

Devon and Cornwall Police Authority

11 December 2009

Open for the purposes of FOI

Report of the Acting Chief Executive

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## Chief Constable's Contract

### THE CHAIRS' COMMITTEE RECOMMEND:

- i. that the Chief Constable's contract should be extended for 1 additional year;
- ii. The Chairman be delegated with authority to pursue the opportunities for further extension of the contract in consultation with HMIC as and when appropriate.

### Introduction

1. Members are asked to consider the recommendation from the Chairs' Committee that the Chief Constable's current contract is extended for one year to January 2013, and that a further delegated authority be granted to the Chairman of the Authority as set out in the Minute.

### Background

2. The Chief Constable was appointed to Devon and Cornwall Constabulary by the Police Authority in January 2007. Under the 2004 PNB (Police Negotiating Board) Agreement, chief constable appointments in England, Wales, Scotland and Northern Ireland are limited to a maximum period of five years. The current Chief Constable's contract will therefore 'expire' in January 2012. It should be recognised that once the third year of a five year contract is running, an incumbent will tend to be watching the job market because he or she is unlikely to risk letting a fixed term contract run close to its end for fear of being unable to find a suitable opportunity and maintain continuity of suitable employment. Suitable posts for a strategic leader of the calibre of Stephen Otter do not come up very often.
3. The Chairman of the Police Authority conducts a performance appraisal process for the Chief Constable each year with the regional representative of Her Majesty's Inspector (of Constabulary). The Chief Constable has made it clear that he wished to stay at Devon and Cornwall Constabulary beyond the end of his contracted period (January 2012) for a further three years and this has been the subject of discussion with the HMI. The Chairman fully supported the Chief Constable's wish to commit to this Force and see through the ambitious change programme that is aimed at the Constabulary becoming a top performing Force by 2012. The Regional HMI also supported this view.
4. The 2004 PNB Agreement allows five-year fixed-term contracts to be extended by agreement between the police authority and chief constable concerned for one year. The contract can be extended up to a further two years but only then with the approval of the Home Secretary. Any subsequent extension cannot exceed a year and again requires the consent of the Home Secretary.

5. Within the Police Authority, delegated authority is granted to the Chairs' Committee to agree the terms and conditions of officers of the Constabulary within the Chief Officer Group.
6. At the Chairs Committee on 23 October 2009, Members discussed the matter of the Chief Constable's contract. The Chairs' Committee unanimously concluded that it was in the best interests of both the Police Authority and Constabulary to continue to secure the quality of leadership provided by Stephen Otter and to maintain strategic management continuity around the Force's major investment in change.
7. Despite having delegated authority to make this decision, the Chairs' Committee felt that a matter of this importance should be taken to the full Authority for its consideration. Therefore, the Chairs' Committee:

**RECOMMEND**

- i. that the Chief Constable's contract should be extended for 1 additional year;
- ii. The Chairman be delegated with authority to pursue the opportunities for further extension of the contract in consultation with HMIC as and when appropriate.

**Contact for further information**

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Report prepared 4 December 2009