



Office of the  
Police and Crime  
Commissioner  
for Warwickshire



Warwickshire  
**POLICE**

# Joint Corporate Governance Framework

## Warwickshire Police and Crime Commissioner and the Chief Constable for Warwickshire Police

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## Section 1. Overarching Principles

### 1.1 Introduction

- 1.1.1 The purpose of this statement is to give clarity to the way the two organisations, sitting under the Police and Crime Commissioner (PCC) and Chief Constable as Corporations Sole, will be governed both jointly and separately, to do business in the right way, for the right reason at the right time.
- 1.1.2 This framework will ensure that the primary objectives of the PCC and Chief Constable will be observed – these include:
- To provide a more efficient and effective policing service in Warwickshire
  - To enhance capability and capacity
  - To be more resilient and flexible in the use of skilled specialist staff
  - To reduce and remove any duplication of roles and resources
  - To seek opportunities to maximise financial savings

### 1.2 Context

- 1.2.1 The principal statutory framework within which the organisations will operate is:
- Police Reform and Social Responsibility Act 2011 (PRSRA11, the Act)
  - Policing Protocol Order 2011 (the Protocol)
  - Policing and Crime Act 2017
  - Financial Management Code of Practice
  - Strategic Policing Requirement
- 1.2.2 This framework creates a public sector relationship, taking into account the functions and responsibilities of the single elected Commissioner and the Chief Constable, with due regard to the operational independence of the Chief Constable as set out in the Policing Protocol.

### 1.3 Principles

- 1.3.1 The core principles adopted by both organisations are those highlighted by the good governance standard for public services:
- Focus on outcomes for local people,
  - Clarity of roles, functions and responsibilities
  - Promotion of values and demonstrating these through behaviour,
  - Informed, transparent decisions & managing risk,

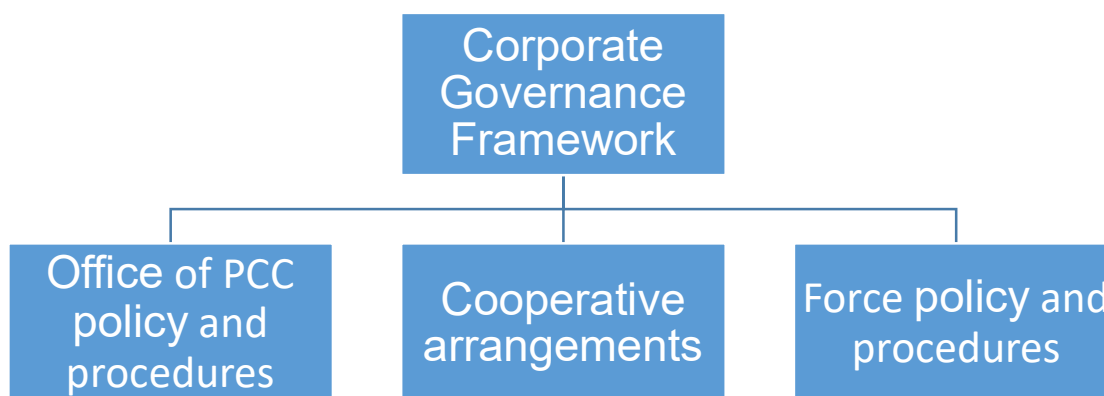
- Developing capacity and capability
- Engaging with local people to ensure robust accountability.

The principles of good decision making (set out in the PCC Decision Making Policy) also apply.

## 1.4 Instruments of governance

1.4.1 The corporate governance framework by which both organisations will be governed, both jointly and separately will consist of:

- the statutory framework and local policy, setting out the overarching summary,
- how the core principles will be implemented,
- the parameters within which the organisations will conduct their business,
- Separate policy and procedures for each corporation sole, with protocols where they operate jointly.
- Cooperative arrangements by which the PCC and the Chief Constable support the exercise of each other's functions including the Memorandum of Understanding (MOU) agreed between the PCC and the Chief Constable



## 1.5 Leadership

1.5.1 The PCC and Chief Constable will review the framework on an annual basis and ensure compliance.

1.5.2 The PCC will ensure compliance with this Corporate Governance Framework, holding the Chief Constable to account for the operational effectiveness and efficiency of the Force.

## 1.6 Record of Decisions

- 1.6.1 Any significant decision of the PCC or of the Deputy PCC (if and where applicable) shall be set out in a Decision Notice and shall be published on the PCC's website, unless it is exempt from publication.
- 1.6.2 In determining the extent of information to be published the principles of the Freedom of Information Act 2000 will be applied.
- 1.6.3 The PCC has published a **Decision Making Policy** document that will set out the framework and principles for decision making, and the processes for ensuring decisions are made by the right people in the right way and at the right level within the organisation. It will set out which decisions should be formally recorded and published.
- 1.6.4 The PCC shall establish a **Scheme of Delegation** (contained in this report at Section 3) which sets out any delegations of the PCC's powers. The scheme may permit the sub-delegation of powers but any such sub-delegation shall be recorded in the Scheme of Delegation. The PCC may prohibit, vary or make any sub-delegation subject to conditions and limitations.

## Section 2. Corporate Governance Mechanisms

### 2.1 Introduction

- 2.1.1 This section sets out how the PCC and the Chief Constable conduct their organisations both jointly and separately in accordance with policy contained within the overarching statement of corporate governance. It will do this by highlighting the key enablers for ensuring good governance.

### 2.2 Context

- 2.2.1 This section sets out how the organisations are conducted, using the International Framework for good governance in the Public Sector<sup>1</sup> as the structure for setting out the statutory framework and local arrangements.

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<sup>1</sup> International Framework: Good Governance in the Public Sector, IFAC and CIPFA 2014

## 2.3 Corporate governance mechanisms

### Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

- 2.3.1 The Act<sup>2</sup> sets out **the functions of the PCC and Chief Constable** and the policing protocol<sup>3</sup> sets out how these functions will be undertaken to achieve the outcomes of the police and crime plan.
- 2.3.2 The Act requires the PCC to have **a Chief Executive and Chief Finance Officer<sup>4</sup> (the Treasurer)**. The Chief Executive will be the head of paid service and undertake the responsibilities of monitoring officer<sup>5</sup>.
- 2.3.3 The Act requires the Chief Constable to appoint **a Chief Finance Officer<sup>6</sup> (the Director of Finance)**.
- 2.3.4 The **financial management code of practice** and **statements of roles<sup>7</sup>** set out the responsibilities of Chief Finance Officers for both the PCC and the Chief Constable, and of the Chief Executive.
- 2.3.5 The **scheme of delegation** highlights the parameters for key roles in the organisations including delegations or consents from the PCC and Chief Constable, financial regulations and contracts.
- 2.3.6 The **decision making policy** sets out the framework and principles for decision making, and the processes for ensuring decisions are made by the right people in the right way and at the right level within the organisation. It sets out which decisions will be formally recorded and published.
- 2.3.7 Officers, police staff and staff of the Office of PCC will operate within:
- Office of the PCC and Police Force policies and procedures,
  - corporate governance framework,
  - conduct regulations and codes of conduct.
- 2.3.8 The Policing Protocol 2011 requires all parties to abide by the seven **principles of public life<sup>8</sup>** and these will be central to the conduct and behaviour of all. Those principles are:

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<sup>2</sup> PRSRA11, s5 – 8,

<sup>3</sup> Policing Protocol Order 2011

<sup>4</sup> PRSRA11 sch 1 p6

<sup>5</sup> Local Government and Housing Act 1989 s5,

<sup>6</sup> PRSRA11 sch 2 p4.

<sup>7</sup> Financial Management Code of Practice for the Police, s4, CIPFA Statement on the Role of Chief Finance Officers, APACE Statement on the Role of the Chief Executive

<sup>8</sup> Standards in Public Life, 2005 as amended by the 14th report of the Committee on Standards in Public Life

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- **Selflessness** Holders of public office should act solely in terms of the public interest.
- **Integrity** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** Holders of public office should be truthful.
- **Leadership** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2.3.9 The Code of Ethics combines these values with others espoused in policing, and sets and provides a framework for upholding high standards of conduct and behaviour. It adds two further principles:

- **Fairness** Holders of public office should treat people fairly.
- **Respect** Holders of public office should treat everyone with respect.

2.3.10 The Protocol also highlights the expectation that the relationship between all parties will be based upon the principles of goodwill, professionalism, openness and trust.

2.3.11 The Financial Management Code of Practice requires the PCC and Chief Constable to ensure that the good governance principles are embedded in the way the organisations operate.

## Ensuring openness and comprehensive stakeholder engagement

2.3.12 The **communication and community engagement strategies** set out how the PCC and Chief Constable will ensure that local people are involved in decision making.

2.3.13 The **publication scheme** establishes the means by which information relating to decisions will be made available to local people, with those of greater public interest receiving the highest level of prominence, except

where operational and legal constraints exist.

2.3.14 The **Police and Crime Panel** should offer challenge and support to the PCC. The Panel has particular responsibilities to scrutinise decisions about precept setting, the issue of the Police and Crime Plan, and the appointment and dismissal of the Chief Constable and other senior personnel.

### Defining Outcomes in terms of sustainable economic, social and environmental benefits

2.3.15 The PCC has issued a **Police and Crime Plan**. It outlines the police and crime objectives and the strategic direction for the policing of the Force area.

2.3.16 Within that the Police Force has defined their vision as **Protecting people from harm**. The Policing **priorities** are established around putting victims and survivors first, ensuring effective and efficient service, protecting all from harm, particularly those that are vulnerable, and preventing and reducing crime with their approach and outcomes clearly set out.

2.3.17 **Collaboration agreements** set out those areas of business to be undertaken jointly with other Forces, Fire and Rescue Services and Local Policing Bodies, whether to reduce cost, increase efficiency or increase capability to protect local people.

2.3.18 A **Medium Term Financial Plan (MTFP)** has been developed to support delivery of the Police and Crime Plan, including the capital programme.

2.3.19 The PCC has developed a **Commissioning intentions document** for services its commissions through the OPCC and operates this alongside the annual grant award process. Both processes ensure the right interventions are in place to achieve the intended outcomes from the extensive services in place across Warwickshire for helping and supporting victims in addition to the other priorities and objectives identified in the Police and Crime Plan.

### Determining the interventions necessary to optimise the achievement of the intended outcomes

2.3.20 The national decision model<sup>9</sup> is applied to spontaneous incidents or planned operations, by officers and staff within the Force as individuals or teams, and to both operational and non-operational situations. These are applied in the context of the Force **values** of public service, impartiality, integrity and transparency. The forces' overriding ambition is to be great at protecting the most vulnerable and to place the health and wellbeing of its staff and officers at the fore.

2.3.21 The PCC's **Police and Crime Plan** outlines the police and crime objectives

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<sup>9</sup> National Decision Model (NDM) for the Police Service, College of Policing



(outcomes) and the strategic direction for the policing and supporting services of the Force area.

## Developing the entity's capacity, including the capability of its leadership and the individuals within it

2.3.22 The organisations' **training strategies** set the climate for continued development of individuals. The respective performance development review processes will ensure that these strategies are turned into reality for officers and members of staff. This principle is also included within the **Police and Crime Plan**.

## Managing risks and performance through robust internal control and strong public financial management

2.3.23 A joint independent **audit and standards committee** will operate in line with Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and within the guidance of the Financial Management Code of Practice<sup>10</sup>.

2.3.24 The **scheme of delegation** highlights the parameters for decision making, including the delegations, consents, financial limits for specific matters and for contracts.

2.3.25 The **risk management register** establishes how risk is managed throughout the various elements of corporate governance of the organisations, whether operating solely or jointly.

## Implementing good practices in transparency, reporting, and audit, to deliver effective accountability

2.3.26 The policing protocol<sup>11</sup> highlights that the PCC is accountable to local people and draws on this mandate to set and shape the strategic objectives for the force area in consultation with the Chief Constable.

2.3.27 The Police and Crime Plan sets out what the strategic direction and priorities are and how they will be delivered.

2.3.28 To complement this the consultation and engagement strategy sets out how local people will be involved with the PCC and the media communications policy and local policing communications toolkit outline the arrangements for engagement with the Chief Constable to ensure they are part of decision making, accountability and future direction.

2.3.29 The PCC and Chief Constable will continue to develop their arrangements for effective engagement with key stakeholders, ensuring that where appropriate

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<sup>10</sup> Financial Management Code of Practice for the Police, s11.1.3

<sup>11</sup> Policing Protocol Order 2011, art14

they remain closely involved in decision making, accountability and future direction.

## Section 3. Scheme of Delegation

### 3.1 Introduction

3.1.1 Section 3.2 details the key PCC functions carried out by the PCC.

3.1.2 Section 3.3 describes the strategies, arrangements, instruments and controls adopted to ensure good governance in the organisations.

This section provides a framework which ensures the business is carried out efficiently, ensuring that decisions are not unnecessarily delayed. It forms part of the overall corporate governance framework of the two organisations. It should be read in the context of the previous two sections.

3.1.3 This Scheme sets out the delegations by the PCC to the Deputy PCC (if appointed), Chief Executive, other members of OPCC staff and to the Chief Constable and her staff. It sets out the delegations by the Chief Constable to their officers and staff. It includes other instruments such as the financial regulations. Statutory Officers are the Chief Executive (who is the Head of Paid Service and also Monitoring Officer), Chief Constable, Deputy Chief Constable, Treasurer, and Director of Finance. This Scheme of Corporate Governance aims to clarify those powers which, for the benefit of good business practice, are given to the statutory officers.

3.1.4 The PCC may limit and/or withdraw delegation, as may the Chief Constable in relation to their delegations. Similarly, any sub-delegations by Statutory Officers may be limited or withdrawn by those Statutory Officers. The PCC may impose reporting arrangements on any authorised powers.

3.1.5 Powers are given to the Chief Constable by laws, orders, rules or regulations. Also, national conditions of employment give powers to the PCC, the Chief Constable and, in the case of police regulations, the Secretary of State for the Home Office. The powers given to officers and staff should be exercised in line with these delegations, the law, financial regulations, and also policies, procedures, plans, strategies and budgets.

3.1.6 Whilst the Chief Constable has the statutory power to enter into contracts for goods and services with the consent of the PCC, in order to simplify systems of internal control, contracts will continue to be issued in the name of the PCC. Consequently, no consent framework is required. This does not preclude the PCC from providing consent to the Chief Constable to enter into contracts for goods and services on a case by case basis, with such consent to be evidenced in writing.

3.1.7 This Scheme of Delegation does not identify all the statutory duties which

are contained in specific laws and regulations.

## 3.2 General principles of delegation

- 3.2.1 The PCC and Chief Constable expect anyone proposing to exercise a delegation or an authorisation under this scheme to draw to the attention of the PCC any issue which is likely to be regarded by the PCC as novel, contentious, repercussive or likely to be politically sensitive before exercising such powers.
- 3.2.2 The PCC is ultimately accountable for the Police Fund. Before any financial or legal liability affecting the Police Fund that the PCC might reasonably regard as novel, contentious, repercussive or politically sensitive is incurred, prior written approval must be obtained from the PCC.
- 3.2.3 The PCC must not restrict the operational independence of the police force and the Chief Constable who leads it<sup>12</sup>. In exercising their functions the Chief Constable must have regard to the Police and Crime Plan issued by the PCC<sup>13</sup>.
- 3.2.4 To enable the PCC to exercise the functions of their office effectively they will need access to information, and officers and staff within their force area. This access must not be unreasonably withheld or obstructed by the Chief Constable, or restrict the Chief Constable's direction and control of the force<sup>14</sup>.
- 3.2.5 The PCC has wider responsibilities than those solely relating to the police force and these are referred to elsewhere in this Corporate Governance Framework.
- 3.2.6 Delegations are set out in this scheme. The PCC and Chief Constable may require at any time that a specific matter is referred to them for a decision and not dealt with under powers of delegation.
- 3.2.7 Delegations may only be exercised subject to:-
- a) compliance with the corporate governance framework.
  - b) provision for any relevant expenditure being included in the approved budget.
- 3.2.8 These arrangements delegate powers and duties within broad functional descriptions and include powers and duties under all legislation present

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<sup>12</sup> Policing Protocol Order 2011, art18

<sup>13</sup> PRSRA11 s8(2)

<sup>14</sup> PRSRA11 ss2(5) and 36

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and future within those descriptions and all powers and duties incidental to that legislation. The scheme does not attempt to list all matters which form part of everyday management responsibilities.

- 3.2.9 Giving delegation under this scheme does not prevent an officer or member of staff from referring the matter to the PCC or Chief Constable for a decision or guidance if the officer or member of staff thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication – see paragraph 3.3.1).
- 3.2.10 When a statutory officer is considering a matter that also falls within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action.
- 3.2.11 All decisions statutory officers make under delegated authority given to them by the PCC or Chief Constable must be recorded and published in accordance with the Decision Making principles.
- 3.2.12 In this document, references made to the statutory officers include officers authorised by them to act on their behalf.
- 3.2.13 The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of the Corporate Governance Framework.
- 3.2.14 The persons appointed by the PCC as the Chief Executive (who is also the Monitoring Officer) and the Chief Finance Officers have statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.
- 3.2.15 The Scheme of Delegation provides a member of staff with the legal power to carry out those functions of the PCC and Chief Constable that are capable of being delegated. In carrying out these functions the member of staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:
- Police and Social Responsibility Act 2011 and other relevant legislation and amendments issued under this Act
  - Policing Protocol Order 2011 and as amended
  - Financial Regulations
  - Home Office Financial Management Code of Practice
  - CIPFA guidance and statement on the role of the Chief Finance Officer in public service organisations
  - Contract Regulations
  - The PCC's Corporate Governance framework
  - The PCC's and Warwickshire Police's employment policies and procedures
  - The Data Protection Act 2018, the Freedom of Information Act 2000 and Environmental Information Regulations

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- Health and safety at work legislation and codes.

This list is not exhaustive.

3.2.16 The PCC may not delegate to any person, save a Deputy PCC, certain functions specified in sections 18 (7) (b), (c), or (d) of the Act, as follows:

- Determining police and crime objectives;
- Attendance at a meeting of the Police and Crime Panel (PCP);
- Preparing an annual report to the PCP.

3.2.17 When carrying out any functions, the PCC, Chief Constable and staff must have regard, where applicable, to the following:

- The views of the people in their policing area
- Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.
- The Police and Crime Plan and any guidance issued by the Secretary of State.

This list is not exhaustive.

3.3.18 The corporate governance framework, including this Scheme of Delegation, will be reviewed annually, and more often if required.

3.3.19 These arrangements do not delegate any matter which by law cannot be delegated to a member of staff nor do they affect the constitutional relationship between the PCC and the Chief Constable

### Urgent Matters

3.3.20 If any matter which would normally be referred to the PCC for a decision arises where it is impractical to obtain the decision of the PCC and the matter is urgent the matter may be decided by the appropriate statutory officer.

3.8.2 Appropriate statutory officers authorised to decide urgent matters are:

- the Chief Executive (all issues other than operational matters);
- the Treasurer (financial and related issues)

3.8.4 Urgent decisions taken must be reported to the PCC as soon as practicable and published.

### 3.3 Key Roles of the Police and Crime Commissioner

3.3.1 The PCC's functions are set out in statute and subordinate legislation.

3.3.2 The key powers and duties of the PCC are set out in para 17 Policing Protocol Order 2011, clause 17 (and as amended from time to time) as follows:

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- Set the strategic direction and objectives of Warwickshire Police through the Police and Crime Plan (the Plan), which must have regard to the strategic policing requirements set by the Home Secretary;
- Scrutinise, support and challenge the overall performance of ASC including against the priorities agreed within the Plan;
- Hold the Chief Constable to account for the performance of Warwickshire Police officers and staff, the exercise of the functions of the office of Chief Constable and the functions of persons under the Chief Constable's direction and control
- Approve the medium term financial plan and approve the annual budget, allocating to the Chief Constable annual revenue funds and capital funding allocations subject always to approval of capital spending business cases set the council tax precept for the area covered by the PCC;
- Appoint and remove the Chief Constable;
- Maintain an efficient and effective police service for the area;
- Enter into collaboration agreements with other PCC's, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the force then it must be with the agreement of the Chief Constable);
- Provide the local link between the police and communities;
- Publish information as specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and Chief Constable;
- Comply with all reasonable requests from the PCP to attend their meetings;
- Prepare and issue an annual report to the PCP;
- Monitor all complaints against officers and staff and complete reviews of eligible complaints
- Make crime and disorder reduction grants;
- Maintain an effective 'independent custody visiting scheme' for monitoring facilities for people being held in custody.

3.3.3 The PCC is a corporation sole and is the legal contracting body who owns all the assets and liabilities of Warwickshire Police (including the policing estate) with the responsibility for the financial administration of their office and for approving the overall financial policy framework and budget.

3.3.4 The PCC will receive all funding relating to policing and crime reduction, including the government grant and precept, and other sources of income. These identified funds are to be allocated in accordance with any grant terms, and on the basis set out in the Plan.

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- 3.3.5 The arrangements by which these funds are managed on a day to day basis are set out in the financial regulations, thereby aiding the PCC to hold the Chief Constable to account.
- 3.3.6 The PCC will be responsible for handling complaints and conduct matters in relation to the Chief Constable, and complying with the requirements of the Independent Office for Police Conduct.
- 3.3.7 In relation to complaints, the PCC may issue directions to the Chief Constable in accordance with Schedule 14 of the Act.
- 3.3.8 Under the provisions of Schedule 1 of the Act, the PCC may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the PCC.
- 3.3.9 Subject to the restrictions imposed by section 18 (3) and 18(7) of the Act the PCC may delegate their functions to any person. There is no restriction on delegation of their powers. For clarity: the PCC may not delegate
- The issuing of a Police and Crime Plan
  - The determination of police and crime objectives
  - Attendance at a meeting of the Police and Crime Panel (PCP)
  - Preparation of an annual report to the PCP
  - Appointment of the Chief Constable, suspension of the Chief Constable or calling upon the Chief Constable to retire or resign
  - The setting a council tax or budget requirement
- 3.3.10 Where the PCC has appointed a Deputy PCC to exercise the functions of the PCC, save for those functions referred to in paragraph 3.3.9 that cannot be delegated, the Scheme sets out those functions and decisions for which the PCC has given the DPCC delegated responsibility

### **3.4 Delegations by the Police and Crime Commissioner**

#### **Functions delegated to the Deputy PCC (if appointed) and OPCC Chief Executive**

- 3.4.1 The PCC may appoint a Deputy PCC to exercise any function save those listed in clause 3.3.9 above. In a longer period of absence, the Police and Crime Panel will seek to appoint a temporary PCC, from the OPCC Staff. The presumption is that the Deputy will be nominated, unless they too are absent or otherwise unable to fulfil the function.
- 3.4.2 In the absence of the PCC, where there is no Deputy PCC appointed or the Deputy is also absent (including through leave or illness), the PCC delegates to the Chief Executive the exercise of any of their functions with the

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exception of those that cannot be delegated contained in this Scheme. This stands unless otherwise agreed.

- 3.4.3 In the event of the Deputy PCC's absence (leave or illness) the DPCC delegates to the Chief Executive the exercise of their functions with the exception of those that cannot be delegated and set out in this Scheme

### Functions delegated to the OPCC Chief Executive

- 3.4.4. The Chief Executive is the Head of Paid Service and the Monitoring Officer of the PCC. The formal delegations, listed below, are those given to the Chief Executive.
- 3.4.5 In the event of a significant conflict of interest arising which would preclude the PCC from exercising a function, the PCC delegates to the Chief Executive the exercise of any functions, except those prohibited by law<sup>15</sup>.
- 3.4.6. To prepare the Police and Crime Plan for submission to the PCC.
- 3.4.7. To provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.
- 3.4.8. To sign contracts on behalf of the PCC, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework, including contracts which are required to be executed under the common seal of the PCC.
- 3.4.9. To consider whether, in consultation with the Treasurer, to provide indemnity to the PCC and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- 3.4.10. To consider and approve, in consultation with the Treasurer, provision of indemnity and/or insurance to individual staff of the PCC.
- 3.4.11 To consider, with the PCC, any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing someone to investigate the complaint.
- 3.4.12 To make arrangements for dealing with strategic matters in respect of land or buildings and structures thereon, including purchase, sale, redesign and major reconfiguration in consultation with the PCC.
- 3.4.13 To make arrangements for the support of public communications and engagement.
- 3.4.14 To make arrangements for the support to the PCC in holding the Chief Constable to account.
- 3.4.15 To respond to any appropriate consultations on proposals in respect of



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issues affecting the PCC, if necessary, after first taking the views of the PCC, Chief Constable or the Treasurer, as appropriate.

- 3.4.16. At the request of the Chief Constable, to exercise the power of the PCC under the Police (Property) Regulations 1997 to approve the keeping of unclaimed property if it can be used for police purposes
- 3.4.17 To be the Senior Information Risk Owner for the Office of the PCC.

### **Financial**

- 3.4.18. The financial management responsibilities of the Chief Executive are set out in the financial regulations.
- 3.4.19. To manage the budget of the PCC's office, along with the Treasurer, particularly to:
- order goods and services and other items provided for in the revenue budget, and arrange timely payment of invoices.
  - ask for and accept quotations and tenders for goods and services provided for in the revenue budget

### **Staff employed by the Police and Crime Commissioner**

- 3.4.19. To appoint and dismiss staff employed by the PCC, in consultation with the PCC.
- 3.4.20. Paragraph 3.4.19 shall not apply to the appointment or dismissal of, or disciplinary action against the Chief Executive or Treasurer. No disciplinary action in respect of the Chief Executive or Treasurer, except suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action, may be taken by the PCC without having due regard to a recommendation in a report made by an independent person. Any such suspension must be on full pay.
- 3.4.21. "disciplinary action" means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the PCC, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract; and "designated independent person" must be such person as may be agreed between the PCC and the relevant officer
- 3.4.22. To make recommendations to the PCC with regard to staff terms and conditions of service, in consultation with the Treasurer.
- 3.4.23. To undertake the management of staff employed by the PCC in line with agreed policies and procedures.

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- 3.4.24. To authorise, in line with staff conditions of service, the suspension of any member of staff employed by the PCC.
- 3.4.25. To bring national agreements on salaries, wages and conditions into effect, providing that any issues which are sensitive or have major financial implications will be referred to the PCC for a decision.
- 3.4.26. To approve payments under any bonus or performance-related payment schemes for staff approved by the PCC, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.4.27. To negotiate with, and reach agreements with, recognised trade unions and staff associations on any matters that can be decided locally. All agreements reached must be reported to the PCC.
- 3.4.28. To grant essential or casual car-user allowances.
- 3.4.29. To approve the retirement of staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner. The PCC must be made aware of any ill-health retirements from his office at the earliest convenience.
- 3.4.30. Settlement of employment tribunal cases and grievances of staff employed by the PCC with the exception of those cases felt to be exceptional because:
- they involve a high profile claimant
  - there is a particular public interest in the case
  - there is a real risk that the PCC or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- 3.4.31. To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.
- 3.4.32. To appoint Independent Custody Visitors and other volunteers and terminate appointments if necessary.

### Legal

- 3.4.33. To affix or authorise the affixing of the common seal of the PCC to:
- all contracts, agreements or transactions in respect of which there is nominal or no consideration
  - all deeds which grant or convey an interest in land
  - all documents where it is determined by the PCC's nominated legal adviser that there is a need for the seal to be affixed.

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- 3.4.34. To approve the financial settlement of all claims or requests for compensation against the PCC in accordance with financial regulations and against the Chief Constable in accordance with paragraph 8 of Schedule 2 Police Reform and Social Responsibility Act 2011 and s.88 of the Police Act 1996.
- 3.4.35. To approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because:-
- they involve a high profile claimant
  - there is a particular public interest in the case
  - there is a real risk that the PCC or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
  - the proceedings are by their nature considered to be a test case before the court
- 3.4.36. To authorise, after consultation with the Chief Constable, the institution, defence, withdrawal or settlement of any claims or legal proceedings on the PCC's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the PCC's nominated legal adviser (and Treasurer if there are significant financial implications).
- 3.4.37. To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the PCC.

### Other statutory functions for the Chief Executive

- 3.4.38 As the Monitoring Officer of the PCC there is a statutory responsibility to manage their legal affairs as set out in section 5 Local Government and Housing Act 1989 (as amended). This statutory responsibility must be carried out personally but can be carried out by a deputy nominated by the Chief Executive in cases of absence or illness. The Head of Business Services and Assurance is the nominated Deputy Monitoring Officer and Deputy Chief Executive, in the absence of the Chief Executive. If unavailable the Chief Executive will nominate an alternate.

### Functions delegated to the Treasurer

- 3.4.39 The Treasurer, as the financial adviser to the PCC has a statutory responsibility to manage the Commissioner's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended).
- 3.4.40 The detailed financial management responsibilities of the Treasurer are set out in the financial regulations.

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- 3.4.41 The Deputy S.151 role for the PCC is delegated to the Director of Finance in the Force, during periods of absence. Any potential conflicts of interest are to be managed under the CIPFA Standard of Professional Practice on Ethics.
- 3.4.42 To sign contracts on behalf of the PCC, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework, except those which are required to be executed under the common seal of the PCC; in such cases the Chief Executive is authorised to sign and affix the seal

### **Functions delegated to the Director of Finance**

- 3.4.43 To sign contracts on behalf of the PCC, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework, except those which are required to be executed under the common seal of the PCC; in such cases the Chief Executive is authorised to sign and affix the seal.
- 3.4.44 To undertake the day to day management of procurement in accordance with the financial and contract regulations.
- 3.4.45 The detailed financial management responsibilities of the Director of Finance are set out in the financial regulations.

### **Functions delegated to the Director of Enabling Services**

- 3.4.46. To undertake the day to day management of physical assets subject to the provision of financial regulations.
- 3.4.47 The Director of Enabling Services will provide regular reports to the PCC in order to demonstrate compliance and good governance.

### **Functions delegated to the OPCC Assurance and Scrutiny Officers**

- 3.4.48 To consider and determine the outcome of all police reviews under the Policing and Crime Act 2017.

## **3.5 Delegations by the Chief Constable**

### **Functions delegated to the Deputy Chief Constable**

- 3.5.1 The Deputy Chief Constable may exercise or perform any or all of the functions of the Chief Constable of the force during any period when the Chief Constable is unable to exercise functions, or otherwise with

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the consent of the Chief Constable<sup>15</sup>.

- 3.5.2 To appoint and dismiss staff employed by the Chief Constable.
- 3.5.3 To undertake the management of staff employed by the Chief Constable in line with agreed policies, procedures and regulations.
- 3.5.4 To approve the appointment or secondment of police officers for central services or overseas duty.
- 3.5.5 To be the appropriate authority for complaint and professional standards matters.
- 3.5.6 To be the Senior Information Risk Owner.

### **Functions delegated to the Director of Enabling Services**

- 3.5.7 To make recommendations to the Chief Constable with regard to staff terms and conditions of service, in consultation with the Director of Finance.
- 3.5.8 To bring national agreements on salaries, wages and conditions into effect on the clear understanding that any issues which are sensitive or have major financial implications will be referred to the Chief Constable for a decision.
- 3.5.9 To negotiate with recognised trade unions and staff associations on any matters that can be decided locally, and to recommend agreements to the Chief Constable.
- 3.5.10 To recommend to the Chief Constable the retirement, in the interests of the efficiency of the service, of employees and to report on this issue each year, in consultation with the Director of Finance.
- 3.5.11 To recommend to the Chief Constable the retirement of police staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner and in consultation with the Director of Finance.
- 3.5.12 To approve payments under any bonus or performance-related payment schemes for staff approved by the Chief Constable, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.5.13 To grant essential or casual car-user allowances.

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<sup>15</sup> PRSRA11 s41

## Functions delegated to the Director of Finance

- 3.5.14 The Director of Finance, as the financial adviser to the Chief Constable has a statutory responsibility to manage the Chief Constable's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended).
- 3.5.15 The detailed financial management responsibilities of the Director of Finance and their staff are set out in the financial regulations.
- 3.5.16 To undertake the day to day management of procurement in accordance with contract regulations.
- 3.5.17 To sign all contracts on behalf of the Chief Constable, irrespective of value, once they have been properly approved in accordance with financial regulations, except those which are required to be executed under the common seal of the Chief Constable. In such cases the Head of Legal Services is authorised to sign.

## Functions Delegated to the Head of Legal Services

- 3.5.18 To authorise the institution, defence and/or withdrawal of legal proceedings on the Chief Constable's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the Director of Finance if there are significant financial implications.
- 3.5.19 In relation to any claim or legal proceedings regarding police officers and police staff and their terms of employment, the Deputy Chief Constable and Chief Executive must be consulted.
- 3.5.20 To appraise the PCC on of any claims pursuant to paragraph 3.4.35 and provide a quarterly report to the PCC and Chief Constable in order to demonstrate good governance.
- 3.5.21 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Chief Constable.
- 3.5.22 Where Legal Services are provided to a PCC in accordance with the PRSRA11 the matter or transaction will require specific authorisation by the PCC. The settlements of claims shall be subject to Paragraph 8 Schedule 2 PRSRA11.
- 3.5.22 Where Property Services are provided to a PCC in accordance with Schedule 2, section 7(2)(b) PRSRA11 the matter or transaction will require specific or general authorisation by the PCC.

**Sections 4-11 are provided as separate documents**