

To: Kent and Medway Police and Crime Panel

Subject: Appointment of Chief Constable

Date: 4 February 2025

Introduction:

1. In December 2024, Kent's Chief Constable, Tim Smith, formally requested that he participate in the 'Retire and Rejoin' Scheme.
2. In accordance with the provisions set out in the Police Regulations 2003 and updated guidance from the National Police Chiefs' Council (NPCC), Association of Police & Crime Commissioners (APCC), and College of Policing, the scheme is open to all police officers in England and Wales and is designed to retain skills, knowledge and experience within the police service at all ranks of policing.
3. The scheme allows for any police officer (including a Chief Constable) to formally resign as an officer before being re-appointed into the same rank. This process also suggests a break in service of at least one calendar month to ensure that pension entitlement can be abated without any impact on entitlement to lump sum or monthly payments. Participation in this scheme does not create any additional cost to the taxpayer.
4. As recognised by the former Minister of State for Crime, Policing and Fire, the Retire and Rejoin Scheme can be utilised by police forces to encourage chief officers to stay longer in post. This position is also supported by other national bodies, including the NPCC, APCC, College of Policing, and the Chief Police Officers' Staff Association.

Confirmation Hearing:

5. Current advice from the Home Office, and consideration of precedents on how such appointments are made in other force areas, requires the appointment to be treated as a new appointment, falling within the scope of the Police Reform and Social Responsibility Act 2011 (PRSRA).
6. Section 38 of the PRSRA specifies that the Police and Crime Commissioner (PCC) for a police area is to appoint the Chief Constable of the police force for that area.
7. Schedule 8 of the PRSRA requires that a PCC must notify the relevant Police and Crime Panel of the proposed appointment of a Chief Constable. In such cases the PCC must also notify the Police and Crime Panel of the following information:
 - a. The name of the person the PCC is proposing to appoint ("the candidate")
 - b. The criteria used to assess the suitability of the candidate for the appointment
 - c. Why the candidate satisfies those criteria
 - d. The terms and conditions on which the candidate is to be appointed
8. The Police and Crime Panel has a statutory duty, under the PRSRA to hold a confirmation hearing for the appointment of the Chief Constable. The purpose of the confirmation hearing is to enable the Police and Crime Panel to review the proposed appointment and to make a report on it to the PCC. The report must state the outcome of the review by the Panel. In the case of the proposed appointment of a Chief Constable, these outcomes are either:
 - A recommendation as to whether or not the candidate should be appointed.
 - A veto of the proposed appointment, if at least two-thirds of the Panel members vote in favour of making that decision.
9. If the Panel vetoes the appointment, the PCC must not appoint the candidate as Chief Constable.

10. In response to the report, a PCC must notify the Panel whether they accept or reject the Panel's recommendation.

Process:

11. Following the Chief Constable's application under the Scheme, the PCC confirmed in writing that he would support the Chief Constable's participation in the Scheme.
12. A formal meeting was held between the PCC and Chief Constable, with the PCC's Chief Executive in attendance, to outline his achievements and his strategic aims for the future of Kent Police.
13. Chief Constable Smith set out the following evidence of the changes that he had delivered within Kent Police since his appointment:

Force Crime and Incident Response

In 2022, the FCIR Command performance was in need of improvement; this was most evident in the attrition of 101 calls. There has been significant improvement, which continues, and addresses the systemic issues affecting the FCIR and service delivery to the public. Good performance and service delivery is now a consistent feature. The Force is placed 3rd or 4th in all metrics being scrutinised as part of the 'Beating Crime Plan' and is meeting the priorities in the Police and Crime Plan.

Neighbourhood Policing Model

This change has led to the deployment of Police Officers as 'Beat Officers' across every ward in Kent. It is supplemented by resources focussed on youth intervention and prevention of crime and ASB, as well as proactive uniformed resources for each District committed to 'hotspot' areas. This change further supports the Police and Crime Plan, and provides the people of Kent with a visible, accessible police officer in every ward of the county. There has been positive public feedback and response to this change, and there is more planned investment into this model in the coming years.

Criminal Justice and Crime performance

With the significant challenge to Court capacity in Kent and prosecution changes, the performance focus of the Force has remained clear and consistent over the past two years. The Force's Performance Framework is mature and detailed to enable senior leaders to lead and drive performance. For many months, the Force has consistently reduced crime and ASB, as well as increased charged and solved rates. The Force has continued to work closely with the Courts and the CPS to minimise the impact of delays on victims of crime and there is a determination to build on this good performance. Under my leadership, the Force is currently working to agree a 'charging pilot' in Kent that would see further benefits for staff and the public. An example is the charge rate for shoplifting that is well above the national average and best in the SE region.

HMICFRS PEEL Inspection

The Force is preparing for the next round of inspections which will inspect Kent against an updated PEEL framework. There is much more to do, but in my time as Chief Constable Kent's position nationally has remained strong and improved during the last inspection cycle. Grade comparison is not a definitive factor but comparatively Kent is assessed as one of the top 10 performing Forces.

14. The Chief Constable also identified a number of future challenges for the Force over the next 3-5 years and the importance he attached to continuity of leadership during this period:

Funding and Performance

The Force now faced some of the gravest challenges seen during his 33 years of service. The financial situation Kent Police faced, due to the current Funding Formula and core policing grant, means the Force will have to do things very differently to keep delivering excellent service to the public. To preserve and indeed improve service delivery even further, major strategic pieces of work have been launched to capitalise on innovation (particularly IT), empower leaders across the Force, and reduce unnecessary bureaucracy and demands even further.

Devolution

It is clear from the Government White Paper on Devolution that the strategic governance, oversight, and leadership of public services in Kent is likely to go through major changes in the next 3-5 years. Consistency in leadership of the Force through this period will be key to the success of any such change not just for policing, but for other public services Kent Police works in close partnership with - first and foremost, the Office of the PCC. He expressed his desire to commit to the role for this period to support the PCC and other leaders in the county through what will be the most radical change to Local Government structures since the 1960s. He emphasised the huge professional reward he gained from serving as Chief Constable, and supporting the 'Making Kent Safer' Plan.

15. The PCC has confirmed that he believes it is in the best interests of both Kent Police, and of Kent residents, to retain the skills and leadership of the Chief Constable, who is clear in his commitment to delivering the best service to local communities and keeping Kent safe.

Details of Appointment:

16. The Chief Constable remains vetted to the required level, and would be appointed on the same terms as previously agreed, and in line with the Chief Officer Pay Structure for England and Wales. There would be no additional cost to the public purse.
17. Subject to the outcome of this confirmation hearing, Chief Constable Smith would retire on 28 February 2025 and re-join as Chief Constable of Kent Police on 1 April, with his pension abated. To maximise the effective governance of the Force, the PCC would waive the 3 months' notice period normally required to ensure this scheme can be implemented in an expedient way. He would be issued with a new term of appointment which would commence on 1 April 2025 and cease on 7 December 2029, to ensure that his overall term in post does not exceed the mandated 7 years.
18. Having considered all of the available options, the PCC decided that given the planned nature and limited duration of Chief Constable Smith's absence, as well as the desirability of ensuring operational continuity during this period, it would be appropriate to appoint Deputy Chief Constable (DCC) Peter Ayling as Temporary Chief Constable during the period 28 February to 1 April 2025. He has met formally with DCC Ayling to confirm the nature of this potential temporary appointment, subject to the Police and Crime Panel's recommendation on Chief Constable Smith's reappointment.

Recommendation:

19. The Kent and Medway Police and Crime Panel is required to review and make a decision on the proposed appointment followed by a report to the PCC.