

## SURREY POLICE AND CRIME PANEL

### 21 APRIL 2022

# POLICE & CRIME COMMISSIONER'S SUCCESSION PLAN

## 1 SUMMARY

This report sets out the Commissioner's draft Succession Plan, to be followed in the event of a vacancy in the role of PCC or the PCC's incapacitation. In such a situation, the Panel has a statutory role to appoint an Acting Commissioner, to discharge the functions of Commissioner.

## 2 RECOMMENDATIONS

The Police and Crime Panel is asked to review and endorse the proposed Succession Plan.

## 3 INTRODUCTION

In July 2020, the Home Office announced a two-part review of the role of PCCs in order to deliver on a manifesto commitment to strengthen accountability of PCCs and to expand their role. Recommendations from part 1 of the review were published in March 2021, including the following statement to address resilience in the PCC role:

*"To enhance resilience and capacity of PCCs, given our intention to expand the role into fire, the Home Office will bring forward legislation to mandate that each PCC must appoint a Deputy (of the same political party where the PCC represents a political party). In the interim, we will issue guidance to PCCs' offices requesting that a formal succession plan is put into place to deal with vacancy and incapacitation, involving the Police and Crime Panel in those discussions as necessary."*

Guidance on succession plans has not yet been forthcoming, but the Policing Minister wrote to PCCs in July 2021 (annexed to this report), further underlining the Government's intention to mandate Deputy PCCs and to set out an expectation that all PCCs put in place a formal succession plan. PCCs are asked to "involve your police and crime panel in those discussions as necessary, given their statutory role in this process".

### **When would a Succession Plan need to be followed?**

A PCC's succession plan would be triggered by a vacancy in the role of PCC due to resignation, death, disqualification or suspension, or where a PCC is 'incapacitated'. The arrangements would stay in place until the return of the PCC, or until a bi-election is held.

### **The role of the Police & Crime Panel**

There is no formal remit for a Panel to approve a Succession Plan. However, the Panel has a statutory role to determine whether a PCC is incapacitated and as such, is unable to exercise their functions (*Police Reform & Social Responsibility Act 2011, Section 62(8)*). In the event of a vacancy or incapacitation, the Panel also has a statutory role to appoint somebody to be 'Acting Commissioner' until either the return of the PCC or a by-election can be held (*PRERA Section 62*).

In appointing a person as Acting Commissioner in a case where the PCC is incapacitated, the Panel must have regard to any representations made by the PCC in relation to the appointment. The Acting Commissioner must be a member of the PCC's staff (which includes the Deputy PCC) and can discharge all the functions of a PCC, apart from issuing or varying a police and crime plan.

### **The PCC's Draft Succession Plan**

The PCC's draft Succession Plan addresses two potential scenarios. Firstly, in the event of any extended period of absence or partial incapacitation, the PCC would delegate to the Chief Executive (in consultation with the Deputy PCC) those decisions that she was unable to make but which, in such circumstances, the Chief Executive could take on the PCC's behalf. This reflects the arrangements already in place within the PCC's Scheme of Governance, including the Scheme of Delegation, and the OPCC's business continuity arrangements.

Secondly, in the event of a vacancy in the role of PCC or if the PCC is deemed 'incapacitated' by the Panel, it is proposed that the Deputy Police & Crime Commissioner will exercise the functions of the PCC until the Police & Crime Panel approves the appointment of an Acting Commissioner. For the avoidance of doubt, it would be the recommendation of the PCC that the Deputy Police & Crime Commissioner be appointed to this role by the Panel.

The alternative would be to appoint a member of politically restricted staff (most likely the Chief Executive) to the role of Acting Commissioner. The PCC's proposals avoid this situation and also echo the Government's intentions around the future mandation of Deputy PCCs.

It should be noted that the Panel has previously raised concerns in writing about the Deputy PCC's inclusion in any future succession plan and her leadership experience. This followed on from the Deputy PCC confirmation hearing in June 2021. The PCC is of the view however, that 11 months into her tenure, and having worked very closely with Ms Vesey-Thompson over this time, that she would be more than capable of stepping into the Acting Commissioner role and would be well supported by the team of staff in the OPCC. Ms Vesey-Thompson currently has no desire to pursue the role of PCC at future elections (a point she made at the confirmation hearing), but would be content to fulfil the role of Acting Commissioner should this be required.

It is suggested that the Succession Plan should be reviewed on an annual basis.

#### **4 CONCLUSION AND CHALLENGES**

In the event of a vacancy or incapacitation, it is prudent to have a clear succession plan which meets with the approval of the Police & Crime Panel and which reflects the representations of the PCC in respect of any Acting Commissioner appointment. A mutually agreeable succession plan would ensure that business can continue in an efficient way, until such time as the Commissioner returns or a bi-election is held.

#### **5 BACKGROUND INFORMATION/PAPERS/ANNEXES**

- The PCC's draft Succession Plan
- Letter from Policing Minister to PCCs dated July 2021

#### **6 CONTACT INFORMATION**

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