



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

# Decision Making Policy

<b>Policy Owner</b>	Chief Executive and Monitoring Officer
<b>Version number</b>	2.0
<b>Policy Implementation Date</b>	September 2021
<b>Next Review Date Prior To</b>	September 2023

<b>Security Classification</b>	OFFICAL
<b>Disclosable under Freedom of Information Act?</b>	Yes
<b>Risk Rating</b>	Low
<b>Equality Analysis</b>	Low

The Office of the Police and Crime Commissioner welcomes comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail [opcc@warwickshire.pnn.police.uk](mailto:opcc@warwickshire.pnn.police.uk)

## 1. Introduction

- 1.1 The Police and Crime Commissioner is required by law to publish a policy statement in relation to the making of decisions of significant public interest that arise from the exercise of their duties. Whilst the definition of what is meant by 'significant public interest' is not defined in law this Decision Making Policy establishes a framework for facilitating good decision making by the Commissioner. This framework sets out the key principles in determining which decisions will normally be regarded as decisions of significant public interest.
- 1.2 The Commissioner 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 Commissioner is committed to a robust decision making policy process so as to achieve consistent, reliable and objectively sustainable decisions.
- 1.3 This policy process outlines the decision making process and provides information on how decisions will be made, recorded and published. This policy also applies to those exercising delegated authority on behalf of the PCC.

## 2. Statutory Framework

- 2.1 The PCC operates within a statutory framework consisting of:
  - The Police Reform and Social Responsibility Act 2011, which 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, which 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, which 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. Specifically in relation to decision making:
    - Paragraph 6(b) of the 2011 Order, the PCC is required to publish 'a statement of the policy of the elected local policing body in relation to the making of decisions of significant public interest arising from the exercise of the body's functions' (paragraph 6(b)).

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- Paragraph 5(d) of the 2011 Order requires publication of “a record of each decision of significant public interest arising from the exercise of the elected local policing body’s functions, whether made by the body at or as a result of a meeting or otherwise” 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

- 3.1 Decisions taken by the Commissioner arising from his statutory duties and in exercising his powers, the Commissioner 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

- 4.1 The Commissioner 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 statutory responsibilities. The Commissioner 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.
- 4.2 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.

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- 4.3 The Commissioner 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. Decisions of Significant Public Interest

- 5.1 Decisions taken by the Commissioner will primarily arise from discharging statutory functions and are likely to include, but are not limited to, the following areas:

- Strategic direction including the preparation and publication of the Police and Crime Plan and the Annual Report
- Setting the budget and council tax precept
- The approval of quarterly budget monitoring reports where they include a financial recommendation outside the original budget approval, and the final year end outturn position.
- Decisions that incur a cost that is not provided for within annual budgets, therefore not within the remit of those with delegated powers; that will require financing outside of the baseline budget, which may include the use of reserves.
- Decisions that incur a cost that are not included or not explicit within the capital budget, which may incur a determination of financing,
- Asset acquisition and disposal
- Appointment, suspension or removal of the Chief Constable
- Appointment of a Deputy PCC or OPCC Statutory Roles
- Approval of key strategy documents
- Governance and assurance including policy development and holding the Chief Constable to account for force performance
- Collaboration and partnerships to achieve efficient and effective service delivery
- Commissioning and the award of contracts and grants
- Decisions that may be considered to have any aspects that are novel, contentious, repercussive or politically sensitive

- 5.2 The following decisions will not normally be regarded as matters of significant public interest:

- Day to day internal management decisions
- Changes to staff terms and conditions of employment, appointment, suspension or dismissal of OPCC staff, or other HR processes
- The acquisition of office supplies, or spend related with the running of the office

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- Engagement and consultation with the public and victims and witnesses of crime
  - Where staff or officers are operating within the approved scheme of delegation
- 5.3 A decision that a matter is not of significant public interest should not be taken to mean that it is of no public interest. The intention of restricting the publication of decisions to those of significant public interest is to avoid all decisions made in the normal course of business, however minor, being subject to publication. However, any freedom of information request for information that would require disclosure of a non-published decision will be dealt with on its own merits.

## 6. Decision making process

### Key principles

- 6.1 Through adopting principles of good governance the Commissioner 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 Commissioner makes and will form part of the decision making process. The basic process to be followed, prior to a request for decision being made will depend upon factors such as the complexity, impact, cost and public interest associated with the decision, as set out below.
- All relevant material, information, and facts will be assembled,
  - Consultation will take place with all interested and affected parties,
  - There will be consideration of all available courses of action
  - Specialist advice will be sought where required,
  - Information will be presented which focuses on core issues, consistent with the PCC's aims and objectives,
  - Value for money considerations will be taken into account as well as the financial implications of the decision
- 6.2 The Chief Executive and Monitoring Officer and Chief Finance Officer 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 Policy.
- 6.3 The Commissioner will ensure that a record of key decisions taken is kept in line with the OPCC Retention Policy and published on the OPCC website (see section 6.7 below). The PCC will ensure that all recorded decisions are notified to the Police and Crime Panel, whose scrutiny role extends to the review and scrutiny of decisions.

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- 6.4 We will develop a list of routine annual decisions that we make every year. This can be found at Appendix C
- 6.5 To ensure an effective and efficient policing service in Warwickshire, the Commissioner 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, which is periodically updated, sets out the parameters within which the delegations are to be exercised and can be found on the OPCC website.
- 6.6 The Commissioner 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 Commissioner's attention by the relevant Chief Officer.
- 6.7 Information in Decision Notices and their supporting documentation are subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Unless the information provided is covered by an exemption, it should be assumed that the information contained in the form will be published, in full, on the Warwickshire OPCC public website.

Where any information provided in either the Decision Notice itself or in the associated document(s) is not suitable for publication, a rationale must be given which should be recorded in the relevant section on the Decision Notice form. This should quote the relevant exemption being applied.

Where only some portions of a document are not suitable for disclosure, consideration must be given to redacting these (quoting the relevant exemptions when doing so) so that the remainder of the document can be published. The 'Status' section of the Decision Notice should be updated to reflect this position.

Careful notice should be made of the Government Security Classification markings of documents provided alongside Decision Notices, to ensure they are suitably marked for publication where appropriate (i.e. marked no higher than 'Official' if intended for disclosure or with an appropriate higher classification and handling instructions where exemptions apply).

It is the responsibility of those supplying information on which Decision Notices are determined to ensure that the above guidance is complied with – failure to do so may require a Decision Notice to be re-drafted or re-submitted and could delay the decision being reached.

## The Process

- 6.9 The Commissioner's Decision Making Process is shown as a flowchart at Appendix A. All requests for a PCC decision must be submitted by the Lead

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Officer to the OPCC Business Support team on the decision notice form, which will provide a record and justification for the decision. A template of the decision notice form is contained in Appendix B.

- 6.10 The decision notice 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 Commissioner to make the decision.
- 6.11 The Lead Officer will be the individual responsible for the matter for which a decision is required. Depending upon the nature of the decision the Lead Officer will be either be an OPCC staff member or an officer or member of staff of Warwickshire Police. At all times, the sections within the decision notice form relating to the financial and legal aspects of the matter should be completed by the OPCC Treasurer and Chief Executive and Monitoring Officer (or the OPCC's legal advisor) respectively.
- 6.12 The OPCC Business Support Team (in consultation with the Chief Executive, as required) will determine which decision making route will be followed. Unless the decision is one that has been delegated or is urgent, the main decision making forums are
- (i) the PCC's Decision making meeting (held fortnightly) and
  - (ii) where the decision directly relates to force business, the PCC/Chief Constable meeting held weekly. It may be that certain decisions are delegated through the force governance scheme, where appropriate.
- 6.13 Where the request for a decision is urgent and the urgency has been justified by the Lead Officer an extraordinary PCC decision making meeting will be convened.
- 6.14 The OPCC Business Support Team is responsible for ensuring that the decision notice form is fully completed including all accompanying papers and that the Lead Officer and any other staff / advisors are available to brief the Commissioner and/or Chief Executive if required. No decision will be made unless accompanied by the appropriate decision template form.
- 6.15 Following approval of each decision, the OPCC Business Support Team will add a reference number to the decision notice form and arrange for publication on the OPCC website in accordance with the principles set out in above.
- 6.16 The Chief Executive and Monitoring Officer and Chief Finance Officer 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.

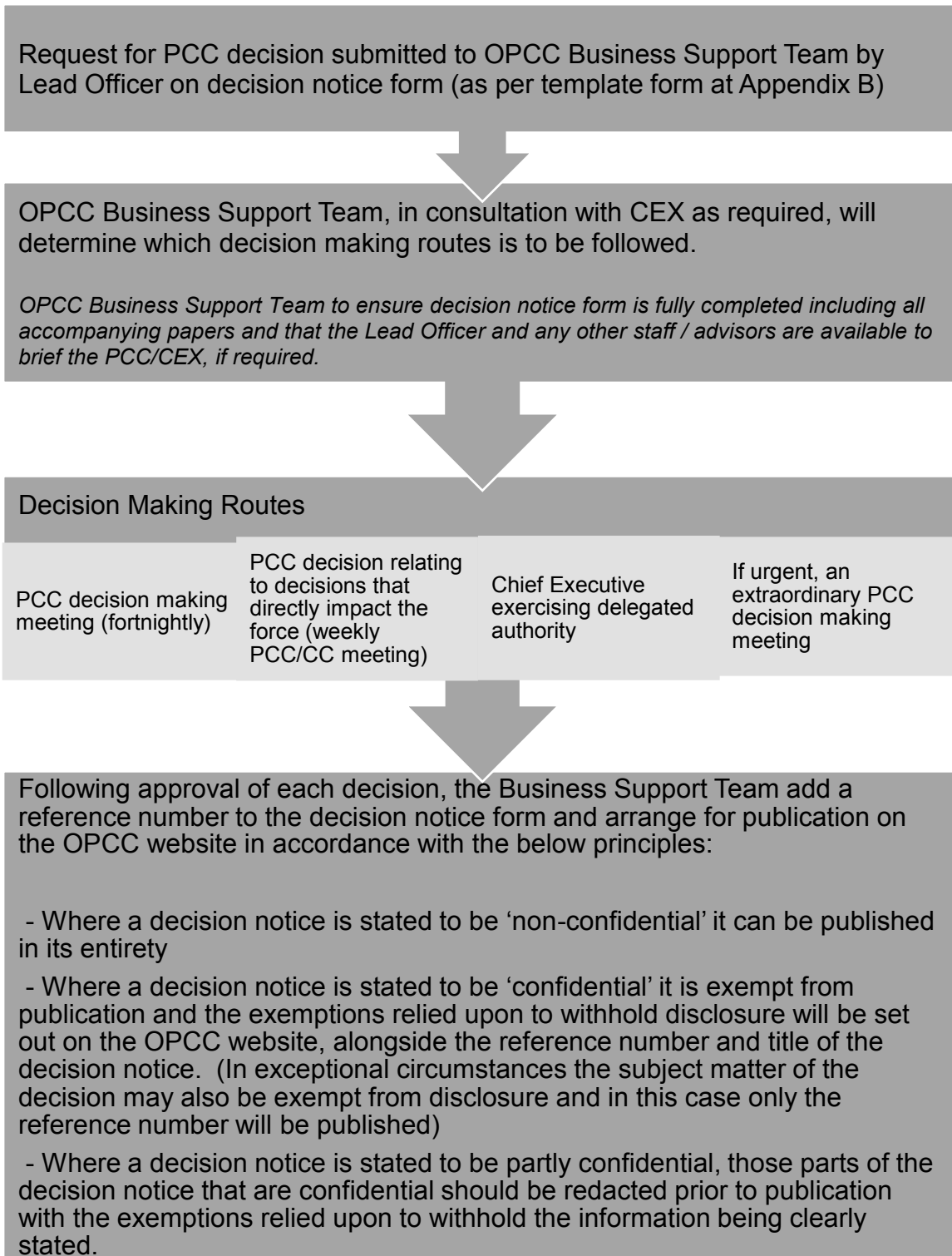
## 7. Revision history

Date of change	Nature of revision
April 2020	Policy reviewed to reflect the fact the Warwickshire is once again a standalone force.
June 2021	Review of the policy, to include more detail on process, and update of associated appendices



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## Appendix A: Decision Making Flowchart



## Appendix B: Decision Making Template



Philip Secombe  
Police and Crime  
Commissioner  
for Warwickshire

### Notice of Decision

**Decision Title:** [Click here to enter text.](#)

**Decision Reference Number:** [Click here to enter text.](#)

**Lead Officer:** [Click here to enter text.](#)

**If force business, date approved by Chief Officer:** [Click here to enter text.](#)

**Date:** [Click here to enter text.](#)

**Status:** Choose an item.

*If confidential or partly confidential\*, rationale:*

(\* If partly confidential specify which parts are confidential)

[Click here to enter text.](#)

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### Decision summary:

[Click here to enter text.](#)

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I confirm that my register of interests declaration is up to date and that none of my interests preclude me from making this decision.

Signature:

Date:

## Supporting information

### 1. Background information

[Click here to enter text.](#)

### 2. Detail of additional information attached

[Click here to enter text.](#)

### 3. Expected benefits

[Click here to enter text.](#)

### 4. Impact of not approving the application

- [Click here to enter text.](#)

### 5. Costs (including any identified savings)

[Click here to enter text.](#)

### 6. Equality implications

[Click here to enter text.](#)

### 7. Legal comments

[Click here to enter text.](#)

### 8. Publication

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Unless the information provided is covered by an exemption and stated to be either confidential or partly confidential, the information contained in the form will be published on the OPCC website.

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## Comments from the Treasurer

[Click here to enter text.](#)

## Comments from the Chief Executive and Monitoring Officer

[Click here to enter text.](#)

## Appendix C: Routine Annual PCC Decisions

Decision notice details	Anticipated timing of decision
Budget, Medium Term Financial Plan and Precept proposal	Late January
Budget, Medium Term Financial Plan and Precept setting	February
Annual Commissioners Grant Allocations	Late February/March
Road Safety Grant Allocations	Late February/March
Capital Strategy	March
Reserves Strategy	March
Treasury Management Strategy	March
PCC's Risk Management Strategy	March
Joint Corporate Governance Framework	March
Warwickshire PCC and Police outturn budget monitoring report, including reserve transfers	May

This list is not intended to be exhaustive and represents what is considered to be the minimum level of annual key decisions.