

# **Police and Crime Commissioner for Derbyshire SUCCESSION POLICY**

## **EXTERNAL POLICY**

### **Control Sheet**

<b>Policy Title</b>	PCC Succession Policy
<b>Responsible Officer</b>	OPCC Chief Operating Officer
<b>Security Classification</b>	OFFICIAL
<b>Disclosable under FOIA</b>	Yes
<b>Policy implementation date</b>	July 2025
<b>Next review date</b>	July 2028

<b>Revision date</b>	<b>Changes</b>
22/07/2025	Updated the policy review date - MR

## **1. INTRODUCTION**

Should the Police and Crime Commissioner (PCC) role become vacant, then this document sets out the details of the appointment process of the acting PCC.

The arrangements of an acting PCC would stay in place until the return of the PCC, or until a bi-election is held.

## **2. RELEVANT LEGISLATION**

The [Police Reform and Social Responsibility Act 2011](#) (the Act) sets out the legal provisions that apply regarding the appointment of a deputy and further, the steps required to be taken in the event of a PCC vacancy or incapacitation.

Under [section 18](#) of the Act, it is currently a matter for the discretion of a PCC as to whether they appoint a person as deputy PCC. If appointed, the deputy PCC becomes a member of the PCCs staff. Under Schedule 1 of the Act, the appointment of a deputy PCC is required to be exposed to scrutiny by the Police and Crime Panel (PCP).

By contrast, a PCC must appoint a Chief Executive (Chief Operating Officer (COO) in Derbyshire) under Schedule 1 to the Act. It is not an optional matter; it is a requirement. The appointment is statutorily exposed to the scrutiny of the (PCP).

The Act at [section 51](#) sets out the statutory steps that are required to be taken in the case of a vacancy in the office of the PCC (OPCC). Where there is a vacancy, an election must be held to fill it. If the vacancy occurs within the period of six months before the next ordinary election then no election is to be held in respect of the vacancy, and the PCC role is to be left unfilled until the ordinary election.

A PCC vacancy can occur in the case of -

- An election irregularity.
- No person holds the office of PCC because it is vacant.
- The PCC retires
- The PCC dies
- The PCC is incapacitated; or
- The PCC is suspended under section 30 of the Act.

### **3. THE POLICE AND CRIME PANEL MUST APPOINT THE PCC**

The PCP may appoint a person as acting PCC but only if the person is a member of the PCC's staff at the time of the appointment, no person who is not already a staff member of the OPCC may be appointed as the acting PCC.

In appointing a person as acting PCC, the PCP must have regard to any representations made by the PCC in relation to the appointment.

All the functions of a PCC are exercisable by an acting PCC, apart from issuing or varying a police and crime plan.

The appointment of an acting PCC ceases to have effect upon the earliest of the following –

- The election of a person as PCC.
- The termination of the acting PCC appointment by the PCP.
- The PCC returns to the role.
- The PCC ceases to be suspended.

Where an acting PCC is appointed in view of a PCC's incapacitation and such incapacitation lasts for six months from the appointment, the office of PCC becomes vacant (section 63 of the Act). Should a case of vacancy or incapacitation occur then the legislation will require detailed consideration, and legal advice should be obtained.

### **4. Acting PCC in Derbyshire – inc. Maternity/Paternity arrangements**

Where a statutory requirement arises for the appointment of an acting PCC, then a member of the PCC's staff will be required to be appointed as acting PCC. If a Deputy PCC is in place at that time, then they will normally be selected as acting PCC, to be put before the PCP for approval. However, if no deputy PCC is in place, then the person holding the statutory role of Chief Operating Officer (COO) within the OPCC will be considered for the appointment as acting PCC, and they will be put before the PCP for approval.

It is useful to note that a formal appointment decision would be required by the PCP in respect of any of the above options.

Should there be any need to backfill the COO role during their period of the appointment as acting PCC, then the following will apply –

- The Deputy Head of Paid Staff would step up to be the Head of Paid Staff.
- The Deputy Chief Finance Officer would step up to be the S151 Officer/Chief Finance Officer.

The roles above together would then sufficiently cover the responsibilities of the COO role.

It is not possible to backfill the Deputy PCC role, therefore if the Deputy PCC steps up into the PCC role then the Deputy PCC role will be left vacant during that time.

Additionally, the roles above would have the same delegations afforded to them in the Scheme of Delegation as the COO would have, during the time they are stepping up to cover the COO role. The roles would also be authorised to discharge the functions of the PCC (apart from those that may not statutorily be delegated to them (i.e. varying a Police and Crime Plan), and which would enable the day to day functioning of the PCC role during their period acting as the PCC.

## **5. Maternity/Paternity Cover**

As elected individuals it is up to the PCC to determine their own arrangements for maternity and paternity leave, as PCC's are not entitled to maternity leave like an OPCC employee would be. Therefore, the provisions under point 4 above would be initiated during any PCC maternity or paternity leave. The PCP would also be notified regarding the maternity/paternity leave provisions, to ensure that sufficient arrangements are in place to discharge the PCC's functions and that the OPCC continues to operate effectively and efficiently during the PCC's absence.

## **6. Review of Policy**

This policy will be reviewed in line with the PCC elections. However, it will be updated as necessary to reflect best practice and to ensure compliance with changes in any relevant legislations or laws.