



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

Decision Making Policy

Policy Owner	Chief Executive and Monitoring Officer
Version number	3.0
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Next Review Date Prior To	March 2027
Security Classification	OFFICAL
Disclosable under Freedom of Information Act?	Yes
Risk Rating	Low
Equality Analysis	Low

1. Introduction

The Police and Crime Commissioner (PCC) 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 PCC. This policy sets out the key principles in determining which decisions will normally be regarded as decisions of significant public interest.

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 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 as outlined in the Corporate Governance Framework: Scheme of Delegations. 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 postholders. 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 OPCC website.

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.

2. Statutory Framework

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.
- PCC 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 2023, which requires the PCC to abide by the seven Nolan principles of governance in public life.

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- 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)).
 - 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, as detailed in the Corporate Governance Framework 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 required to consider internal and external audit reports and provide 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 Joint Corporate Governance Framework details the roles and responsibilities of the PCC. 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

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may also contain the PCC's aims and intentions for other aspects of the 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 PCC 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 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

Decisions taken by the PCC 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, disposal and significant works
- 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, in particular when they are of a significant financial value.
- Decisions that may be considered to have any aspects that are novel, contentious, repercussive, or politically sensitive.

A list of routine annual decisions can be found at Appendix A.

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The following types of decision will not normally be regarded as matters of significant public interest:

- Day to day internal management decisions, including changes to staff terms and conditions of employment, appointment, suspension or dismissal of OPCC staff, or other HR processes.
- Spend related to the running of the office.

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.

The Chief Executive will advise on whether a PCC decision is required, taking into account the information in the Joint Corporate Governance Framework.

6. Decision Making Process

6.1 Key principles

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 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

The Chief Executive and PCC 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.

A record of key decisions taken is kept in line with the OPCC Retention Policy and published on the OPCC website. Information in Decision Notices and their supporting documentation are subject to the Freedom of Information Act 2000 and

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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. Where any information provided in either the Decision Notice or in the associated documentation 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 some parts 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 Police and Crime Panel may choose to review and scrutinise decisions.

6.2 The Process

All requests for a PCC decision must be submitted by the Lead Officer to the OPCC Head of Business Services on the decision notice template, which will provide a record and justification for the decision. The template is available from the OPCC.

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 PCC to make the decision.

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. If the decision relates to force business a Chief Officer should approve the decision in writing, before it is submitted to the OPCC, to confirm the decision is part of an agreed force strategy. For each decision, the Chief Executive and PCC Chief Finance Officer will each make a comment to ensure good governance and probity.

Discussions may take place in formal meetings, either with the force, such as the Governance and Performance Board, or within the OPCC before the decision is finalised. The Head of Business Services is responsible for ensuring the template is fully completed. Once the template has been completed, the relevant information gathered and the Chief Finance Officer and Chief Executive commentary added, the Chief Executive will approve that the decision is proposed to the PCC.

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The PCC may request a briefing or further information from the Lead Officer, OPCC staff or a legal advisor to assist in the decision making process.

Following approval of each decision, the Head of Business Services 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.

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
November 2023	Review, general, and to link into review of Corporate Governance Framework

Appendix A: 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 PCCs 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

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Warwickshire PCC and Police outturn budget monitoring report, including reserve transfers	May
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This list is not intended to be exhaustive and represents what is considered to be the minimum level of annual key decisions.