



Office of the
Police and Crime
Commissioner
for Warwickshire



Warwickshire
POLICE

Joint Corporate Governance Framework 2024-2025

3. Scheme of Delegation

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1. Introduction

This Scheme of Delegation describes the occasions in which the PCC, Chief Constable and Statutory Officers have delegated responsibilities and decision making to others. The purpose of this is to ensure efficient and effective decision making and business processes. It provides a framework to ensure business is carried out lawfully and efficiently, that decisions are not unnecessarily delayed and are taken at an appropriate level. This document is a record of formal delegations in effect at the time of publication, reviewed annually.

Powers are granted to the PCC and 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. These arrangements do not delegate any matter which by law cannot be delegated nor do they affect the constitutional relationship between the PCC and the Chief Constable.

The PCC's Chief Executive, and Chief Finance Officer have statutory powers and duties relating to their positions and do not rely on certain matters being delegated to them to carry out those specific powers and duties. This scheme does not describe all of these powers and duties. It provides named persons with authority to carry out appropriate duties of the PCC and/or Chief Constable. They must comply with all other statutory and regulatory requirements and relevant professional guidance as listed in the Introductory Document and including the entirety of this framework.

1.1 General Principles of Delegation

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.. Throughout this scheme the PCC and the CC expect that any person carrying out functions or powers on their behalf, or making any related decision, will act within policies and strategies approved and will take appropriate professional advice as necessary, particularly legal and financial advice and where appropriate, operational advice from the Chief Constable.

At any time the PCC and/or Chief Constable may ask for specific matters to be referred to them for decision making and not be dealt with under powers of delegation. Giving delegation to persons under this scheme does not prevent referral of any matter to the PCC and/or Chief Constable for a decision if felt appropriate (e.g. sensitive community/stakeholder issues or matters having significant operational or financial implications).

Any person to whom a power is delegated under this scheme may sub-delegate that power as they deem appropriate. Formal responsibility and accountability for

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effective discharge of sub-delegated powers remains with the person to whom the power was delegated by the PCC or Chief Constable, and any sub-delegations granted by others may be limited or withdrawn by those who grant them.

The PCC and Chief Constable may set out reporting arrangements on actions undertaken in respect of the use of powers delegated to them.

The scheme does not attempt to list all matters which form part of everyday management responsibilities in each organisation. Where services are provided jointly, or from one of the two organisations to another they will generally be set out in Service Level Agreements, or Memoranda of Understanding.

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.

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.

All decisions statutory officers make under delegated authority given to them by the PCC or Chief Constable must be recorded and, if appropriate, published in accordance with the PCC's Decision Making principles.

The financial management responsibilities are set out in the Financial Regulations and Financial Delegations.

All contracts are issued in the name of the PCC. The PCC can provide 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. This system simplifies the arrangements for internal control, but if required a consent framework could be prepared to allow the Chief Constable to enter into contracts for goods and services, as permitted within the statutory powers.

1.2 Urgent Matters

Police and Crime Commissioner

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. Appropriate statutory officers authorised to decide urgent matters are:

- the Chief Executive (all issues other than operational matters)
- the PCC Chief Finance Officer (financial and related issues)

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

Chief Constable

If any urgent matter normally referred to the Chief Constable (or Deputy Chief Constable) for a decision arises and cannot be delayed, in the absence of the Chief Constable or Deputy Chief Constable, it may be decided by another Chief Officer. Urgent decisions taken must be reported to the Chief Constable as soon as practicably possible.

2. Delegations by the PCC

The PCC may appoint a Deputy PCC, as a member of staff, to exercise any function save those listed below. 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.

The PCC may delegate their functions to any person, with the exception of the restrictions section in 18 (3) and 18(7) of the PRSRA11. These restrictions are that the PCC may not delegate the following, save those marked with an * which can be delegated to a Deputy PCC if appointed:

- Issuing of a Police and Crime Plan
- *Determination of police and crime objectives
- *Attendance at a meeting of a police and crime panel in compliance with a requirement by the panel to do so
- *Preparation of an annual report to the Panel
- Appointment of the Chief Constable, suspension of the Chief Constable or calling upon the Chief Constable to retire or resign
- Setting of the budget and Council Tax Precept

2.1 Delegations to the Deputy PCC (if appointed) and OPCC Chief Executive

2.1.1 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, which can be delegated. This stands unless otherwise agreed.

2.1.2 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.

2.2 Delegations to the OPCC Chief Executive

General

- 2.2.1 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 which cannot be delegated.
- 2.2.2 To prepare the Police and Crime Plan for submission to the PCC.
- 2.2.3 To provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.
- 2.2.4 To consider, in consultation with the PCC Chief Finance Officer, whether 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.
- 2.2.5 To consider and approve, in consultation with the PCC Chief Finance Officer, provision of indemnity and/or insurance to individual staff of the PCC.
- 2.2.7 To consider with the PCC any complaints made against the Chief Constable, and where appropriate, to make arrangements for appointing someone to investigate the complaint.
- 2.2.8 To make arrangements, in consultation with the PCC, for dealing with strategic matters in respect of land or buildings and structures thereon, including acquisition, disposal, redesign and major reconfiguration.
- 2.2.9 To make arrangements for the support of public consultations, communications and engagement.
- 2.2.10 To make arrangements for the support to the PCC in holding the Chief Constable to account.
- 2.2.11 To respond to any appropriate consultations on proposals in respect of issues affecting the PCC, if necessary, after first taking the views of the PCC, Chief Constable or the PCC Chief Finance Officer, as appropriate.
- 2.2.12 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
- 2.2.13 To be the Senior Information Risk Owner for the Office of the PCC.
- 2.2.14 To discharge the PCC's responsibilities in relation to health and safety.

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Financial

2.2.15 To manage the budget of the OPCC, with the support of the PCC Chief Finance Officer

This includes the ordering of goods and services and other items provided for in the revenue budget, arrangements for the timely payment of invoices, and request and acceptance of quotations and tenders for goods and services provided for in the revenue budget.

OPCC Staff

2.2.16 In consultation with the PCC, to appoint and dismiss OPCC staff.

This excludes the appointment or dismissal of, or disciplinary action against the Chief Executive or PCC Chief Finance Officer. 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.

2.2.17 To make recommendations to the PCC with regard to staff terms and conditions of service, including participation in Police Staff Council in consultation with the PCC Chief Finance Officer.

2.2.18 To undertake the management of staff employed by the PCC in line with agreed policies and procedures.

2.2.19 To authorise, in line with staff conditions of service, the suspension of any member of staff employed by the PCC.

2.2.20 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.

2.2.21 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.

2.2.22 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.

2.2.23 To grant essential or casual car-user allowances.

2.2.24 To approve the retirement of staff on the grounds of ill health, and the

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payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner.

2.2.25 Settlement of employment tribunal cases and grievances of OPCC staff 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.

2.2.26 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.

2.2.27 To appoint Independent Custody Visitors and other volunteers and terminate appointments if necessary.

Legal

2.2.28 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the PCC.

2.2.29 To sign contracts on behalf of the PCC, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework and the Decision Making Policy.

2.2.30 To sign contracts and grant returns on behalf of the PCC in relation to grant funding.

2.2.31 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.

2.2.30 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. All such decisions must be reported to the PCC.

2.2.31 To approve 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

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policies and procedures will be revealed.

- the proceedings are by their nature considered to be a test case before the court

2.2.32 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 PCC Chief Finance Officer if there are significant financial implications).

2.3 Delegations to the PCC Chief Finance Officer

2.3.1 To sign contracts on behalf of the PCC, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework and the Decision Making Policy, 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.

2.3.2 To sign contracts and grant returns on behalf of the PCC in relation to grant funding where the PCC is the recipient of government funding

2.4 Delegations to the Director of Finance

2.4.1 To sign contracts on behalf of the PCC, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework, and the Decision Making Policy, 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.

2.4.2 To undertake the day to day management of procurement in accordance with the financial and contract regulations.

2.4.3 In the longer term absence of the PCC Chief Finance Officer to provide the services of the s151 role for the PCC. Conflicts of interest will be managed under the CIPFA Standard of Professional Practice on Ethics.

2.5 Delegations to the Force Director of Enabling Services

2.5.1 To undertake the day to day management of physical assets subject to the provision of financial regulations. To provide regular reports to the PCC in order to demonstrate compliance and good governance.

3. Delegations by the Chief Constable

3.1 Delegations to the Deputy Chief Constable

- 3.1.1 In accordance with s41 of the PRSRA11, the Deputy Chief Constable may exercise or perform any or all of the functions of the Chief Constable during any period when the Chief Constable is unable to do so themselves, or otherwise with their consent.
- 3.1.2 To appoint and dismiss staff employed by the Chief Constable.
- 3.1.3 To undertake the management of staff employed by the Chief Constable in line with agreed policies, procedures and regulations.
- 3.1.4 To approve the appointment or secondment of police officers for central services or overseas duty, in line with legislation, agreed policies and procedures, except where those officers are of chief superintendent rank or above, or where the cumulative financial impact in any given financial year has the potential to be novel, contentious or repercussive.

In all such cases the PCC should be consulted; authorisation is specifically required from the PCC and Home Secretary under Section 26 of the Police Act 1996 before any officers are deployed overseas to provide assistance to an international organisation, foreign government or police service.
- 3.1.5 To undertake the responsibilities of the Appropriate Authority for complaint and professional standards matters.
- 3.1.6 To be the Senior Information Risk Owner.
- 3.1.7 To discharge the Chief Constable's responsibilities in relation to health and safety.

3.2 Delegations to the Director of Enabling Services

- 3.2.1 To make recommendations to the Chief Constable with regard to staff terms and conditions of service, including participation in Police Staff Council, in consultation with the Director of Finance.
- 3.2.2 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.
- 3.2.3 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.

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- 3.2.4 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.
- 3.2.5 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 and to report on this annually.
- 3.2.6 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.
- 3.2.7 To grant essential or casual car-user allowances.

3.3 Delegations to the Director of Finance

- 3.3.1 To undertake the day to day management of procurement in accordance with contract regulations.
- 3.3.2 To sign all contracts on behalf of the Chief Constable, irrespective of value, once they have been properly approved in accordance with the Corporate Governance Framework, except those which are required to be executed under the common seal of the Chief Constable. In such cases the Head of Legal and Disclosure is authorised to sign.

3.4 Delegations to the Head of Legal and Disclosure

- 3.4.1 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. 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.
- 3.4.2 To appraise the PCC on of any claims pursuant to paragraph 2.2.31 and provide a quarterly report to the PCC and Chief Constable in order to demonstrate good governance.
- 3.4.3 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Chief Constable.

4. Delegations by the OPCC Chief Executive

4.1 Delegation to the Head of Business Services and Assurance

4.1.1 The role of PCC Monitoring Officer, 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.

4.2 Delegation to the Head of Legal and Disclosure

4.1.2 Pursuant to paragraph 2.2.31, to approve final settlement of all claims or requests for compensation and costs where the total to be paid is less than £25,000 except in cases 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.

The Head of Legal and Disclosure will provide a regular quarterly report to the PCC in order to demonstrate compliance and good governance.

The Head of Legal and Disclosure is authorised to sub-delegate the authorisation to settle civil litigation claims where the claim is not considered politically sensitive, novel or contentious up to £500 per claim to the Insurance and Claims Manager. Other than as set out here, the Head of Legal and Disclosure may not sub-delegate the authority granted under this section to a member of staff unless by the prior written approval of the Chief Executive.