by virtue of s.18 and shall be subject to terms and conditions of employment. The terms and conditions may be varied from time to time but the principal terms are set out in a summary of terms and conditions a copy of which is attached to this decision record as Appendix A

STRATEGIC CONSIDERATIONS

This decision supports the following element(s) of the Safer West Mercia Plan:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Putting Victims and Survivors First | <input checked="" type="checkbox"/> Building a More Secure West Mercia |
| <input checked="" type="checkbox"/> Reforming West Mercia Communities | <input checked="" type="checkbox"/> Reassuring West Mercia's |

The decision supports this/ these objective(s) through the following:

- Providing support for the PCC and the leadership of the Office.
- Providing resilience for the role of PCC

FINANCIAL COMMENTS

Provision has been made within the budget for this appointment

TREASURER COMMENTS

Provision has been made for the financial requirements of this appointment within the Force budget

LEGAL CONSIDERATIONS

By virtue of schedule 11, paragraph 14 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner. That includes entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (including land).

PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website. Any facts and advice that should not be made automatically available on request are not included in Part 1 but instead in a separate Part 2 report

OFFICER APPROVAL

Chief Executive Officer

Signature



Date 19th July 2021

Summary of terms and conditions

The terms and conditions of the post of Deputy Police and Crime Commissioner are in part set out in the Police Reform and Social Responsibility Act 2011 (as amended) and associated Regulations and Home Secretary's Determination. These terms and conditions summarize their key points, and augment those to cover specifically the situation of the West Mercia Deputy Police and Crime Commissioner.

You are employed by the West Mercia Police Crime Commissioner. By virtue of Section 18(10) of the Police Reform and Social Responsibility Act 2011 a member of the PCC's staff. You will receive direction from, and report to, the Commissioner. You will cooperate at all times with the Commissioner's Chief Executive, who is the Head of Paid Service responsible for line managing all PCC staff, and with the Commissioner's Treasurer. Your terms and conditions of employment are those contained in this document. A copy of your Job Profile is attached.

The terms and conditions of your employment with the Commissioner are in accordance with and subject to any national or local agreements, rules and regulations currently in operation (as amended or introduced from time to time), the rules of the Local Government Pension Scheme and any Acts or Statutory provisions that may apply.

The content of some of the HR policies and procedures may change over time to reflect the changing needs of the Commissioner or Force and accommodate additional influences such as employment legislation and governmental requirements.

Salary

Your salary is £40,800. We will pay your salary each month in 12 equal payments (normally on the 28th day of each month) into your bank account. If we over pay your salary or other payments, we have the right to recover the over payment by taking phased salary deductions from other salary payments we make to you. The PCC will review your salary in line with the reviews that are conducted by the Home Secretary of his own salary.

Allowances

Allowances shall be paid in accordance with those payable to the Police and Crime Commissioner. Paragraph 3 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 ('the 2011 Act') provides that a police and crime commissioner (PCC) is to be paid authorised allowances. 'Authorised allowances' means allowances, in respect of expenses incurred by the commissioner in the exercise of the commissioner's functions, which are of the kinds and amounts determined by the Secretary of State. A determination under paragraph 3 may make different provision for different cases.

The purpose of authorised allowances is to reimburse expenses incurred by PCCs in carrying out their duties, not to provide a general gratuity for undertaking the role. Commissioners are paid a salary determined by the Secretary of State on the advice of the senior salaries review board.

The kinds of allowances determined by the Secretary of State for the purposes of paragraph 3 of Schedule 1 to the 2011 Act are allowances in respect of:
travel expenses
subsistence expenses

exceptional expenses
reasonably incurred by a PCC in the exercise of the commissioner's functions

The amounts of such allowances determined by the Secretary of State are set out in the below table Table of PCC authorised allowance amounts

Type of expense	Key restriction	Rates
Train	In course of business	Reimbursed up to standard class rates
Mileage allowances	Only if necessary	As per HMRC rates
Taxis	Only where public transport not available	Cost of taxi fare
Foreign travel	Prior authority from chief executive and for business purposes	Economy class for flights
Hotel accommodation	Business purposes and agreed in advance Value for money and best use of public funds - lower priced suitable accommodation	No explicit limitation on star standard of hotel accommodation
Subsistence (UK and foreign)	Only paid for evening meals and, where applicable, breakfast (not lunch)	Breakfast £10 Dinner £30
Exceptional expenses not falling within any of the other types	Reasonable incurred in carrying out business of the authority	As approved by the chief executive

Your base for calculating travel expenses and other normal personnel matters shall be Hindlip, Worcestershire.

Hours of work

Your working hours are 30 hours a week Monday to Friday, and normally will require attending on any day, or parts of days as reasonably required by the PCC. To meet PCC requirements you may be required to vary your normal working arrangements This will involve working outside normal office hours. No overtime payment will be made for such working

We must protect the health and safety of all our staff The PCC has a policy on hours of work under the Working Time Regulations 1998 with which you must comply and which may be amended from time to time by the PCC in its absolute discretion. A copy of this policy can be obtained from the Chief Executive

Continuous Employment

Your continuous service for statutory employment rights commenced on 8th August 2016 when you began your service with the PCC. When calculating your entitlement to a redundancy payment, your continuous service is defined by the Redundancy Payments (Local Government) (Modification) Orders.

Subsequent to re-appointment, your previous term of employment does count towards a continuous employment period

Holiday

You are entitled to 28 days annual leave pro rata to the hours worked. The holiday year is from 1 April to 31 March If you start or leave employment during the year, you are entitled to days off in proportion to the number of completed months' service during the year If you do not take your days off within the holiday year, you will lose

those days. In exceptional cases, with approval from the PCC, you may carry over days from one holiday year to the next. You must take these days before the end of May of the subsequent leave year. You will also be entitled to public and bank holidays.

All proposed leave must be arranged and agreed with the Commissioner before it is taken and appropriate documentation completed. Every effort will be made to accommodate your wishes on the timing of annual leave, however there may be occasions when requests cannot be met.

You may have to work on Public and Bank holidays and will be entitled to take appropriate time off in lieu, in the remainder of the leave year.

If, when your employment ends, you have taken less than your holiday entitlement for the holiday year so far, the Working Time Regulations automatically entitle you to receive pay for the holiday leave not taken. Also, if you have taken more days than your entitlement a pay adjustment will be made.

Sickness absence

Payments during any absence due to sickness or injury will be in accordance with the requirements of the legislation relating to statutory sick pay. For these purposes your "qualifying day(s)" will be those day(s) on which you are normally required to work. SSP is payable from the fourth qualifying day in any 'period of incapacity for work'.

Arrangements for reporting and monitoring sickness absence are those applicable to staff. The PCC has the right at any time to require that you are examined by a medical practitioner /clinician and to cease your pay if you do not comply with the PCC's attendance policy.

Pension and Retirement

Unless you choose to opt out, you will automatically become a member of the Local Government Pension Scheme. When you retire, the pension scheme provides benefits based on your length of service and the salary you received in the best of your last three years of service.

While a member of the scheme you will be 'contracted out' of the State Second Pension (S2P) and so will not build up any more benefits under S2P. This does not affect your entitlement to the Basic State Pension.

You will be sent details of the pension scheme, its effect on S2P and how to opt out of membership, if you wish to do so.

Notice Period/Termination of Contract

The appointment as DPCC may be terminated by notice at any time by the PCC and will terminate in any event upon the PCC ceasing to hold office for any reason, including reaching the end of the term of office under which the appointment is made, subject to the foregoing.

On termination by notice you will be entitled to payment equivalent to 3 months pay.

Part 5 of the Policing and Crime Act 2017 provides that where a PCC leaves office mid-term (for whatever reason), your term of office will continue until the arrival of the newly elected PCC. Following an election held to fill a vacancy in the office of the appointing PCC, your appointment comes to an end when the person elected makes and delivers a declaration of acceptance of office. The new PCC will then determine whether they wish to re-appoint you, (subject to a Police and Crime Panel confirmation hearing).

These notice rights do not affect the Commissioner's right to terminate your employment summarily without pay in lieu of notice in cases of gross misconduct

This contract will also terminate in the event of you being subject to a relevant disqualification as defined by paragraph 8 of Schedule 1 to the Police Reform and Social Responsibility Act 2011.

The Commissioner reserves the right to suspend an employee if circumstances warrant. Suspensions will normally be without pay.

You may terminate this appointment by the giving of notice with immediate effect

Performance Review and Appraisal

The Commissioner will conduct a personal development review of the DPCC (in a form and frequency as appropriate to be determined by the Commissioner) You will receive appropriate training for your role.

Complaints

If you have a complaint about your employment you should first contact the Chief Executive.

General Behaviour and Conduct

You must adhere to all of the relevant employment policies of the PCC and with your Terms and Conditions of Employment Failure to do so may result in disciplinary action being taken against you, including ending your employment immediately without notice.

The Commissioner expects you to follow the highest standards of behaviour in the workplace and when you are not at work You must contribute fully to delivering services and must support activities to the highest standards and behave at all times with integrity and honesty

All colleagues have the right to be treated with dignity and respect. Behaviour which is in any way offensive or demeaning is not acceptable You are subject to the PCC code of conduct which applies to the PCC and the DPCC.

If your behaviour falls below the necessary standard, the Commissioner may take action against you under the disciplinary procedure

You are also subject to the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

Dress Code

The PCC expects you to dress appropriately and in a way that gives confidence to our communities and public.

Diversity and Equal Opportunities

The PCC's aim is to employ a workforce at all levels that reflects the culture and the diverse mix of the communities he/she serves. The PCC is committed to providing fairness and equal opportunities to you as a member of staff in a workplace that is free from bullying, intimidation, harassment and discrimination. This means that the PCC will recognise and develop the talents of all and treat everyone with dignity and respect The PCC will treat you fairly and you must behave in this way towards others, in accordance with the PCC's Equal Opportunities Policy which is available from the Chief Executive

Confidentiality

The PCC expects you to keep official information and documents strictly confidential. Any unauthorised disclosure of information which is confidential to the PCC or the Force will be regarded as a breach of discipline. You are subject to the Official Secrets Act 1989, and you are reminded it is an offence to reveal without authorisation any information, document or other item, which is or has been in your possession. Please sign and return the enclosed notification.

Unauthorised access to or use of computer systems, or information stored on computer or otherwise, may be an offence under the Data Protection Act 1998, the Copyright, Designs and Patents Act 1988 or the Computer Misuse Act 1990. You must keep information confidential (especially under the legislation above).

Interception of Telecommunications

The Commissioner shares information technology support systems with the Force. You should be aware that in order to ensure the confidentiality, integrity and availability of police service networks, systems and information, protective interception and monitoring of communication may take place. Consequently there can be no expectation of privacy when using official systems.

Data Protection Act 1998

The Data Protection Act 1998 covers how personal information may be used and sets out eight principles for handling information and lists the offences that may be committed by not following the act. You must follow the requirements of the Data Protection Act 1998 and must not breach regulations. In order to assist you to comply with the Act you will be required to satisfactorily complete an e-learning course prior to being given access to the PCC's information technology systems.

Freedom of Information Act 2000

Under this Act every employee has a duty to provide assistance to any applicant by receiving and progressing a request and/or producing information when requested. If you alter, tamper with or destroy information on paper or computerised after a request has been received you could be liable to a fine of up to £5000 and disciplinary action.

Government Protective Marking Scheme

It is important that official documents and other data sources which you may handle are adequately protected and managed. You will be required to satisfactorily complete a training package designed to familiarise you with the requirements of the scheme.

Other employment

You should not carry out extra employment where this conflicts with your employment with the PCC, or which harms your performance at work or your employment.

You must declare your Business Interests and details of the Business Interest Policy are available from the Chief Executive.

Health & Safety

We are committed to protecting the health and safety of all staff, visitors, contractors and the public. You must co-operate with us on all issues of health and safety. This is an important part of your health and safety responsibility. You must take reasonable care of your own health and safety and the safety of others who may be affected by your actions. A copy of the PCC's policy is available on the intranet.

Smoking at Work

All West Mercia and Police Crime Commissioner's premises are designated as smoke free. Smoking is not permitted by law in any part of any building or within the perimeter of any grounds; this includes car parks on these premises. In order to maintain the professional image of the PCC and Force, smoking is not permitted in front of any premises.