

**ORIGINATOR: CHIEF EXECUTIVE**

**DECISION NUMBER:** 7 - 2015.

**REASON FOR SUBMISSION: FOR DECISION**

**SUBMITTED TO: POLICE AND CRIME COMMISSIONER**

**SUBJECT: SCHEME OF GOVERNANCE AND CONSENT -  
AMENDMENTS**

**SUMMARY:**

1. The Scheme of Governance and Consent came into effect on 1 April 2014. This document is monitored on a continuous basis to ensure it is fit for purpose. It was amended on 1 August 2014. The Scheme has been further reviewed and further changes are now put forward for consideration.
2. The proposed amendments to the Scheme are shown as attached at Appendix A.

**RECOMMENDATION:**

The Police and Crime Commissioner is recommended to approve the amendments to the Scheme of Governance and Consent as attached at Appendix A.

**APPROVAL BY: PCC**

The recommendation set out above is agreed.

**Signature**

*Tina Pannone*

**Date** *5/02/2015*

## DETAIL OF THE SUBMISSION

### 1. INTRODUCTION

- 1.1 On 17 March 2014 the Police and Crime Commissioner (PCC) adopted a Scheme of Governance and Consent with effect from 1 April 2014 (see Decision Paper 8 – 2014).
- 1.2 Since coming into effect the Scheme of Governance and Consent was amended on 1 August 2014 (see Decision Paper 24 – 2014).
- 1.3 As explained in the Scheme of Governance and Consent (paragraph 1.1.3) and the Annual Governance Statement 2014 (Section C, p9) the Chief Executive and the PCC's Chief Finance Officer monitor the Scheme of Governance and Consent on a continuous basis to ensure it is fit for purpose. This includes consideration as to whether the business of the Police and Crime Commissioner can be discharged more efficiently and effectively.
- 1.4 As a result of this monitoring a number of further amendments are now put forward for consideration and approval. The proposed amendments to the Scheme are shown at Appendix A.

### 2. THE PROPOSED AMENDMENTS TO THE SCHEME OF GOVERNANCE

- 2.1 The proposed amendments are as follows:

#### *Regional Collaboration – Section 7.8.4*

- 2.2 At their meeting on 23 January 2015 the Eastern Region Police and Crime Commissioners agreed to amend the terms of reference for the conduct of their business. The amendments to the terms of reference are now inserted to replace the existing wording in relation to Regional Collaboration at section 7.8.4.

#### *Functions designated/delegated to the Chief Executive of the office of the PCC*

- 2.3 In order to be more responsive in the delivery of the functions of the PCC the functions delegated to the Chief Executive are proposed to be amended to permit the Chief Executive to exercise the functions of the PCC with the exception of those functions which statutorily may not be delegated. These exceptions are defined in section 18 of the Police Reform and Social Responsibility Act 2011 and include:
  - the issue of the Police and Crime Plan;
  - appointing, suspending or removing the Chief Constable;
  - calculating the budget requirement for the purpose of issuing a precept.

#### *Consultation*

- 2.4 The Scheme of Governance and Consent requires review and amendment in consultation with the Chief Executive, PCC's Chief Finance Officer, Chief Constable and Chief Constable's Chief Finance Officer. All officers have been consulted upon proposed amendments and are in agreement with them.

*Further amendments*

- 2.5 A number of further amendments are being considered, specifically in relation to Financial Regulations. The proposals are in the first instance being discussed with statutory officers in Suffolk and with statutory officers in Norfolk.

**3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications.

**4. OTHER IMPLICATIONS AND RISKS**

- 4.1 There are no other implications and risks of any significance attached to adoption of the amendments to the Scheme of Governance and Consent.



ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	The Originator is the Solicitor and Monitoring Officer.
Has the PCC's Chief Finance Officer been consulted?	Yes
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Not relevant
Have human resource implications been considered?	Not relevant
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes – see paragraph 2.4
Has communications advice been sought on areas of likely media interest and how they might be managed?	Not relevant
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

**APPROVAL TO SUBMIT TO THE DECISION-MAKER** (this approval is required only for submissions to the PCC).

**Chief Executive**

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the (add decision-maker's title e.g. the PCC).

Signature:



Date

5/2/15



## **SCHEME OF GOVERNANCE AND CONSENT**

**Chief Executive**

**1 April 2014**  
**(Amended 1 August 2014**  
**and \* February 2015)**

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## **1.0 INTRODUCTION, OUTLINE OF LEGISLATIVE BACKGROUND AND GENERAL PRINCIPLES**

### **1.1 General**

- 1.1.1 The Financial Management Code of Practice for the Police Forces of England and Wales published by the Home Office in October 2013 provides that a Scheme of Governance should be prepared by the Police and Crime Commissioner (PCC). In doing so he should be advised by the Chief Finance Officer of the PCC in consultation with the Chief Executive, the Chief Constable and the Police Force Chief Finance Officer. Accordingly this document has been prepared to govern the interrelationship between the PCC and Chief Constable and to set out those powers which may be exercised by either the PCC or the Chief Constable or others acting on their behalf. It also sets out the constraints on those powers.
- 1.1.2 This Scheme of Governance and Consent comprises a number of key elements including Financial Regulations, Contract Standing Orders and the Scheme of Delegation. There is no separate Scheme of Consent; rather the consents granted to the Chief Constable appear as appropriate throughout the document. They relate in particular to the extent of, and any conditions attaching to, the PCC's consent to the Chief Constable to exercise powers to enter into contracts and acquire or dispose of property.
- 1.1.3 The Scheme will be regularly reviewed and amended as appropriate and in any event at the start of each financial year, in consultation with and on the advice of those officers identified above at paragraph 1.1.1.
- 1.1.4 Whilst this Scheme of Governance and Consent has been adopted by the PCC, delegations by the Chief Constable have also been included within it. Further, in view of the close collaboration with the Norfolk police area, the Scheme adopted in Norfolk is very similar and in some instances identical where that is necessary for the effective working of joint departments.

### **1.2 Legislative Background**

- 1.2.1 The role of the PCC was established by the Police Reform and Social Responsibility Act 2011 (the 2011 Act). The role has been established as a "corporation sole" meaning that the PCC is a separate legal entity. As a separate corporate entity created by legislation the PCC has those powers that are expressly provided for in legislation, that are required for carrying out the purposes of their incorporation and that may reasonably be regarded as incidental to, or consequential to those matters provided for by legislation.
- 1.2.2 The Act has also established the Chief Constable as a corporation sole.
- 1.2.3 The Act has conferred wide powers upon the PCC and Chief Constable. A PCC may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of his functions. This includes entering into contracts and other agreements (whether legally binding or not), acquiring and disposing of property (including land), and borrowing money.
- 1.2.4 A Chief Constable may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of his or her functions. This includes entering into contracts and other agreements (whether legally binding or not), and acquiring and disposing of property (apart from land). However, the Chief Constable may only enter into contracts or agreements or acquire or dispose of property with the consent of the PCC. This restriction does not apply to contracts or agreements in relation to the employment of police staff.

- 1.2.5 These are two key powers. They have been drawn upon, amongst other things, to establish the general principles (see below) upon which this Scheme of Governance and Consent is founded.
- 1.2.6 Whilst the 2011 Act is the key piece of legislation that establishes the role of PCC there is also other primary and secondary legislation which impacts upon the role. This Scheme of Governance and Consent must be read in conjunction with the requirements expressed by this legislation. In particular, specific attention is drawn to the provisions of the Policing Protocol. Additionally the Financial Management Code of Practice and the Strategic Policing Requirement are key reference documents.

### **1.3 General Principles**

- 1.3.1 This Scheme of Governance and Consent is, amongst other things, founded upon a number of key elements and which are reflected through the Scheme. They relate to financial management, property management, contracts and procurement.

#### **1.3.2 Financial Management**

The PCC has established a set of Financial Regulations (see below) which govern the relationship between the PCC and the Chief Constable in relation to financial matters. These Regulations are joint Regulations with Norfolk such that the Norfolk and Suffolk police areas operate the same Financial Regulations.

- 1.3.3 To ensure the effective delivery of policing services and to enable the Chief Constable to have impartial direction and control of the Force, the Chief Constable has day to day responsibility for financial management of the Force within the framework of the agreed budget allocation and levels of authorisation issued by the PCC. These levels of authorisation are found in this Scheme and the Financial Regulations and Contract Standing Orders thereto.

- 1.3.4 It is the responsibility of the Chief Constable to ensure that the financial management of their allocated budget remains within the objectives and conditions that have been set by the PCC in making their budget decisions as well as this Scheme, Financial Regulations and Contract Standing Orders.

#### **1.3.5 Property Management**

The PCC owns all police assets in Suffolk both real estate and personal property regardless of whether they are used by the PCC, the Force or both.

- 1.3.6 The acquisition and disposal of land and/or buildings requires the approval of the PCC in all instances.
- 1.3.7 The acquisition and disposal of property by the Chief Constable other than land or buildings may be undertaken subject to the provisions of the Financial Regulations and Contract Standing Orders below. Property so acquired is and will be owned by the PCC.
- 1.3.8 The Chief Constable is responsible for the direction and control of the Force and has management of all assets used by the Force, both real and personal.
- 1.3.9 Safeguarding and managing the Police estate and property inventory is regarded as a function of the Chief Constable, which his staff, carry out on the Chief Constable's behalf.

#### 1.3.10 Contracts and Procurement

The PCC has overall responsibility for property and contracts. The PCC through this Scheme of Governance and Consent has granted consent to the Chief Constable for the daily administration of property (including building maintenance) and contracts in accordance with Financial Regulations and Contract Standing Orders. However no general consent is granted for contracts relating to property or as covered by the Contract Standing Orders to be entered into other than in the name of PCC.

1.3.11 The Contract Standing Orders cover the procedures for procurement, tenders and contracts. They contain the tender thresholds and levels of authorisation. All procurements and contracts must comply with statutory requirements including EU procurement rules, the statutory regulations for the provision of equipment and services for police purposes, and value for money requirements.

1.3.12 The Contract Standing Orders are joint Standing Orders for the police areas of both Suffolk and Norfolk.

1.3.13 The Chief Constable is able to enter into agreements, memoranda of understanding or such other instruments, not covered by clauses 1.3.10 to 1.3.12 above, and which relate to the performance of the Chief Constable's functions. Further the Chief Constable is able to enter into any agreement where specifically provided for by legislation.

#### 1.3.14 Information Sharing

Section 36 of the Police Reform and Social Responsibility Act 2011 provides that the Chief Constable must give the PCC such information on policing matters that the PCC may require. The PCC requires that all reasonable information requests made by him or on his behalf are responded to promptly. This includes his statutory officers having full access to information, including all relevant financial information, to enable them to discharge their statutory roles.



## **2.0 KEY ROLES OF THE PCC AND CHIEF CONSTABLE**

### **2.1 General**

2.1.1 The responsibilities and requirements upon the PCC are established by legislation. They are helpfully summarised in The Policing Protocol Order 2011 which also describes the roles of the Chief Constable, Police and Crime Panel and Home Secretary. This Scheme does not identify all of the statutory functions of the PCC as they are set out in specific legislation. However, the key requirements of the PCC role and that of the Chief Constable are set out below.

### **2.2 Police and Crime Commissioner**

2.2.1 The key roles of the PCC are to:

- secure the maintenance of an efficient and effective police force for the area;
- set the budget, determine the level of precept and allocate funds and assets to the Chief Constable;
- appoint, suspend and, if necessary remove the Chief Constable;
- hold the Chief Constable to account for the exercise of the functions of the Chief Constable and those exercising functions under his direction and control;
- issue a Police and Crime Plan which amongst other things, sets out the Police and Crime objectives for the policing of the area;
- make Crime and Disorder reduction grants;
- produce an annual report.
- [From 1 October 2014 – to commission Victims' Services]

2.2.2 The PCC receives all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction. The allocation of this funding is for the PCC to determine in consultation with the Chief Constable, and where appropriate with any grant terms.

2.2.3 The Police and Crime Panel have a statutory role to scrutinise the decisions and actions taken by the PCC in discharging his functions.

### **2.3 Chief Constable**

2.3.1 The Chief Constable is responsible for maintaining the Queen's Peace and has direction and control over the Force's officers and staff. The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, and the management of resources and expenditure by the Force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve. The Chief Constable is required to discharge their functions according to the 2011 Act and the Policing Protocol as well as in accordance with all other relevant legislation and the common law. In addition to the statutory responsibilities and obligations imposed upon the Chief Constable, the Chief Constable will undertake all those matters necessary for the management and operational control of the Force.

2.3.2 The key roles of the Chief Constable are:

- to lead the Force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts impartially;
- to appoint the Force's officers and staff (after consultation with the PCC, in the case of officers above the rank of Chief Superintendent and police staff equivalents);
- to support the PCC in the delivery of the strategy and police and crime objectives set out in the Police and Crime Plan;

- to provide the PCC with access to information, officers and staff as required;
- to have regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their Force's national and international policing responsibilities;
- to notify and brief the PCC upon any matter or investigation which they may need to provide public assurance either alone or with the PCC;
- to be the operational voice of policing in the Force area, and to regularly explain to the public the operational actions of officers and staff under their command;
- to enter into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, subject to the agreement of the PCC;
- to remain politically independent of the PCC;
- to manage all complaints against the Force, its officers and staff, except in relation to the Chief Constable, and to ensure that the PCC is kept informed to enable them to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission;
- to exercise the power of direction and control in such a way as is reasonable to enable the PCC to have access to all necessary information and staff within the Force;
- to have responsibility for financial management of the Force within the framework of the agreed budget allocation and authorisation levels.



### **3.0 DELEGATIONS BY THE PCC**

#### **3.1 General**

- 3.1.1 Notwithstanding the delegations made by the PCC, he reserves the right to require that a specific matter is referred to him for decision and not dealt with under powers of delegation.
- 3.1.2 The PCC must be advised of any policing and crime matter which may have a significant impact on the people of Suffolk.
- 3.1.3 Delegation to officers as below does not prevent an officer from referring the matter to the PCC for a decision if the officer considers this appropriate. This may for example be because of the sensitive nature of an issue or because the matter may have a significant financial implication.
- 3.1.4 When an officer is considering a matter that is within another professional officer's area of competence, they should consider whether it would be appropriate to consult the other professional officer before authorising any action.
- 3.1.5 All decisions made by officers that are of significant public interest and which are made under powers conferred on them by the PCC must be recorded and available for inspection as required by the provisions of this Scheme regarding decision-making below.
- 3.1.6 References made to the professional officers, or to the Chief Executive and the PCC's Chief Finance Officer, include officers authorised by them to act on their behalf and provided that such further delegation is documented in writing.
- 3.1.7 The professional officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme.
- 3.1.8 The persons appointed as the Chief Executive (who will also be the Monitoring Officer) and the PCC's Chief Finance Officer have powers and duties deriving from their statutory roles. The delegations set out within this Scheme are without prejudice to their ability to discharge those statutory roles.
- 3.1.9 The Scheme provides the professional officers with the authority to discharge the duties of the PCC where permissible by legislation. In undertaking such duties they must comply with all relevant requirements as appropriate including the:
- Police Reform and Social Responsibility Act 2011;
  - Contract Standing Orders;
  - Financial Regulations;
  - Requirements relating to decision-making within this Scheme;
  - Financial Management Code of Practice published by the Home Office (October 2013);
  - CIPFA Statement on the role of the Chief Finance Officer of the PCC and the Chief Finance Officer of the Chief Constable;
  - Data Protection Act 1998 and Freedom of Information Act 2000;
  - Health and Safety at Work Legislation and associated instruments;
  - Equality Act 2010.
- 3.1.10 The PCC may delegate the performance of his functions under section 18 of the 2011 Act, with the exception of those noted below and as provided at paragraph 3.1.13:
- issuing the Police and Crime Plan;
  - determining the police and crime objectives for the Police and Crime Plan;
  - calculation of the budget requirement for the purpose of issuing a precept;

- appointing, suspending and removing the Chief Constable;
- attendance at the Police and Crime Panel for specified duties;
- preparing the Annual Report.

3.1.11 The PCC may not delegate the performance of a function to:

- a constable;
- another PCC;
- the Mayor's Office for Policing and Crime;
- the Deputy Mayor for Policing and Crime;
- the Mayor of London;
- the Common Council of the City of London;
- any body which maintains a police force;
- a member of staff of the above.

3.1.12 The PCC must not restrict the operational independence of the Chief Constable and the force over which they have direction and control.

3.1.13 The PCC may appoint a deputy to exercise their functions except for those which cannot be delegated. The PCC cannot give consent to such deputy to carry out the following:

- issuing the Police and Crime Plan;
- appointing, suspending or removing the Chief Constable;
- calculating the budget requirement for the purpose of issuing a precept.

3.1.14 Where a deputy is appointed they are authorised to exercise or perform any or all of the functions of the PCC with the exception of those listed at paragraph 3.1.13, during any period when the PCC is unavailable through leave or illness to exercise the functions or at any other time with the consent of the PCC.

## **3.2 Functions designated/delegated to the Chief Executive of the Office of the PCC.**

3.2.1 The Chief Executive is the Head of the PCC's staff and is also the Monitoring Officer for the PCC.

3.2.2 The Chief Executive is the primary advisor on strategic issues that arise from the PCC's legal duties. The Chief Executive discharges their statutory roles as Chief Executive and Monitoring Officer in accordance with the relevant statutory requirements, the Association of PCC Chief Executives' Statement on the role of the Chief Executive and Monitoring Officer of the PCC, and Home Office Guidance.<sup>1</sup>

3.2.3 The delegations listed below are those granted by the PCC to the Chief Executive and Monitoring Officer:

3.2.4 To take action to discharge the functions of the PCC (unless specifically prohibited by legislation) for and on behalf of the PCC.

3.2.45 To take such day to day action as is required for the efficient and effective administration and management of the Office of the PCC and, ~~except as provided in this Scheme of Governance and Consent, the discharge of the PCC's functions and~~ to give effect to the decisions and direction of the PCC.

3.2.56 To execute all contracts, agreements and other legal instruments either in writing or by affixing and attesting the Common Seal of the PCC, on behalf of the PCC in accordance with any decisions made by or on behalf of the PCC.

3.2.67 To manage the PCC's corporate budget in accordance with Financial Regulations.



[1. See "Have you got what it takes. Delivering through your Chief Executive and Monitoring Officer", Home Office, 2012]

- | 3.2.~~78~~ To fix fees for copies of documents and extracts of documents requested under the Freedom of Information Act 2000, or the Data Protection Act 1998 or otherwise.
- | 3.2.~~89~~ To manage the staff of the Office of the PCC including the appointment and dismissal of members of the PCC's staff.
- | 3.2.~~910~~ To make recommendations to the PCC with regard to staff terms and conditions of service in respect of the PCC's staff in consultation with the PCC's Chief Finance Officer.
- | 3.2.1~~91~~ To administer the Independent Custody Visitors Scheme and any other volunteer schemes including the appointment, suspension and removal of custody visitors and other volunteers.
- | 3.2.1~~42~~ To obtain legal or other expert advice. To commence, defend, withdraw or settle any claim or legal proceedings where required, on the PCC's behalf, in consultation with the Chief Finance Officer.
- | 3.2.1~~23~~ To consider the provision of financial assistance to police officers (and, if considered appropriate, Police Community Support Officers, members of the Special Constabulary and Police Staff) in legal proceedings taken by or against them, as long as they act in good faith and exercise reasonable judgement in performing their police duties. This action is to be taken in line with Home Office advice and after consulting with the Chief Constable and PCC's Chief Finance Officer.
- | 3.2.1~~34~~ To exercise the PCC's discretions under the Local Government Pension Scheme where those discretions relate to staff employed in the Office of the PCC and in consultation with the PCC's Chief Finance Officer.
- | 3.2.1~~45~~ To ensure that there are processes in place in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008 in connection with the Local Government Pension Scheme.
- 3.3. Functions designated/delegated to the Chief Finance Officer of the Office of the PCC.**
  - 3.3.1 The Chief Finance Officer of the PCC has a personal fiduciary duty by virtue of their appointment as the person responsible for proper financial administration under the 2011 Act. This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure (section 114 of the Local Government Finance Act 1988, as amended by paragraph 188 of Schedule 16 to the 2011 Act).
  - 3.3.2 The Chief Finance Officer of the PCC will discharge their statutory role in accordance with statutory requirements, their job description, the CIPFA Statement on the Role of the Chief Finance Officer of the PCC and the Chief Finance Officer of the Chief Constable, the Financial Management Code of Practice and other relevant guidance and best practice.
  - 3.3.3 The Chief Finance Officer of the PCC is the PCC's professional adviser on financial matters. To enable them to fulfil these duties and to ensure the PCC is provided with adequate financial advice, the Chief Finance Officer of the PCC:

- Must be a key member of the PCC's Leadership Team, working closely with the Chief Executive, helping the team to develop and implement strategy and to resource and deliver the PCC's strategic objectives sustainably and in the public interest;
- Must be actively involved in, and able to bring influence to bear on, all strategic business decisions of the PCC, to ensure that the financial aspects of immediate and longer term implications, opportunities and risks are fully considered, and align with the PCC's financial strategy;
- Must lead the promotion and delivery by the PCC of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively; and
- Must ensure that the finance function is resourced to be fit for purpose.

- 3.3.4 The delegations listed below are those granted to the Chief Finance Officer of the PCC by the PCC.
- 3.3.5 To take such action as is necessary to discharge the role of Chief Finance Officer of the PCC.
- 3.3.6 To ensure that the financial affairs of the PCC are properly administered and that Financial Regulations are observed and kept up to date.
- 3.3.7 To ensure regularity, propriety and Value for Money (VfM) in the use of public funds.
- 3.3.8 To ensure that the funding required to finance agreed programmes is available from Central Government funding, precept, other contributions and recharges.
- 3.3.9 To report to the PCC, the Police and Crime Panel and to the external auditor any lawful, or potentially unlawful, expenditure by the PCC or officers of the PCC and others exercising functions on their behalf.
- 3.3.10 To report to the PCC, the Police and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure.
- 3.3.11 To advise the PCC on the robustness of the budget and adequacy of financial reserves.
- 3.3.12 To arrange for the determination, issue and transfer of the precept.
- 3.3.13 To ensure an effective internal audit function is resourced and maintained
- 3.3.14 To ensure production of the statements of accounts of the PCC.
- 3.3.15 To ensure receipt and scrutiny of the statements of accounts of the Chief Constable and ensure production of the group accounts.
- 3.3.16 To liaise with the external auditor.
- 3.3.17 To advise the PCC on the application of value for money principles by the police force to support the PCC in holding the Chief Constable to account for efficient and effective financial management.
- 3.3.18 To advise, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance.
- 3.3.19 To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.

- 3.3.20 To ensure the maintenance of a register of all property and capitalised assets owned by the PCC.
- 3.3.21 To ensure the delivery of the Financial and Management Accounting, Treasury Management, Payroll and Pensions and Insurance functions.

**3.4 Matters designated/delegated to other staff of the Office of the PCC.**

- 3.4.1 The Deputy Chief Executive of the Office of the PCC is authorised to undertake the roles of and obligations of the Chief Executive and Monitoring Officer when for reasons of absence or illness the Chief Executive is unable to discharge such roles and obligations including the various delegations to the Chief Executive contained within the Scheme of Governance and Consent.
- 3.4.2 Any member of the PCC's staff who is authorised by the Chief Executive to act, and provided such further delegation and the terms thereof is documented in writing, may act on behalf of the Chief Executive and with particular reference to the execution of all contracts, agreements and other legal instruments either in writing or by affixing the common seal of the PCC, on behalf of the PCC in accordance with any decisions made by or on behalf of the PCC.

## **4.0 DELEGATIONS BY THE CHIEF CONSTABLE**

### **4.1 General**

- 4.1.1 These delegations set out the authorities delegated by the Chief Constable to the Deputy Chief Constable, Assistant Chief Constables and Assistant Chief Officers, as well as any other officer and members of police staff as appropriate to discharge functions on behalf of the Chief Constable.
- 4.1.2 These delegations should be read in conjunction with other documents in the Scheme of Governance and Consent as well as any relevant collaboration agreement.
- 4.1.3 The legislation relevant to the delegations includes the Police Reform and Social Responsibility Act 2011. Other relevant instruments include the Policing Protocol, the Financial Management Code of Practice and the Strategic Policing Requirement.

### **4.2 Functions designated to the Chief Finance Officer of the Chief Constable**

- 4.2.1 The Chief Finance Officer of the Chief Constable has a personal fiduciary duty by virtue of their appointment as the person responsible for proper financial administration under the Police Reform and Social Responsibility Act 2011. This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure (section 114 of the Local Government Finance Act 1988, as amended by paragraph 188 of Schedule 16 to the Police Reform and Social Responsibility Act 2011).
- 4.2.2 The Chief Finance Officer will discharge their statutory role in accordance with statutory requirements, their job description, the CIPFA Statement on the Role of the Chief Finance Officer of the Chief Constable, the Home Office Financial Management Code of Practice and other relevant guidance and best practice.

### **4.3 Functions delegated to the Chief Finance Officer of the Chief Constable by the Chief Constable.**

- 4.3.1 The functions delegated to the Chief Finance Officer by the Chief Constable are set out in Financial Regulations at Section 5 and Appendix C below.
- 4.3.2 To exercise the Chief Constable's discretions under the Local Government Pension in relation to staff employed by the Chief Constable.
- 4.3.3 To ensure that there are processes in place in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008 in connection with the Local Government Pension Scheme.

### **4.4 Functions Delegated to the Director of Human Resources by the Chief Constable**

- 4.4.1 To undertake the day to day management of the human resources function in respect of police officers and police staff under the direction and control of the Chief Constable.

### **4.5 Delegation of functions to Chief Officers by the Chief Constable**

- 4.5.1 The Chief Constable may delegate responsibility to any member of the Chief Officer Team as operational necessity requires.
- 4.5.2 The Chief Constable may delegate responsibility to officers employed external to the force giving them authority to undertake functions within the force where such authority derives from collaboration agreements made under the Police Act 1996.

## **5.0 FINANCIAL REGULATIONS**

### **5.1 General**

- 5.1.1 The Financial Regulations govern the relationship between the PCC and the Chief Constable in relation to financial matters. These Regulations are joint Regulations with Norfolk such that the Norfolk and Suffolk police areas operate under the same Financial Regulations.
- 5.1.2 The Financial Regulations are found at Appendix C to this Scheme.



## **6.0 CONTRACT STANDING ORDERS**

### **6.1 General**

- 6.1.1 The Contract Standing Orders govern the relationship between the PCC and the Chief Constable in relation to the entering into of contracts. The Standing Orders are joint Standing Orders with Norfolk such that the Norfolk and Suffolk police areas operate under the same Contract Standing Orders.
- 6.1.2 The Contract Standing Orders are found at Appendix D to this Scheme.



## **7.0 DECISION-MAKING AND ACCOUNTABILITY FRAMEWORK**

### **7.1 General**

- 7.1.1 The Police Reform and Social Responsibility Act 2011 sets out the functions and responsibilities of the PCC. This decision-making and accountability framework details the arrangements to enable the PCC to make robust, well-informed and transparent decisions and hold the chief constable to account. The framework includes arrangements for providing information to assist the Police and Crime Panel in its role to scrutinise the decisions and actions of the PCC. The framework applies to decision-making by the PCC and those exercising delegated authority on behalf of the PCC.

### **7.2 Meetings Structure**

- 7.2.1 The PCC is able to make decisions at any time. Decisions made by the PCC and those exercising delegated authority on behalf of the PCC must comply with the formalities set out below. In order to transact business transparently and effectively, the following distinct types of meeting will take place.

#### **7.2.2 PCC and Chief Constable (not in public)**

**Purpose:** Regular briefings and discussions. Decisions can be made in this forum.

**Frequency:** To be decided by the PCC.

**Records and publication:** Meetings will not be minuted unless there is an issue of significant public interest. Where any decisions require it they will be recorded and published.

#### **7.2.3 Meetings (held in public)**

**Purpose:** To hold the Chief Constable to account and to enable issues to be discussed, and decisions made, in public.

**Frequency:** To be decided by the PCC.

**Records and Publication:** Minutes, agendas and reports for public meetings will be published along with any decisions taken.

Meetings established under this provision are set out below.

#### **7.2.4 Public Engagement**

**Purpose:** To enable engagement with the public around the county.

**Frequency:** To be decided by the PCC.

**Method:** To be decided by the PCC although could include surgeries, webcasts and public events.

**Location:** To be decided but should enable engagement across the county and ideally with the public in each Local Policing Command area.

Attendance of advisers at the above meetings will be at the discretion of the PCC, in consultation with the Chief Constable, having regard to the matters to be discussed. Other individuals e.g. from partner organisations may be invited at the discretion of the PCC.

### **7.3 Decision-Making Process**

- 7.3.1 A good decision making process is fundamental to effective governance arrangements and is likely to produce more consistent, reliable and objectively sustainable decisions, which should result in taking the right decision, for the right reason, at the right time.

#### **7.3.2 Template**

The decision-making template (Appendix A) will be used for the submission of information to support decision-making. This will enable decisions (including urgent decisions) of significant public interest to be properly recorded and published.

- 7.3.3 Decisions made under delegated authority from the PCC (See Delegations by the PCC) will be subject to the submission and recording process.

- 7.3.4 Submissions to the PCC and Deputy PCC (if appointed) will be made via the Chief Executive in order to verify that appropriate information and advice has been included and that the request is being made to the appropriate person. Those officers exercising delegated authority on behalf of the PCC should satisfy themselves that all relevant factors have been considered and that relevant advice has been taken into account in the preparation of the report upon which action is required.

#### **7.3.5 Confidentiality**

In order to ensure that material is properly protected and managed, the Government Protective Marking Scheme must be used to mark submissions containing information classified as 'restricted' or 'confidential' (Appendix B). Items that are not 'restricted' or 'confidential' must be marked 'Not Protectively Marked' which will mean they are suitable for publication.

- 7.3.6 Where there is a need to share information which is marked as restricted or confidential, the Chief Executive, in discussion with others as appropriate, will decide on what basis that information is made available. These arrangements will include how such information is made available to the Police and Crime Panel to undertake its role in scrutinising the PCC.

#### **7.3.7 Decisions**

All decisions of significant public interest will be recorded via the template, signed as appropriate by the PCC and those exercising delegated authority. All such decisions will, except as provided below, be published on the website of the Office of the Police and Crime Commissioner (OPCC) as soon as practicable after the decision is made. Each decision will be given a unique reference number and details recorded in an electronic register. Decisions of significant public interest taken under delegated authority will be similarly handled. Where decisions contain information that is other than not protectively marked the fact of the decision rather than the decision itself will be published.

- 7.3.8 This process of transparent recording of decisions will enable the Police and Crime Panel to access information. For information not available via the OPCC website, the Chief Executive will make arrangements for information (including confidential information where appropriate) to be provided to the Police and Crime Panel to enable it to discharge its statutory functions.

### **7.4 Recording and publication of decisions and specified information**

- 7.4.1 Secondary legislation outlines the information that must be recorded and published. This includes decisions, agendas, meeting dates, times and places of meetings, reports and minutes. This information will be published on the OPCC website [www.suffolk-pcc.gov.uk](http://www.suffolk-pcc.gov.uk).

## **7.5 Meeting dates, times and places**

- 7.5.1 A programme of meetings will be maintained and published which will include the dates, times and venues of meetings (to be held in public) and engagement events.
- 7.5.2 Wherever possible the PCC will provide the opportunity for the public to ask questions at meetings held in public. The PCC will decide the arrangements for dealing with public questions.

## **7.6 Agendas and papers**

- 7.6.1 Agendas and papers for meetings that are held in public will be available through the OPCC website at least 5 working days prior to the meeting.

## **7.7 Minutes**

- 7.7.1 Minutes of meetings held in public (or meetings not held in public where matters of significant public interest are discussed) will be published as soon as practicable after the meeting has taken place.

## **7.8 Meetings held in Public**

### **7.8.1 Accountability and Performance Panel**

*Purpose:* To hold the Chief Constable to account and to enable issues to be discussed and where appropriate make decisions in public. This will include holding the Chief Constable to account for the management of the funds provided to the Chief Constable for the purpose of policing and the delivery of the strategy and objectives set out in the Police and Crime Plan. In addition those others in receipt of funding from the PCC will be held to account against the purposes for which funding was granted.

*Frequency:* 6 meetings per year.

*Open/Closed:* The meetings will be held in public unless the nature of the business to be transacted (or part thereof) requires to be considered in closed session. This will be determined by reference to the Government's Protective Marking Scheme.

*Attendances:* PCC (and members of staff from their Staff Team).

Chief Constable and members of the Chief Officer Team and Senior Staff as appropriate to the business under discussion.

Recipients of grant funding as required.

*Venue:* Police Headquarters (and as otherwise determined by the PCC).

*Records and Publication:* There will be agendas, reports and minutes produced and published (having regard to the publication of material in the light of the Government Protective Marking Scheme) in respect of all meetings and where appropriate published via the PCC's website.

*Business:* The Panel will be the principal vehicle for holding the Chief Constable to account upon the delivery of those elements of the Police and Crime Plan that fall to the Chief Constable. Accordingly delivery against the Plan will be considered where appropriate at each meeting.



The further business to be transacted including financial reporting will be specified in a Schedule of Future Business. The requirements for the provision of written reports to the Panel will be specified by the PCC.

## **7.8.2 Audit Committee**

### *Terms of Reference*

The Audit Committee finalised and agreed its terms of reference at its meeting on 27 June 2014 as follows:

#### **“1. Statement of Purpose**

1.1 The Audit Committee is a key component of the Office of the Police and Crime Commissioner (OPCC) and Suffolk Constabulary’s corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

1.2 The purpose of the Audit Committee is to provide independent advice and recommendations to the Police and Crime Commissioner (PCC) and the Chief Constable on the adequacy of the governance and risk management frameworks, the internal control environment, and financial reporting, thereby helping to ensure efficient and effective assurance arrangements are in place. To this end the Committee is enabled and required to have oversight of, and to provide independent review of, the effectiveness of the Office of the Police and Crime Commissioner and Suffolk Constabulary’s governance, risk management and control frameworks, its financial reporting and annual governance processes, and internal audit and external audit.

1.3 These terms of reference will summarise the core functions of the Committee in relation to the Office of the Police and Crime Commissioner and to the Constabulary to enable it to operate independently, robustly and effectively.

1.4 The Committee will support effective relationships between external audit and internal audit inspection agencies and other relevant bodies and further encourage the active promotion of the value of the audit process.

#### **2. Governance, risk and control**

The Committee will, in relation to the Police and Crime Commissioner and the Chief Constable:

2.1 Consider the corporate governance arrangements and review annual governance statements (including in relation to ethical values) of the PCC and Chief Constable.

2.2 Consider the effectiveness of the arrangements to secure value for money.

2.3 Consider the risk management arrangements of the PCC and Chief Constable.

2.4 Consider the effectiveness of the arrangements for countering corruption and fraud.

#### **3. Internal audit**

The Committee will:

3.1 Review the internal audit plan and propose any revisions to the internal audit plan.

3.2 Oversee the appointment and consider the adequacy of the performance of the internal audit service and its independence.

3.3 Consider the internal audit annual report and any appropriate in-year reports.

#### **4. External audit**

4.1 The Committee will consider all external auditor reports.

#### **5. Financial reporting**

5.1 The Committee will review the annual statement of accounts.

#### **6. Accountability arrangements**

6.1 The Committee will review its performance against its terms of reference and objectives on an annual basis.

#### **7. Wider Functions**

7.1 Where requested by the Police and Crime Commissioner, Chief Constable or Statutory Officers, the Committee will consider the adequacy of governance, risk management and audit processes in relation to a specific service or policy area."

*Frequency:* No less than 3 meetings per year.

*Open/Closed:* The meetings will be held in public unless the nature of the Business to be transacted (or part thereof) requires to be considered in closed session. This will be determined by reference to the Government's Protective Marking Scheme.

*Attendees:* 4 members of the Audit Committee as appointed by the PCC and Chief Constable.

The executive of the PCC and Chief Constable's Command Team should be represented at all meetings.

*Venue:* Police Headquarters (and as otherwise determined by the PCC).

*Records & Publication:* There will be agendas, reports and minutes produced and published (having regard to the publication of material in the light of the Government Protective Marking Scheme) in respect of all the meetings and where appropriate published via the PCC's website.

*Business:* The business to be transacted will be specified in the Schedule of Future Business.

##### **7.8.3 Norfolk/Suffolk Collaboration Panel**

*Purpose:* To consider issues of mutual interest and to discharge the governance responsibilities of the PCCs in relation to collaboration between Norfolk and Suffolk.

*Frequency:* The Panel will meet as agreed by the Chief Executive. The number of meetings will be commensurate with the level of business but it is anticipated that there will be approximately 4 meetings per year.

*Open/Closed:* The meetings will be held in public unless the nature of the business to be transacted requires to be considered in closed session. This will be determined by reference to the Government Protective Marking Scheme.

*Attendances:* PCCs (and members of staff from their Staff Teams).

Chief Constables and members of the Chief Officer Team and Senior Staff as appropriate to the business under discussion.

*Venue:* Alternate Norfolk and Suffolk Police Headquarters.

*Records & Publications:* There will be agendas, reports and minutes produced and published (having regard to the publication of material in the light of the Government Protective Marking Scheme) in respect of all meetings and where appropriate published via the PCC's website.

#### 7.8.4 Regional Collaboration

Terms of reference for the Eastern Region Police and Crime Commissioners and Chief Constables Meeting.

*Principles:* The Meeting shall be a private business meeting and not a public decision making board. Appropriate minutes will be made.

The Meeting shall provide PCCs and Chief Constables (the Members) with a forum to ~~discharge their statutory duties, consider issues of mutual interest and discharge the PCCs governance in relation to regional collaboration.~~ discuss and shape new initiatives and discharge their statutory duties.

The principle of local accountability shall be maintained. Decisions may be made by the Meeting 'in principle' and recommendations may be made but each PCC and Chief Constable shall retain their executive sovereignty as corporation sole.

#### *Role of the Meeting:*

Assist the Members in meeting their statutory obligations, to include keeping collaboration opportunities under review and ensuring collaboration takes place where it is in the interests of the efficiency or effectiveness of their own and other police force areas.

Hold the Lead Force Chief Constables and Lead PCCs to account for the operational delivery of the collaborative functions for which they are responsible.

Consider plans for the delivery of all functions through collaboration and where appropriate ensure they are implemented effectively.

Discharge the functions assigned to it by relevant collaboration agreements agreed by the Members.

Perform an oversight function (to include accountability, finance and performance) on behalf of the Members in respect of ongoing collaborative functions and collaboration projects.

Consider regional police and crime issues, share best practice, ~~develop regional approaches to functions discharged by PCCs, including commissioning,~~ exchange ideas and facilitate closer working between Members.

When required to do so:

- Consider proposals for any significant expenditure, overspends or disposal of any significant assets in relation to collaborative functions;



- Resolving any high level strategic service delivery issues or disputes which cannot be resolved through line management arrangements.

Receive ~~bi-annual~~ six monthly reports on the performance of all regional collaborative functions, including financial and operational performance, ~~The Meeting may require additional reports as and when it determines it necessary to do so, in accordance with the terms of the objectives of the relevant collaboration agreement.~~

**Membership:** The Meeting (Board) shall comprise the PCC and the Chief Constable (or their representatives) of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk. ~~The PCCs' Chief Executives shall also be invited to attend the Meetings to contribute to the discussions and work of the Meeting.~~

The Chair shall be rotated ~~on an annual basis and be shared in a rotational sequence by the PCCs. In the event that the Chair is unable to attend a meeting he or she will nominate another PCC to Chair that meeting.~~ at each meeting in a full rotational sequence by the PCCs.

~~The Chair~~ A nominated OPCC will have responsibility for all necessary administration in relation to the Meeting (Board).

**Proceedings and Meetings:**

The aim is for Meetings to take place ~~on a quarterly basis~~ bi-annually although they can be held as and when it is felt appropriate by the Members.

decision it shall

The Meeting does not have a formal decision making function and therefore detail concerning voting and quorum is unnecessary. Where a collaboration agreement requires the Meeting (Board) to make a do so only in principle and refer the decision to individual Members to make a formal decision at a local level.

The Meeting shall be held in private unless determined otherwise by all the Members.

#### 7.8.5 Business Liaison Meetings/Business Forums

**Purpose:** To enable regular engagement by the PCC and Suffolk Constabulary with the representatives of the business community.

**Frequency:** The Forum/Meetings will take place as agreed by the Chief Executive.

**Venue:** The venue for the meetings will be as determined by the Chief Executive.

**Business:** To include discussion of issues relating to the business community and in particular performance upon business crime and updates on intelligence.

#### 7.8.6 Public Engagement

The PCC will hold meetings to engage directly with the public. They will range from meetings to which the public are invited to one-to-one surgeries with members of the public. The meeting arrangements will vary from time to time. All public meetings will be publicised in advance via the PCC's website.

## **8.0 WORKING AGREEMENTS BETWEEN PCC AND CHIEF CONSTABLE**

### **8.1 General**

The PCC and Chief Constable have agreed to work together in co-operation to ensure the effective and efficient delivery of policing services. Notwithstanding their separate legal identities as Corporation Sole it is acknowledged that they have such interdependence as to require the sharing of significant areas of business support. Indeed Section 2 (5) of the Police Reform and Social Responsibility Act 2011 provides:

*“A Chief Constable must exercise the power of direction and control in such a way as is reasonable to assist the relevant Police and Crime Commissioner to exercise the Commissioner’s functions.”*

The sharing of business support, for example Finance/Payroll, HR, ICT, Performance, Consultation, Legal is not regarded as the provision of services by one to the other but rather a co-operative arrangement for the effective delivery of business support essential to the operation of both Corporation Sole. At all times both Corporation Sole will operate to the general principle of reasonableness. The provision of business support by the Chief Constable to the PCC is to be funded from the budget provided by the PCC to the Chief Constable rather than under any separate arrangement. There is no intention on either part to create enforceable private law rights or liabilities in relation to the provision of such business support.