

Commissioner Vacancy - Executive Stewardship and Acting Commissioner Proposals

Executive Summary

1. This report complements the report before Members in respect of the role of the Police, Fire & Crime Panel in circumstances where a vacancy arises in the role of Police, Fire and Crime Commissioner.
2. It proposes
 - a. an overall approach to business continuity in the work of the Office of the Police, Fire and Crime Commissioner ('the OPFCC');
 - b. an executive stewardship model under which the continuity work programme will be led by the Executive Management Team of the OPFCC;
 - c. that as part of that executive stewardship model, Members consider the appointment of Jennifer Anne Newberry as Acting Commissioner.

Background

3. Following a public announcement to this effect on 14 October 2021, Philip Allott resigned from the role of Police, Fire and Crime Commissioner on 15 October 2021.
4. In accordance with s61(2) Police Reform and Social Responsibility Act 2011 ('the 2011 Act') the resignation took effect upon receipt by the appropriate officer. The appropriate officer confirmed such receipt on Saturday 16 October 2021. It follows that the role is now vacant.
5. As the Panel's officers explain in the paper before Members explaining their role, appointment of an Acting Commissioner is a matter for Members. An Acting Commissioner must be chosen in accordance with s62(2) of the 2011 Act, from amongst the staff of the OPFCC at the time of the appointment.
6. The Executive Management Team of the OPFCC consists of the following roles and postholders. The OPFCC is moving to a portfolio leadership structure under its emerging Business Development Strategy. The table below includes brief descriptions of the specific Delivery and Business Development Portfolios allocated to each postholder, for Members' information.
 - *Chief Executive & Monitoring Officer (including Monitoring Officer to the Commissioner as PCCFRA) – Simon Dennis*
 - *Portfolio responsibility for Governance and Constitutional Matters*

- *Chief Finance Officer (operating collaboratively across both North Yorkshire and Cleveland and serving as Chief Finance Officer to the North Yorkshire Commissioner as PCCFRA) – **Michael Porter***
 - *Portfolio responsibility for Finance*
- *Head of Commissioning and Partnerships (and Director of Service Transformation) – **Jennifer Newberry***
 - *Portfolio responsibility for Victims & Vulnerability, Criminal Justice & Reoffending, Safer Communities*
- *Interim Assistant Chief Executive & Deputy Monitoring Officer – **Thomas Thorp***
 - *Portfolio Responsibility for Fire & Rescue, Police & Crime Planning, Fire and Rescue Planning, Environment & Sustainability*
- *Interim Assistant Chief Executive & Deputy Monitoring Officer – **Caroline Blackburn***
 - *Portfolio Responsibility for Crime, Ethics Standards & Risk, People, Health & Wellbeing, EDI, Covid Risk Management and Service Planning*

7. The Executive Management Team have arrived at a proposal for Members' consideration, by a process of dialogue in accordance with established precedent and convention. The key features of that process were
- a. A recognition that Members and the public of North Yorkshire and York expect continuity in respect of service provision and good governance during the period of vacancy.
 - b. A presumption in favour of the most senior members of the paid service (the OPFCC Executive Management Team) being responsible for arriving at that service continuity proposal.
 - c. A rebuttable presumption against creating temporary vacancies and consequential backfill arrangements in the statutory officer positions of Chief Executive & Monitoring Officer and Chief Finance Officer respectively - that presumption being rebuttable in the event that no other suitable proposal was forthcoming. In particular, both the Chief Executive and the Chief Finance Officer expressed themselves willing in principle to undertake the role of Acting Commissioner under such circumstances, in recognition of their duty to act in the public interest.
 - d. A further presumption against members of OPFCC staff being considered for the role of Acting Commissioner, where those members of staff serve in a legal or practical capacity for an employer other than the North Yorkshire OPFCC. In particular, the Chief Finance Officer role is as Members know, undertaken collaboratively with the Cleveland OPCC – leading to a position whereby Michael Porter undertakes three statutory roles (CFO to two local policing bodies and to the North Yorkshire PCCFRA). In addition, one postholder in the Interim role of Assistant Chief Executive, Caroline Blackburn, is seconded from the employment of the Chief Constable. In practice therefore, the appropriate presumption was felt to be that Mr Porter and Ms Blackburn ought not to be considered in practice for appointment to the Acting role, notwithstanding their willingness to be so in principle.

- e. In addition and for the sake of abundance of procedural and substantive fairness, all members of the OPFCC paid service have had an opportunity to express interest in being considered for the role of Acting Commissioner.
8. The process outlined above was undertaken on Friday 15 October and Monday 18 October 2021.
9. Following the completion of that process, the resulting proposal for Members consideration is as follows
 - a. That the OPFCC moves to a model of Executive Stewardship. The key feature of that model is that the Executive Management Team will act collectively to ensure resilient leadership and good governance is provided throughout the period of vacancy; that the existing statutory plans remain enacted and in delivery; and that as part of the Executive Stewardship model, full support is given to the individual appointed by Members to the role of Acting Commissioner.
 - b. That the particular range of experience, skills, aptitudes and professional accomplishment of the Head of Commissioning and Partnerships, Jennifer Newberry, be considered by members as particularly apt for an appointment to the role of Acting Commissioner.
10. **Appendix A** to this report sets out brief professional biographies of each member of the OPFCC Executive Management Team, to assist Members with consideration of the suitability of the overall executive stewardship arrangements.
11. **Appendix B** to this report sets out a full Personal Statement provided by Mrs Newberry for Members consideration in their deliberations as to her suitability for appointment to the role of Acting Commissioner. In brief, Mrs Newberry highlights in that statement
 - a. Her commitment and track record in respect of delivery of service for victims, vulnerable people and to address the root causes of offending behaviour;
 - b. Her experience at senior leadership level within the OPFCC since 2013 and in the cross-corporate role of Programme Director for the Transform 2020 transformation programme since 2018;
 - c. Her prior experience in the voluntary, public and private sectors;
 - d. Her track record in the strategic planning and execution of the OPFCC commissioned service programme;
 - e. Her overall approach to leadership, building relationships, partnership working and to the highest standards of ethics and integrity.
12. Mrs Newberry will be delighted to answer Members questions at the meeting in order that her suitability for the role can be thoroughly assessed.
13. Should Members see fit to appoint Mrs Newberry, in addition to the support to be derived from the team stewardship model set out in this paper, support will be available to Mrs Newberry on a peer to peer basis locally, as well as nationally via the Association of Police & Crime Commissioners, to ensure that she has every facility available to her to excel in the role.
14. As Head of Paid Service of the OPFCC, the Chief Executive respectfully commends Mrs Newberry to Members on appointment to the role of Acting Commissioner and to serve in that role until the

commencement of the term of office of the person elected as Police, Fire and Crime Commissioner in accordance with s51(8) of the 2011 Act.

Simon Dennis
Chief Executive & Monitoring Officer
21 October 2021

Appendix A – Executive Management Team

Professional Biographies

Simon Dennis – Chief Executive & Monitoring Officer

A solicitor by profession, I have worked in emergency services law and governance for the majority of my career. With a background as a legal aid lawyer, I joined the North Yorkshire County Council legal team in 2003 and moved on to establish the first in-house legal and compliance function at North Yorkshire Police a year later, leading and developing the department to encompass risk management, information management and civil disclosure functionality.

I was appointed to lead the Police & Crime Commissioner's Office in Cleveland in 2014. Close links were forged and developed between the Cleveland and North Yorkshire OPCCs during that period, including successful joint arrangements for shared senior leadership. I was interim Chief Executive in North Yorkshire during the 2016 election period and have again performed the joint role across both areas between April 2019 until the completion of the most recent ordinary electoral cycle.

Following confirmation by the Police, Fire & Crime Panel in 2021, I was appointed as permanent Chief Executive in North Yorkshire and perform the fused roles of Head of Paid Service and Monitoring Officer in the OPFCC. The role leads and develops the OPFCC team and acts as the most senior advisor to the Commissioner, ensuring they are able to deliver their strategic programme efficiently, effectively and lawfully. I have overall responsibility for ensuring that the OPFCC acts in the public interest.

I am also Monitoring Officer to the Commissioner as Fire Authority. In that capacity, I am a member of the North Yorkshire Fire & Rescue Service Strategic Leadership Team.

Michael Porter - Commissioner's Chief Finance and s151 Officer

I have worked in the police sector for over 15 years after being appointed to work for Cleveland Police in June 2005. I am employed as the Chief Finance Officer (CFO) for the PCC for Cleveland after previously being the Treasurer for Cleveland Police Authority and prior to this the Head of Finance for Cleveland Police, and as such have a range of experience in the police sector.

Since July 2014, I have also undertaken the role of CFO to the PCC for North Yorkshire and then took on the additional responsibility for Fire in December 2018 after the transfer of governance to the PFCC. I spend approximately 50% of my time undertaking the North Yorkshire role.

Thomas Thorp – Interim Assistant Chief Executive and Deputy Monitoring Officer

As one of the two Interim Assistant Chief Executive and Deputy Monitoring Officers, I am on secondment from my substantive role as Policy and Scrutiny Manager within the OPFCC. I joined the OPFCC in 2016, after moving north from London. Previously I worked for a number of charities and NGOs in project and programme management roles and then internationally as Policy Manager for the Tony Blair Faith Foundation.

As a member of the Executive Management Team, I am here to support the Commissioner and the Chief Executive in the delivery of the strategic plans and priorities and exercise their statutory functions.

Caroline Blackburn – Interim Assistant Chief Executive and Deputy Monitoring Officer

As one of the two Interim Assistant Chief Executive and Deputy Monitoring Officers I joined the OPFCC in September 2020 on secondment from enableNY where I am the Business Planning Manager.

I am a Psychology graduate with over eighteen years' experience, eleven of which have been in North Yorkshire, working across numerous public sector bodies in roles to deliver community safety, business development and planning and transformational change programmes. This experience spreads across the Office of the Police, Fire and Crime Commissioner (OPFCC) for North Yorkshire, three Police Forces, two Fire and Rescue Service areas and four Local Authorities. During this time I have undertaken roles such as Business Planning Manager, Service Delivery Advisor, Strategic Business Analyst, Community Safety Manager, Development Officer and Project Officer.

Before my professional career I was drawn to the wider community safety agenda when I mentored young offenders with the Nottingham Youth Offending Team and supported victims of abuse in the USA.

As a member of the Executive Management Team, I am here to support the Commissioner and the Chief Executive in the delivery of the strategic plans and priorities and exercise their statutory functions.

Appendix B – Personal Statement – Jennifer Anne Newberry

I am proud to have my name put forward for the role of Acting Police, Fire and Crime Commissioner (PFCC). I am committed to working collegiately with my Office of Police, Fire and Crime Commissioner (OPFCC) Executive Management Team (EMT) colleagues under a stewardship model during this interim period for the benefit of York and North Yorkshire's communities.

Please find below my Personal Statement.

Leadership

I am passionate about making a tangible difference and instigating change.

I have worked at senior leadership level as Head of Commissioning and Partnerships (C&P) within North Yorkshire OPFCC for eight years. I joined in October 2013 to establish the commissioning and partnerships team and develop a local portfolio of services to support victims to cope and recover, to address the root causes of offending behaviour, to protect vulnerable people coming into contact with North Yorkshire Police (NYP) and enhance community safety.

In April 2018, I took on the additional role of Programme Director for Transform 2020 (OPFCC, NYP and North Yorkshire Fire and Rescue Service' [NYFRS] transformation programme) with responsibility for providing strategic leadership and programme assurance to chief officers.

Prior to joining the OPFCC I spent eight years operating at senior management level within complex voluntary, public and private sector settings working with key government departments including Ministry of Justice (MoJ), Home Office (HO) and Department of Work and Pensions (DWP) to develop and deliver justice, work and skills programmes for vulnerable people. I started my career working within Women's Centres, counselling survivors of Domestic Abuse and Sexual Violence; and designing skills development and access to work programmes.

Strategic Planning

Over the last eight years as Head of C&P I have successfully developed and delivered the strategic approach to commissioning, contract managing and continuously improving PFCC services. My team has generated additional funding of between £500,000 and £1,500,000 per year to enable the expansion and enhancement of York and North Yorkshire programmes of work. We now have one of the most comprehensive sets of services of any policing area: [Commissioned services - Police, Fire and Crime Commissioner North Yorkshire \(northyorkshire-pfcc.gov.uk\)](https://www.northyorkshire-pfcc.gov.uk)

As pandemic lockdown commenced our PFCC services successfully transformed to virtual delivery within weeks, with no loss of continuity or service levels. Our ongoing effective recovery planning includes supporting and protecting the workforce and service recipients and managing partnership impact, for example risks to joint funding arrangements.

Building Relationships

As Head of C&P, and to support my team to successfully commission services on behalf of the PFCC I have built strategic relationships within local, regional and national partnership

organisations and boards. These include MoJ, HO, North Yorkshire County Council (NYCC), City of York Council (CYC), Community Safety Partnerships, Children's/Adult Safeguarding Boards, Clinical Commissioning Groups, NHS England, Probation Service and Local Criminal Justice Partnership (LCJP). For example, I chaired the Reoffending / Innovation sub-board of the LCJP December 2017 to March 2019 and will commence my second term as Chair from October 2021.

I have a thorough understanding of key partner's agendas and have worked collaboratively with strategic stakeholders at all levels to design innovative, sustainable service offers to meet diverse needs. My team's ability to successfully commission jointly with organisations such as NYCC and CYC for Domestic Abuse and Sexual Violence services demonstrates our partner credibility, legitimacy and accountability.

Ethics and Integrity

I have an accessible, encouraging and empowering approach to leadership which I believe motivates a sense of personal responsibility and self-reliance. I aim to inspire trustworthiness, dependability and consistency within my team; across the services I am responsible for developing and delivering; and in my approach to partnership working. This is evidenced by positive feedback received from funders, partners and service users and the level of commitment within my senior management team.

I have a strong public sector ethos, personal legitimacy and am value driven which translates to the way I lead teams with honesty, impartiality and integrity; and my commitment to ensuring diversity, and value for money for the public.

Yours sincerely,

[signed]

Jenni Newberry BSc MSc MBA