

PFCC Decision Report

Report reference number: 152-22

Classification: Not protectively marked

Title of report: Re-appointment of Chief Constable Harrington

Area of county / stakeholders affected: Chief Constable Harrington

Report by: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

Chief Officer: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

Date of report: 30 September 2022

Enquiries to: Pippa Brent-Isherwood (Chief Executive and Monitoring Officer)

1. Executive Summary

The current Chief Constable of Essex, Ben-Julian (“BJ”) Harrington, took up post on 4 October 2018. His term of office is currently due to end on 3 October 2023. In considering the extension of tenure, the Police, Fire and Crime Commissioner has taken account of the successful leadership demonstrated by the Chief Constable since coming into post, and the considerable achievements of both the Essex Police force and CC Harrington personally during this time.

2. Recommendations

That the Police, Fire and Crime Commissioner:

- Re-appoints Ben-Julian (“BJ”) Harrington as the Chief Constable of Essex for a further three years (from 4 October 2023 to 3 October 2026) on expiry of his current contract.
- Awards Chief Constable Harrington the residual 5% of the base salary determined by the Secretary of State (£8,346) that the Police, Fire and Crime

Commissioner may apply upon re-appointment, thereby increasing the Chief Constable's salary to £183,603 with effect from 4 October 2023.

3. Background to the Proposal

In line with the requirements of the Police Regulations 2003, Ben-Julian ("BJ") Harrington was initially appointed as Chief Constable of Essex for an initial period of five years, from 4 October 2018 to 3 October 2023. On expiry of that initial contract, the Police, Fire and Crime Commissioner proposes to re-appoint Ben-Julian ("BJ") Harrington as the Chief Constable for the three-year term permissible under Regulation 11 and Part 2(6) of Annex B of the same regulations. The initial five-year term will continue to run its full course, with the re-appointment commencing with effect from 4 October 2023.

4. Proposal and Associated Benefits

Chief Constable Harrington has a considerable and long-standing career of over 30 years in policing, with a proven operational and strategic background in both the Metropolitan Police Service and more recently Essex Police. Since his appointment in 2018, Chief Constable Harrington has continued to demonstrate his competence, clarity and visionary leadership capability and has delivered notable improvements for the people of Essex. The period since his appointment has presented both the force and its Chief Constable with several unique challenges. In this environment, Chief Constable Harrington has delivered the appropriate blend of stability and reform within the force. Examples of his considerable achievements in post include:

- Utilising the investment secured through the national Police Uplift Programme and local policing precepts to grow the Essex Police force to become the largest it has ever been during its 182-year history. As well as expanding existing teams aligned to the key priorities identified in the Police and Crime Plan, including Domestic Abuse, Management of Sexual Offenders and Violent Offenders (MOSOVO), Major Crime, Serious and Regional Organised Crime and Road Crime, investment has been used to create new teams and roles including Town Centre Teams, the Business Crime Team, Young People's Officers and Community Safety Engagement Officers to tackle the issues that are important to local residents and businesses and to increase connectivity at a local level.
- Working with the Police, Fire and Crime Commissioner, and through the Police and Crime Plan, to achieve a strategic shift in the focus of the force from response to prevention. In line with this, the force has achieved a reduction, in real terms, in overall levels of crime (particularly burglary, anti-social behaviour, neighbourhood crime and theft) whilst halving the number of unlawful incursions and reducing the level of hare coursing in the county. This has been accompanied by a significant increase in public confidence.
- Establishing the force's Serious Violence Unit and supporting and working effectively with the Violence and Vulnerability Unit established by the Police, Fire and Crime Commissioner to deliver effective interventions against county lines across Southend, Essex and Thurrock.
- Leading the force through Operation Melrose, Essex Police's investigation into the deaths of 39 people in a lorry container in Grays on 23 October 2019. This

was one of the largest homicide investigations in British policing history, involving significant police and partner agency resources, and required evidence to be gathered across a number of jurisdictions worldwide. Essex Police supported the families of the victims and brought the perpetrators to justice wherever they were in the world, working closely with other law enforcement agencies.

- Leading both the force and the wider Essex system successfully through the Covid 19 pandemic, through his co-chairmanship of the Strategic Co-ordinating Group (SCG) stood up under the auspices of the Essex Resilience Forum (ERF).
- Leading the force through Operation Hazel, Essex Police's operational response to the Just Stop Oil (JSO) protests that commenced on 1 April 2022. Albeit locally focused, the key strategic necessity to keep fuel supplies flowing through the wider south-east region saw a consummate and comprehensive police response to mitigate a national strategic threat.
- Leading the force to be judged "outstanding" by HMICFRS in its Crime Data Integrity Inspection on 8th October 2019, making Essex Police only the third force of the 39 inspected at that point in the programme to be judged "outstanding" on the first inspection. The inspectorate noted that the force had "substantially improved its crime recording accuracy" and that "Victims are at the forefront of its crime recording arrangements".

CC Harrington has received national recognition for his contribution to policing, not least through the award of the Queen's Policing Medal (QPM) in this year's New Year's Honours list.

Going forward, there remain considerable challenges facing policing, both locally and nationally. These include, but are by no means limited to:

- Continuing to set and deliver a balanced budget within a challenging economic environment, with inflation and interest rates both rising.
- Continuing to recruit and retain talented and experienced police officers and staff in the face of financial pressures on both the force and on individuals and their families; active and aggressive competition from both other forces and the private sector; societal changes following the coronavirus pandemic, and trust and confidence issues with policing as a career following several high-profile national cases, along with a steady flow of retirements and resignations from the force now that the jobs market is increasingly buoyant and as there is clarity about the remedy and implications of the McCloud judgment relating to changes to police officer pensions.
- The impact that continuing and growing court delays, particularly within the crown courts, are having on confidence in both policing and the wider criminal justice system, as well as the impact that this has on victims. It is simply not acceptable for a victim to have to wait for three years or more to have their case heard in court. We can and we must do better, so there remains much work for the Police, Fire and Crime Commissioner and the Chief Constable to do in this space.
- The challenge set by both the Police, Fire and Crime Commissioner for Essex and the new Home Secretary to work with local partners to cut homicide, serious violence and neighbourhood crime, and to increase the number of

7. Strategic Links

The Chief Constable is responsible for supporting the Police, Fire and Crime Commissioner in the delivery of all the strategic priorities set out in the Police and Crime Plan. The Police, Fire and Crime Commissioner believes that continuity in the leadership of the force is needed to deliver in full the benefits desired for the public, and that the continued tenure of Chief Constable Harrington will provide an important foundation for effective medium-term planning and for the development and implementation of new ways of working to meet current and future policing challenges.

8. Police operational implications

The continued tenure of the existing Chief Constable is expected to go some way towards sustaining the momentum behind the ongoing growth and transformation programmes, and the strong multi-agency relationships that support these. Chief Constable Harrington commands a high level of respect and support within the force and is a valued leader within Essex, regionally and nationally. He has both a local and national profile, including his role as the national lead for public order policing.

9. Financial implications

Pay arrangements for Chief Constables are governed under Regulation 24 of the Police Regulations 2003, with Part 8(i) of Annex F setting out the rates of pay determined by the Secretary of State for Chief Constables across the forces. The base rate of pay for the Chief Constable of Essex determined by the Secretary of State as at 2021 was £166,911.

Under Part 8(i) of Annex F, Police and Crime Commissioners have the ability, on appointing a Chief Constable, to set their salary at a rate 10% above or below the rate set for the post through the Secretary of State's determination. Chief Constable Harrington was initially appointed with an uplift of 5% of the base salary, making his current salary £175,257.

The Police, Fire and Crime Commissioner intends to award the residual 5% of the base salary determined by the Secretary of State (£8,346) as part of the re-appointment, thereby increasing Chief Constable Harrington's salary to £183,603 with effect from 4 October 2023.

The remaining terms and conditions of service will continue to be as prescribed in the Police Reform and Social Responsibility Act 2011, the Police Act 1996 (as amended) and the Police Regulations 2003 (including its subordinate determinations) and / or as set out in the latest Home Office Circulars relating to the pay and conditions of service of chief police officers. Allowances will continue to be paid and superannuation contributions will continue to be deducted in line with the relevant regulations and determinations of the Secretary of State.

10. Legal implications

As set out above, in accordance with the Police Regulations 2003, the Chief Constable's appointment may be extended for three years following the initial five-year

term. The decision as to whether to do so is solely for the Police, Fire and Crime Commissioner to make. The requirement for extensions beyond a year to be approved by the Secretary of State was repealed by the Police (Amendment No. 4) Regulations 2012, and such a decision does not require a further confirmation hearing by the Police, Fire and Crime Panel. However, the decision will be notified to the Panel as one of the Commissioner's business-as-usual decisions, and the contents of this decision report made available for the scrutiny of members of the Panel in the usual way.

Other legal implications are noted throughout the report.

11. Staffing implications

The only member of staff directly affected by this proposal is CC Harrington. However, by retaining CC Harrington's considerable skills at the top of the organisation, the Police, Fire and Crime Commissioner seeks to provide stability and reassurance to the wider force at a time of great change and challenge.

12. Equality, Diversity and Inclusion implications

There are no direct equality, diversity or inclusion implications in the making of this decision. However, consideration was given to these issues in the appointment process employed by the Police, Fire and Crime Commissioner when making the original appointment of the Chief Constable in 2018.

13. Risks and Mitigations

There is a risk that Chief Constable Harrington may, in the event, chose not to be re-appointed on the terms set out in this decision report. However, given the consultation and engagement that has been undertaken with Chief Constable Harrington in the preparation of this proposal, this risk is not expected to materialise.

14. Governance Boards

In line with the process prescribed under Schedule 8 of the Police Reform and Social Responsibility Act 2011, Ben-Julian ("BJ") Harrington's appointment as Chief Constable was approved by the Police, Fire and Crime Panel on 28 June 2018. The Police, Fire and Crime Commissioner advised the Chairman of the Panel that discussions were underway with Chief Constable Harrington regarding his proposed re-appointment at their 1:1 meeting in April 2022.

15. Links to Future Plans

Under Regulation 11 of the Police Regulations 2003, following expiry of the further term of office recommended through this decision report, the Police, Fire and Crime Commissioner will have the option to re-appoint Chief Constable Harrington as the Chief Constable of Essex for subsequent terms of up to one year.

16. Background Papers and Appendices

Proposed Chief Constable Appointment – Report EPFCP/14/18 to the meeting of the Essex Police, Fire and Crime Panel held on 28 June 2018

Report Approval

The report will be signed off by the PFCC's Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign:



Print: P. Brent-Isherwood

Date: 30 September 2022

Chief Finance Officer

Sign:



Print: Janet Perry

Date: 30 September 2022

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'None' if applicable)

None

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet?	YES	<input type="checkbox"/>	2. Of Appendix?	YES	<input type="checkbox"/>
	NO	<input checked="" type="checkbox"/>		NO	<input type="checkbox"/>

If 'YES', please provide details of required redaction:

N/A

Date redaction carried out:

Chief Finance Officer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

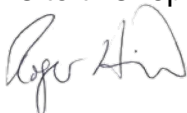
Sign:

Print:

Chief Executive / Chief Finance Officer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print: Roger Hirst

PFCC

Date signed: 5 October 2022

I do not agree the recommendations to this report because:

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Sign:

Print:

PFCC/Deputy PFCC

Date signed: