



**COLLABORATION AGREEMENT FOR SECONDMENT OF
CHIEF OFFICERS TO SOUTH YORKSHIRE POLICE**

COLLABORATING PARTIES:

The Chief Constable of South Yorkshire

The Police & Crime Commissioner for South Yorkshire

The Chief Constable of North Yorkshire

The Police & Crime Commissioner for North Yorkshire

This Collaboration Agreement is made with effect from 3 May 2016

BETWEEN PARTIES

(1) THE CHIEF CONSTABLE OF SOUTH YORKSHIRE POLICE (“SYP”) OF SOUTH YORKSHIRE POLICE HQ, GROUND FLOOR, CARBROOK HOUSE, CARBROOK HALL ROAD, SHEFFIELD S9 2EH

(2) THE POLICE & CRIME COMMISSIONER FOR SOUTH YORKSHIRE (“The Commissioner for South Yorkshire”) OF SOUTH YORKSHIRE POLICE HQ, GROUND FLOOR, CARBROOK HOUSE, CARBROOK HALL ROAD, SHEFFIELD S9 2EH

(3) THE CHIEF CONSTABLE OF NORTH YORKSHIRE POLICE (“NYP”) OF NORTH YORKSHIRE POLICE HQ, NEWBY WISKE HALL, NEWBY WISKE, NORTHALLERTON, NORTH YORKSHIRE DL7 9HA

(4) THE POLICE & CRIME COMMISSIONER FOR NORTH YORKSHIRE (“The Commissioner for North Yorkshire) OF 12 GRANBY ROAD, HARROGATE HG1 4ST

(Parties 1 and 3 together referred to as “the Chief Constables”)

(Parties 2 and 4 together referred to as “the Commissioners” or “the Policing Bodies” as the context dictates)

INTRODUCTION

1. SECTION 1: THE LEGAL CONTEXT

1.1. The Commissioners and Chief Constables wish to enter into a Collaboration Agreement pursuant to the provisions of Section 22A et seq Police Act 1996 as amended (“the 1996 Act”) in order to arrange a collaborative secondment of Chief Constable Dave Jones to the role of Acting Chief Constable of South Yorkshire Police (to be known as ‘Interim Chief Constable’) for an appropriate period, following a request from the Police & Crime Commissioner for South Yorkshire. References to ‘the 2011 Act’ are references to the Police Reform & Social Responsibility Act 2011 as amended.

- 1.2. The Commissioners and Chief Constables also wish to enter into a Collaboration Agreement for the secondment on similar terms, of Acting Assistant Chief Constable Ken McIntosh to South Yorkshire Police.
- 1.3. Following the suspension of David Crompton from the role of Chief Constable of South Yorkshire an urgent need arises, in the public interest, for the Police and Crime Commissioner for South Yorkshire to ensure that a Chief Constable is appointed to lead South Yorkshire Police.
- 1.4. The Police & Crime Commissioners for both South and North Yorkshire recognise the critical public interest considerations which give rise to the arrangements and a joint Decision Notice has been published in accordance with Paragraph 5 of Schedule 1 to the Elected Local Policing Bodies (Specified Information) Order 2011 as amended, at
 - 1.4.1. in the case of the Commissioner for South Yorkshire,
<http://www.southyorkshire-pcc.gov.uk/Document-Library/Decisions/1617/Interim-CC-Decision-003-2016-SY-17-20016-NY.pdf> ; and
 - 1.4.2. in the case of the Commissioner for North Yorkshire,
<http://www.northyorkshire-pcc.gov.uk/content/uploads/2016/05/Interim-CC-Decision-003-2016-SY-17-20016-NY-Signed.pdf> respectively.
- 1.5. The Decision Notice is annexed hereto as Appendix A.
- 1.6. The Parties are of the view that this Collaboration Agreement is in the interests of the efficiency or effectiveness of the Police Forces and have consulted with each other (and in the case of the Commissioners, they have consented to the collaboration). The collaboration has the endorsement of both the Secretary of State and Her Majesty's Inspector of Constabulary.
- 1.7. The Police & Crime Commissioners for both South and North Yorkshire have consulted with their respective Chairs of the Police & Crime Panels.

2. SECTION 2: THE PURPOSE OF THIS AGREEMENT

- 2.1. The Police and Crime Commissioners for North and South Yorkshire and the Chief Constables of South and North Yorkshire Police are entering into this collaboration by consent in order that Dave Jones be seconded from North Yorkshire Police to South

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Yorkshire Police to assume the role of Acting Chief Constable (a role to be designated as 'Interim Chief Constable') of South Yorkshire Police on a temporary basis.

- 2.2. Dave Jones will be seconded to South Yorkshire Police on an agreed basis following on from the decisions of the Commissioners annexed at **Appendix A** and the request of the Acting Chief Constable of South Yorkshire Police for the necessary appointment and designation of an additional Deputy Chief Constable (annexed at **Appendix B**) and the consent of the Commissioner for South Yorkshire (annexed at **Appendix C**)
- 2.3. As Acting Chief Constable of South Yorkshire Police until 11:59 on 3 May 2016, Deputy Chief Constable Dawn Copley has sought and obtained the consent of the Police & Crime Commissioner for South Yorkshire, for
 - 2.3.1.1. the appointment (for legal purposes only) of an additional Deputy Chief Constable for South Yorkshire under s39(2) of the 2011 Act.
 - 2.3.1.2. the appointment of Dave Jones as that additional Deputy Chief Constable under s39(3) of the 2011 Act, subject only to the proviso that
 - 2.3.1.2.1. the Secretary of State shall be invited to waive the requirements of the determination to Regulation 11(4) Police Regulations 2003 which makes provision for the advertising of such a proposed appointment; and
 - 2.3.1.2.2. in the meantime and unless and until the Secretary of State so determines, the appointment of Mr Jones shall take effect on a temporary basis for such period as the Police & Crime Commissioner for South Yorkshire shall determine by reference to the same criteria as set out at paragraphs iii(a) - (f) of the Propositions section of the Decision Notice repeated at paragraph 6.3 of this Agreement.
- 2.4. Acting Chief Constable Copley has designated that additional Deputy Chief Constable as the 'appropriate Deputy Chief Constable' for the purposes of s41(2)(b) of the 2011 Act.
- 2.5. Accordingly, the Agreement gives effect to the Decisions and consents referred to above and records that Mr Jones commences his secondment to South Yorkshire Police with effect from noon on Tuesday 3 May 2016

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- 2.6. Mr Jones will retain the rank of Chief Constable (without break in service) throughout the secondment and for the avoidance of doubt, when the arrangement ends, as a matter of law he will immediately revert to his substantive role of Chief Constable of North Yorkshire Police.
- 2.7. This Agreement serves the purpose of both Collaboration Agreement and Heads of Terms as referred to in the Commissioners' Decision Notice.

3. SECTION 3: SUPPORT AND/OR SERVICES

- 3.1. Under the collaboration,
 - 3.1.1. Mr Jones will perform the role of Acting Chief Constable, a role to be known as Interim Chief Constable.
 - 3.1.2. Mr McIntosh will perform a role of Assistant Chief Constable.
- 3.2. The Policing Bodies shall indemnify on demand and hold harmless each other against all claims arising out of or in connection with the provision of the Secondment or any failure to provide the Secondment, save that to the extent that either Policing Body is entitled to recover any losses under a policy of insurance then the applicable Policing Body shall be required to pursue a claim under such policy and the indemnities in this shall only apply to such element of the losses (if any) that are not recovered under the insurance claim made by the Policing Body.

4. SECTION 4: APPOINTMENT/EMPLOYMENT AND RESOURCES

- 4.1. By way of the letter annexed at **Appendix B** The Acting Chief Constable of South Yorkshire Police has sought and (by way of the email annexed at **Appendix C**) obtained the consent of the Police & Crime Commissioner for South Yorkshire, for
 - 4.1.1. the appointment (for legal purposes only) of an additional Deputy Chief Constable for South Yorkshire under s39(2) of the 2011 Act.
 - 4.1.2. the appointment of Dave Jones as that additional Deputy Chief Constable under s39(3) of the 2011 Act.

- 4.2. The Acting Chief Constable of South Yorkshire Police has designated that additional Deputy Chief Constable as the 'appropriate Deputy Chief Constable' for the purposes of s41(2)(b) of the 2011 Act.
- 4.3. The Chief Constable of North Yorkshire Police, Dave Jones, will join South Yorkshire Police in the notional rank for legal purposes of Deputy Chief Constable and immediately by operation of s41(1) of the 2011 Act become Acting Chief Constable. Mr Jones will wish to be designated 'Interim Chief Constable' whilst undertaking the role.
- 4.4. The Police & Crime Commissioner for South Yorkshire is satisfied that Mr Jones is an appropriate choice to assume the role of Chief Constable for South Yorkshire Police; and has consulted with the Chair of the South Yorkshire Police & Crime Panel, although no duty is understood to arise for the Panel to hold a confirmation hearing under the provisions of Schedule 8 of the 2011 Act.
- 4.5. At the point that the secondment of Mr Jones takes effect, he will be absent from the role of Chief Constable of North Yorkshire Police for the purposes of s41(11)(b)(i) of the 2011 Act.
- 4.6. The role of Acting Chief Constable of North Yorkshire Police will be assumed by Tim Madgwick under s41(1)(a) of the 2011 Act.
- 4.7. The role of Deputy Chief Constable of North Yorkshire Police will be assumed by Paul Kennedy under s39(1) of the 2011 Act.
- 4.8. Temporary Assistant Chief Constable Ken McIntosh will be seconded to South Yorkshire Police in order to provide support to the Chief Officer team in South Yorkshire. The secondment of Temporary Assistant Chief Constable McIntosh will be for such period as Mr Jones shall agree with the Acting Chief Constable of North Yorkshire Police and will in any event terminate at the point of Mr McIntosh's retirement.
- 4.9. The Commissioner for South Yorkshire shall provide a suitable working environment, IT and other equipment and administrative support for both Acting Chief Constable Jones and T/ACC McIntosh for the purposes of the discharge of their duties.
- 4.10. The financial arrangements to underpin this Agreement will be as follows:

4.10.1. By agreement, the Police & Crime Commissioner for South Yorkshire will reimburse the Commissioner for North Yorkshire for the full salary cost of Mr Jones and Mr McIntosh during the secondment period and for any expenses incurred by and paid to those officers in line with South Yorkshire Police policy.

4.10.2. Mr Jones will continue to receive the salary applicable to the post of Chief Constable of North Yorkshire Police and will waive any increase in salary which would otherwise accrue to him under the Police Regulations 2003 for undertaking the role of Chief Constable of South Yorkshire Police. As necessary, an honorarium will be paid to Mr Jones in such sum as is necessary to ensure that he receives the salary applicable to the Chief Constable of North Yorkshire Police notwithstanding the provisions of the Determinations to Regulation 27 Police Regulations 2003 or any other enactment or Determination.

4.10.3. Mr McIntosh will continue to receive the salary applicable to the role of Acting Assistant Chief Constable in North Yorkshire Police on like terms to those set out at paragraph 4.10.2 above.

4.11. Consequential adjustments to salary arrangements in respect of Acting roles in North Yorkshire will be set out in due course.

5. SECTION 5: POLICY AND COMPLIANCE

5.1. Notwithstanding Section 4 above and subject to clause 5.3 below, the Commissioners (to the extent necessary to give effect to this collaboration) and Chief Constable Jones shall comply with the governance instruments, Policies and Procedures (“the rules”) of South Yorkshire Police, including but not limited to provisions in respect of conduct, vetting, confidentiality, dispute resolution, intellectual property and information security.

5.2. Chief Constable Jones and T/ACC McIntosh will be attested as Constables in South Yorkshire.

5.3. To the extent that the respective Commissioners’ rules are mutually incompatible, there shall be a presumption in favour of compliance with the rules of the Commissioner for South Yorkshire. Subject to that presumption, the Commissioners shall seek to resolve such conflicts in such manner as appears appropriate to them.

6. SECTION 6: COMMENCEMENT, DURATION, REVIEW, TERMINATION

- 6.1. The Commencement Date of this Agreement is 3 May 2016.
- 6.2. Mr Jones and Mr McIntosh will commence secondment to South Yorkshire Police with effect from noon on Tuesday 3 May 2016
- 6.3. The secondment of Mr Jones will come to an end upon the first of the following:
 - 6.3.1. Such date as the Police & Crime Commissioner and Deputy Chief Constable Dawn Copley (in consultation with Mr Jones) shall agree that Deputy Chief Constable Copley should resume the role of Acting Chief Constable under s41 of the 2011 Act; or
 - 6.3.2. The lifting of the suspension of Chief Constable David Crompton under s38 of the 2011 Act; or
 - 6.3.3. The appointment of a substantive Chief Constable of South Yorkshire Police; or
 - 6.3.4. 30 November 2016; or
 - 6.3.5. Such other date as the Police & Crime Commissioners for South Yorkshire and North Yorkshire shall agree; or
 - 6.3.6. Upon the giving of reasonable notice under the terms of the formal collaboration agreement, by either the Police & Crime Commissioner for North Yorkshire or the Police & Crime Commissioner for South Yorkshire, or the Chief Constable of North Yorkshire, as the case may be.
- 6.4. A review of the efficiency and effectiveness of this Agreement shall take place periodically in such a manner as the Parties agree with recommendations jointly to the Commissioners for any variation in its terms.
- 6.5. Extension may be executed by an exchange of side letters or by concluding a new or supplementary Collaboration Agreement, as the Parties consider appropriate.
- 6.6. A Party terminating the Agreement shall remain liable to discharge its obligations under this Agreement prior to the giving of notice and during the notice period.
- 6.7. In recognition of the fact that the law invests statutory duties in a Chief Constable, the Parties may by mutual agreement suspend or terminate this Agreement in whole or part forthwith in the event of the suspension or in the event of the incapacitation of Mr Jones or Mr McIntosh as the case may be.

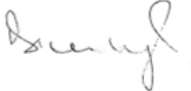
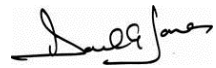
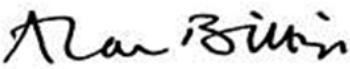

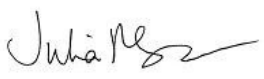
7. SECTION 7: TRANSPARENCY

- 7.1. This agreement is not confidential and may be published at the discretion of the Commissioners in whole or in summary, pursuant to s23E of the 1996 Act.
- 7.2. The Parties have published Decision Notices to record their decision to collaborate, and will keep the respective Police and Crime Panels informed.

8. SECTION 8: GOVERNING LAW AND JURISDICTION

- 8.1. This Agreement is subject to the law of England and Wales
- 8.2. For the avoidance of doubt, no person who is not a party to this Agreement shall have rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this agreement.

IN WITNESS the Parties have signed below on the dates indicated

POLICING BODY	NAME	SIGNATURE	DATE
For the office of Chief Constable of South Yorkshire Police (pursuant to the provisions of s41(1)(a) & (b) Police Reform & Social Responsibility Act 2011)	Dawn COPLEY		06.05.2016
Acting Chief Constable of South Yorkshire Police	Dave JONES		06.05.2016
Police & Crime Commissioner for South Yorkshire	Alan BILLINGS		06.05.2016
Acting Chief Constable of North Yorkshire	Tim MADGWICK		06.05.2016
Police & Crime Commissioner for North Yorkshire	Julia MULLIGAN		06.05.2016