



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

COLLABORATING PARTIES:

The Chief Constable of South Yorkshire

The Police & Crime Commissioner for South Yorkshire

The Chief Constable of Durham Constabulary

The Police & Crime Commissioner for Durham

This Collaboration Agreement is made with effect from 24 July 2016

BETWEEN PARTIES

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

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

(3) THE CHIEF CONSTABLE OF DURHAM CONSTABULARY OF DURHAM HQ, AYKLEY HEADS, DURHAM DH1 5TT

(4) THE POLICE & CRIME COMMISSIONER FOR DURHAM (“The Commissioner for Durham) OF COUNTY HALL, DURHAM DH1 5UZ

(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 Deputy Chief Constable Stephen Watson to the role of Acting Chief Constable of South Yorkshire Police (to be known as ‘Interim Chief Constable’) for an appropriate period not extending beyond 30 November 2016, 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. Following the suspension of David Crompton from the role of Chief Constable of South Yorkshire and the end of a period of secondment of Chief Constable Dave Jones of North Yorkshire Police who has acted as Interim Chief Constable of South Yorkshire Police, 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.
- 1.3. The Police & Crime Commissioners for both South Yorkshire and Durham recognise the critical public interest considerations which give rise to the arrangements and a joint Decision Record has been published in accordance with Paragraph 5 of Schedule 1 to the Elected Local Policing Bodies (Specified Information) Order 2011 as amended, at
 - 1.3.1. in the case of the Commissioner for South Yorkshire, <http://www.southyorkshire-pcc.gov.uk/Transparency/Decision-Log.aspx>; and
 - 1.3.2. in the case of the Commissioner for Durham, <http://www.durham-pcc.gov.uk/Information-Hub/Openness/Decisions.aspx> respectively.
- 1.4. The Decision Record is annexed hereto as Appendix A.
- 1.5. 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.
- 1.6. The Police & Crime Commissioners for both South Yorkshire and Durham 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 South Yorkshire and Durham and the Chief Constables of South Yorkshire Police and Durham Constabulary are entering into this collaboration by consent in order that Stephen Watson be seconded from Durham Constabulary to South 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. Stephen Watson 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 Interim Chief Constable of South Yorkshire Police (Chief Constable Dave Jones) 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 Interim Chief Constable of South Yorkshire Police until 00.00 hours on 25 July 2016, Chief Constable Dave Jones has sought and obtained the consent of the Police & Crime Commissioner for South Yorkshire, for
- 2.3.1 the appointment (for legal purposes only) of an additional Deputy Chief Constable for South Yorkshire under s39(2) of the 2011 Act.
 - 2.3.2 the appointment of Stephen Watson as that additional Deputy Chief Constable under s39(3) of the 2011 Act, subject only to the proviso that
 - 2.3.3 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
 - 2.3.4 in the meantime and unless and until the Secretary of State so determines, the appointment of Mr Watson shall take effect on a temporary basis for such period as the Police & Crime Commissioner for South Yorkshire shall determine but not extending beyond 30 November 2016 by reference to the same criteria as set out in the Proposition section of the Decision Record repeated at paragraph 6.3 of this Agreement.
- 2.4. Chief Constable Jones 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 Watson commences his secondment to South Yorkshire Police with effect from 23.59 hours on Sunday 24 July 2016.
- 2.6. This Agreement serves the purpose of both Collaboration Agreement and Heads of Terms as referred to in the Decision Record.

3. SECTION 3: SUPPORT AND/OR SERVICES

- 3.1. Under the collaboration, Mr Watson will perform the role of Acting Chief Constable, a role to be known as Interim 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 current Interim Chief Constable of South Yorkshire Police (Chief Constable Jones) 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 Stephen Watson as that additional Deputy Chief Constable under s39(3) of the 2011 Act.
- 4.2. The Interim Chief Constable of South Yorkshire Police (Chief Constable Jones) 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 Deputy Chief Constable of Durham Constabulary, Stephen Watson, will join South Yorkshire Police in the rank of Deputy Chief Constable and immediately by operation of s41(1) of the 2011 Act become Acting Chief Constable. Mr Watson 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 Watson is an appropriate choice to assume the role of Chief Constable of

South Yorkshire Police; and has, on 8 July 2016, consulted with the Chair and Members of the South Yorkshire Police & Crime Panel, who have confirmed Mr Watson as suitable for appointment as Chief Constable.

- 4.5. At the point that the secondment of Mr Watson takes effect, he will be absent from the role of Deputy Chief Constable of Durham Constabulary for the purposes of s39(1) of the 2011 Act.
- 4.6. The Commissioner for South Yorkshire shall provide a suitable working environment, IT and other equipment and administrative support for Deputy Chief Constable Watson for the purposes of the discharge of his duties.
- 4.7. The financial arrangements to underpin this Agreement will be as follows:
 - 4.7.1. By agreement, the Police & Crime Commissioner for South Yorkshire will reimburse the Chief Constable of Durham Constabulary for the full salary cost of Mr Watson during the secondment period and for any expenses incurred by and paid to him in line with South Yorkshire Police policy.
 - 4.7.2. An honorarium will be paid to Mr Watson in such sum as is necessary to ensure that he receives the salary applicable under the Police Regulations 2003 for undertaking the role of Chief Constable of South Yorkshire Police.
- 4.8. Consequential adjustments to salary arrangements in respect of Acting roles in Durham Constabulary 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 Deputy Chief Constable Watson 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. Deputy Chief Constable Watson will be attested as a Constable in South Yorkshire.

5.3. To the extent that the rules of the Commissioner for South Yorkshire are incompatible with the rules of the Commissioner for Durham and/or the rules of the Chief Constable of Durham Constabulary, there shall be a presumption in favour of compliance with the rules of the Commissioner for South Yorkshire. Subject to that presumption, the Commissioners and Chief Constable of Durham Constabulary 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 24 July 2016.

6.2. Mr Watson will commence secondment to South Yorkshire Police with effect from 23.59 hours on Sunday 24 July 2016

6.3. The secondment of Mr Watson will come to an end upon the first of the following:

6.3.1. The lifting of the suspension of Chief Constable David Crompton under s38 of the 2011 Act; or

6.3.2. The date on which the appointment of a substantive Chief Constable of South Yorkshire Police takes effect; or

6.3.3. Such other date as the Police & Crime Commissioner for South Yorkshire and the Chief Constable of Durham Constabulary shall agree.

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 Watson.

7. SECTION 7: TRANSPARENCY

7.1. This agreement is not confidential and may be published at the discretion of the Commissioners and the Chief Constable of Durham Constabulary in whole or in summary, pursuant to s23E of the 1996 Act.

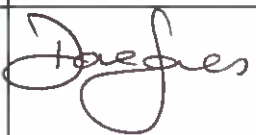


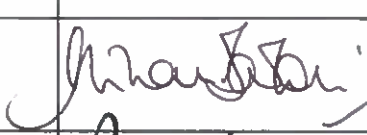

7.2. The Parties have published Decision Records to record their decision to collaborate, and will keep the respective Police and Crime Panels informed.

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)	Dave JONES		22/7/16.
Deputy Chief Constable of Durham Constabulary	Stephen WATSON		22/7/16.
Police & Crime Commissioner for South Yorkshire	Alan BILLINGS		22-07-16
Chief Constable of Durham Constabulary	Mike BARTON		26/7/16.
Police & Crime Commissioner for Durham	Ron HOGG		26.7.16

