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Police and Crime
Commissioner
for Warwickshire

DECISION MAKING PROCESS

April 2020

**Office of the Police and Crime
Commissioner for Warwickshire**



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Commissioner
for Warwickshire

Process Title	Decision Making Process
Responsible Party	Chief Executive and Monitoring Officer

Security Classification	Public
Disclosable under Freedom of Information Act 2000	Yes

Policy Implementation Date	1st April 2020
Next Review Date Prior To	1st April 2022

Revision record

Version number and date	Nature of revision
2.0 April 2020	To reflect the fact that Warwickshire is once again a standalone force.

Police and Crime Commissioner for Warwickshire

Decision Making Process

1 Introduction

This Decision making process establishes a framework for facilitating good decision making by the Police and Crime Commissioner (the PCC). The PCC is committed to ensuring that decisions are made in a consistent, fair, open and transparent way, with due regard to the statutory framework within which the PCC operates and good practice governance principles. The PCC is committed to a robust decision making process so as to achieve consistent, reliable and objectively sustainable decisions.

This Decision making process outlines the decision making process and provides information on how decisions will be recorded and published. This Decision making process will be subject to periodic review.

2 Statutory Framework

The PCC operates within a statutory framework consisting of:

- **The Police Reform and Social Responsibility Act 2011** created the PCC as a corporation sole, assigning functions, giving ancillary powers to facilitate the principal functions and requiring that the PCC's decisions and actions are reviewed and scrutinised by the Police and Crime Panel.
- **Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012** requires the PCC to swear an oath of impartiality. It commits the PCC to serve local people without fear or favour and to set out publicly their commitment to tackling their role with integrity, impartiality and fairness.
- **The Policing Protocol Order 2011** requires the PCC to abide by the seven Nolan principles of governance in public life.
- **The Elected Local Policing Bodies (Specified Information) Order 2011 and the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012** sets out the information that must be published by the PCC relating to, amongst other things, decision making.
- **The Financial Management Code of Practice for the Police Service** provides clarity around the financial governance arrangements and specifies the need to embed the principles of good governance into the way the PCC operates. The Code requires the PCC and Chief Constable to establish a Joint Audit Committee with that Committee recommended to consider internal

and external audit reports and advice according to good governance principles and appropriate risk management arrangements.

- **Public law principles of good decision making**

3 Good Practice Governance Principles

Decisions taken by the PCC arising from his statutory duties and in exercising his powers, the PCC shall have due regard to:

- **Standards in Public Life, 2005 as amended by the 14th report of the Committee on Standards in Public Life (the 'Nolan principles');**
- **Good governance principles in accordance with the Chartered Institute of Public Finance & Accountancy (CIPFA) Good Governance Standard for Public Services 2014.** The Standard builds on the Nolan principles for the conduct of individuals in public life, by setting out six core principles for good governance of public service organisations;
- **Good Administrative practice in accordance with the Commission for Local Administration, Good Administrative Practice 2001;**
- The views of the people of Warwickshire and key stakeholders, as appropriate.

4 Functions of the Police and Crime Commissioner

The Police and Crime Commissioner exercises a number of functions under the Police Reform and Social Responsibility Act 2011 including as set out below.

The PCC publishes a Police and Crime Plan (the Plan) setting out the aims and objectives to guide the provision of policing services in Warwickshire. The Plan may also contain the Commissioner's aims and intentions for other aspects of the Commissioner's statutory responsibilities.

The PCC must present his Plan or any revision of the Plan to the Police and Crime Panel and must have regard to any report or recommendations made by the Panel.

Each year the Police and Crime Commissioner publishes an Annual Report identifying the extent to which the objectives of the Police and Crime Plan are being achieved. The Annual Report is presented to and scrutinised by the Police and Crime Panel.

The PCC publishes a proposed Precept by the 1 February in each year and following review by the Police and Crime Panel shall issue the precept by the prescribed date of 1 March.

5 Decision making process

Through adopting principles of good governance the PCC will ensure that the right climate is set for decision making. Effective decision making is underpinned by the provision of good quality information. Financial performance, risk and equality information will be significant in most decisions the PCC makes and will form part of the decision making process. The basic process to be followed, prior to each decision being made will, depending upon factors such as the complexity, impact, cost and public interest associated with the decision, be as set out below.

- All relevant material, information, and facts will be assembled,
- Consultation with all interested and affected parties,
- Consideration of all available courses of action
- Specialist advice sought,
- Information presented which focuses on core issues, consistent with the PCC's aims and objectives,
- Value for money considerations taken into account as well as the financial implications of the decision

The PCC will ensure that a record of key decisions taken is kept and published on the OPCC website (see Sections 8 and 9 below). The PCC will ensure that all recorded decisions are notified to the Police and Crime Panel.

To ensure an effective and efficient policing service in Warwickshire, the PCC has made arrangements for the delegation of a number of his responsibilities and associated decision making to specified Chief Officers. The framework setting out the delegation of responsibilities and decision making is the Scheme of Delegation which is incorporated into the Joint Corporate Governance Framework. The Governance Framework sets out the parameters within which the delegations are to be exercised and can be found on the PCC's website at www.warwickshire-pcc.gov.uk/key-information/your-right-to-information/publication-scheme/policies-and-procedures/joint-corporate-governance-framework-august-2017-final/

The Framework is kept under periodic review.

The PCC may require any action or decision, otherwise authorised by the scheme of delegation, to be authorised by him. Furthermore, any decisions that the PCC is likely to regard as novel, contentious, repercussive or likely to be politically sensitive must be brought to the PCC's attention by the relevant Chief Officer.

All decisions of significant public interest will be published on the OPCC website, unless they are exempt from disclosure by the Freedom of Information Act 2000 or other enactment.

The Chief Executive (Monitoring Officer) and Chief Finance Officers have statutory responsibilities for identifying and reporting any contraventions of law or maladministration. These post holders will be responsible for ensuring compliance to good governance principles of decision making and this decision making process.

6 Consultation

In formulating policy and strategy appropriate consultation with key stakeholders is undertaken, where appropriate. There are a number of issues on which the PCC has a statutory duty to consult. For example the PCC must consult on precept proposals and consult with victims of crime on the Police and Crime Plan. Consultation increases the accountability of the PCC.

The PCC in exercising any power or discretion shall endeavour to consult the Chief Constable whenever the matter may have an impact on the provision of policing or any operational matter and shall always do so where this is a statutory requirement. At all times the PCC shall respect the operational independence of the Chief Constable.

Reciprocally, in some cases the Chief Constable or other Chief Officer exercising powers under the scheme of delegation or otherwise authorised by general operation of law may consult the PCC.

Such consultations will generally be dealt with at the weekly PCC/Chief Constable meetings. A record of any action or decisions upon which the PCC was consulted and the views expressed by the PCC and the final action or decision taken will be recorded in the weekly meeting minutes.

7 Engagement of the Police and Crime Panel

There are also a number of issues where the PCC must refer matters to the Police and Crime Panel before a final decision takes effect. These issues are:

a) Precept setting

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 governs the process and timescale for the setting of the precept. The Police and Crime Panel have the power to veto the precept proposal on the first occasion.

b) Chief Constable appointment

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 details the process under which for the Police and Crime Panel may veto a Police and Crime Commissioner's proposed appointment of Chief Constable.

c) Confirmation of senior appointments

The PCC must appoint a Chief Executive and a Chief Finance Officer. They may also appointment a Deputy Police and Crime Commissioner. These appointments must be shared with the Police and Crime Panel for confirmation.

d) Police and Crime Plan

Before issuing the Police and Crime Plan the PCC must share a draft of the Plan with the Police and Crime Panel and have regard to any report or recommendations the Panel may make.

8 Decision records

PCC decisions are recorded in five forms as outlined below:

a) Warwickshire PCC Decisions

All requests to the PCC for decision should be made using the decision template form attached as **Appendix A** so as to provide a record and justification for the decision. The template form requires relevant considerations to be taken into account including matters relating to legality, probity, finance and equality impacts, all of which are to be recorded. For complex decisions it is anticipated that the template form will be supported with additional information at an appropriate level of detail for the PCC to make the decision.

No decision will be made unless accompanied by the appropriate decision template form.

b) Police and Crime Commissioner / Chief Constable weekly meetings

The PCC holds regular meetings with the Chief Constable in which a wide range of subjects are discussed. A summary of the discussions held in open session is published on the PCC's website www.warwickshire-pcc.gov.uk/your-pcc/holding-the-police-to-account/ including any decisions taken and details of any matters that have been subject to consultation.

c) Police and Crime Commissioner Monthly Meetings with the Chief Constable – Performance Accountability Meeting (PAM) & Monthly Governance Meeting.

The terms of reference for both meetings are attached at **Appendix B**. Key decisions made by the PCC in both of these meetings will be captured in the Minutes. The Minutes and any supporting documents/business case will be published on the OPCC website, unless any part of the documentation is exempt from disclosure under the Freedom of Information Act 2000 or any other enactment.

9 Publication of decisions

With the exception of exempt decisions, under the Freedom of Information Act 2000 or other enactment, a copy of all the decision making as outlined in (a) – (c) above, will be published on the OPCC's website at www.warwickshire-pcc.gov.uk/your-pcc/decision-making/

This will enable members of the public and the Police and Crime Panel members to have access to all key decisions made by the PCC.



Police and Crime Commissioner - Decision Application

Title of Application

Application Date:		Name of Applicant:	
Application Decision Reference:			
1. Executive Summary of the application			
2. Background information:			
3. Whether additional information/report is attached to support this decision application			
YES/NO			
List of additional information/report			
a)			
b)			
c)			
4. Expected benefits (non-financial)			

5. Impact of not approving the application

6. Costs

Revenue:

Capital:

7. Savings:

8. Equality and Diversity Implications:

9. Treasurer's comments

10. Legal/Monitoring Officer comments

Decision made

PCC Signature:

Date of Decision:



TERMS OF REFERENCE

MEETING	PERFORMANCE ACCOUNTABILITY MEETING (PAM)
Purpose	To facilitate the Police and Crime Commissioner's statutory duty and electoral mandate under The Police Reform and Social Responsibility Act 2011 (PRSRA) to hold the Chief Constable to account for policing services on behalf of the public.
Frequency	<ul style="list-style-type: none"> • Monthly. • Default - Last Tuesday in month.
Location	Warwickshire Police HQ, Leek Wootton.
Chair	Warwickshire Police and Crime Commissioner (PCC).
Membership	<ul style="list-style-type: none"> • Police and Crime Commissioner (PCC.) • Chief Constable (CC). • Deputy Chief Constable (DCC). • Assistant Chief Constables, as required. • OPCC Chief Executive Officer (CEO). • OPCC Performance Lead. • Others as required by invitation.
Core Terms of Reference	<ul style="list-style-type: none"> • As at Appendix A.
Input into Meeting	<ul style="list-style-type: none"> • A&SI Monthly Performance Summary. • OPCC Force Performance Scrutiny Report. • Monthly 'deep-dive' topic, agreed in advance each quarter. • Reports as required.
Deliverables	<ul style="list-style-type: none"> • Monthly - A record of actions and decision. • Quarterly - Written response from the CC to the OPCC Performance Scrutiny Report.
Linked Meeting	Warwickshire Police Governance Meeting.
Standing Agenda	<ul style="list-style-type: none"> • Local Policing Performance. • Protective Services Performance. • Professional Services Performance. • Deep Dive Topic • HMICFRS • Police and Crime Panel • AOB.

Meeting Support	OPCC Secretariat.
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APPENDIX A

The Police Reform and Social Responsibility Act 2011 (PRSRA) places a statutory duty and electoral mandate on the PCC to hold the CC to account for policing services on behalf of the public.

The Policing Protocol 2011 details the PCC's legal responsibilities to: -

- Scrutinise, support and challenge the overall performance of the Force including against the priorities agreed within the **Police and Crime Plan (P&CP)**.
- Hold the CC to account for the **performance** of the force's officers and staff
- Maintain an **efficient and effective** police force for the area.
- Hold the CC to account for the **exercise of the functions of the office** of CC and the functions of the persons under the direction and control of the CC.

Specifically, section 8 of the PRSRA states that the PCC must, in particular, hold the CC to account for the: -

- a) Exercise of the duty to have regard to the **P&CP**.
- b) Exercise of the duty to have regard to the **strategic policing requirement**.
- c) Exercise of the duty to have regard to **codes of practice** issued by Secretary of State
- d) Effectiveness and efficiency of the CC's arrangements for **co-operating** with other persons in the exercise of the CC's functions.
- e) Effectiveness and efficiency of the CC's arrangements for **engagement** with local people.
- f) Extent to which the CC has complied with **value for money**
- g) Exercise of duties relating to **equality and diversity** that are imposed on the CC by any enactment.
- h) Exercise of duties in relation to the **safeguarding of children** and the promotion of child welfare that are imposed.

In addition, section 1(8)(ca) of the Police Reform Act 2002 (inserted by the Policing and Crime Act 2017) provides that the PCC must hold the CC to account for the exercise of the CC's functions in the **handling of police complaints**.

There is no legal definition of holding to account, or statutory or other guidance on what those arrangements should look like. The Centre for Public Scrutiny advocates four principles for effective holding to account arrangements: -

- Provides a constructive 'critical friend' challenge.
- Amplifies the voices and concerns of the public.
- Is led by independent people who take responsibility for their role.
- Drives improvement in public services.



TERMS OF REFERENCE

MEETING	WARWICKSHIRE POLICE GOVERNANCE MEETING
Purpose	<ul style="list-style-type: none"> • To provide the Police and Crime Commissioner and Chief Constable with formal arrangements for the effective strategic governance of Warwickshire Police. • To provide a Scheme of Governance to enable the PCC to hold the CC to account for the day-to-day management of police funds, in accordance with the Financial Management Code of Practice.
Frequency	<ul style="list-style-type: none"> • Monthly. • Default - Last Tuesday in month.
Location	Warwickshire Police HQ, Leek Wootton.
Chair	Warwickshire Police and Crime Commissioner (PCC).
Membership	<ul style="list-style-type: none"> • Police and Crime Commissioner (PCC). • Chief Constable (CC.) • Deputy Chief Constable (DCC). • OPCC Chief Executive Officer (CEO). • OPCC Treasurer. • Force Finance Officer. • Others as required by invitation.
Core Terms of Reference	To enable the PCC to secure an effective and efficient police service for Warwickshire, as required under the Police Reform and Social Responsibility Act 2011 (PRORA).
Input into Meeting	Reports as required.
Deliverables	A record of actions and decision.
Linked Meeting	Performance Accountability Meeting (PAM).
Standing Agenda	<ul style="list-style-type: none"> • Establishment and Recruitment. • Finance. • Estates. • Transition. • Assurance. • AOB.
Meeting Support	OPCC Secretariat.