



**Governance Scheme  
Scheme of Delegation**

**Chief Executive**

**November 2012**

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## **1. Introduction**

- 1.1 The scheme of delegation details the key roles of the Police and Crime Commissioner (the Commissioner), and those functions and authority which they delegate to the Chief Executive, Commissioner's Chief Finance Officer, and if appointed, a Deputy Police and Crime Commissioner, as well as any other officers as appropriate. The functions which fall to be discharged by the Chief Constable in their own right are also set out.
- 1.2 This scheme of delegation should be read with other documents in the Governance Scheme such as the Contract Standing Orders, Financial Regulations and the Decision-Making and Accountability Framework, as well as relevant legislation including the Police Reform and Social Responsibility Act 2011, subordinate legislation thereto, the Policing Protocol, the Financial Management Code of Practice and the Strategic Policing Requirement.
- 1.3 Contract Standing Orders and Financial Regulations also specify powers given to the Chief Executive, the Chief Finance Officer, and any other officer (the professional officers), either individually or jointly. This Scheme of Delegation aims to clarify those powers which, for the benefit of good business practice, are delegated to the professional officers. It provides a framework which, along with the other sections of the Governance Scheme, makes sure business is carried out in an efficient and timely way.
- 1.4 The delegations to the professional officers should be exercised in line with the Commissioner's policy intent, the provisions of the Governance Scheme and all applicable and relevant procedures, plans, strategies and budgets.
- 1.5 This Scheme of Delegation does not identify all the statutory duties and powers of the Commissioner and which are found within specific primary and secondary legislation.

## **2. Role of the Police and Crime Commissioner**

- 2.1 The key roles of the Commissioner 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 dismiss 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/her direction and control;
  - issue a Police and Crime Plan which sets out, amongst other things, the police and crime objectives;
  - make crime and disorder reduction grants;
  - produce an annual report.
- 2.2 The Commissioner is a contracting body who will initially own all the assets and liabilities, with the responsibility for the financial administration of his/her office and the force, including all borrowing limits.
- 2.3 The Commissioner will receive 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 Commissioner to determine in consultation with the Chief Constable, and where appropriate in accordance with any grant terms.

- 2.4 The Police and Crime Panel have a statutory role to scrutinise the decisions and actions taken by the Commissioner in discharging their functions.
- 2.5 The Commissioner may appoint a deputy to assist in the exercise of their functions subject to certain statutory exceptions.
- 2.6 The Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Constable and monitoring complaints against officers and staff.

### **3. General Principles of Delegation**

- 3.1 The Commissioner reserves the right to require that a specific matter is referred to them for decision and not dealt with under powers of delegation.
- 3.2 The Scheme does not attempt to list all matters which form part of everyday management responsibilities.
- 3.3 Delegation to officers under this Scheme does not prevent an officer from referring the matter to the Commissioner for a decision if the officer considers this appropriate (for example, because of the sensitive nature of an issue or in respect of any matter which may have a significant financial implication).
- 3.4 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.
- 3.5 All decisions made by the Deputy Commissioner and officers that are sufficiently material and are made under powers granted to them by the Commissioner must be recorded and available for inspection as required by the Decision-Making and Accountability Framework.
- 3.6 The Commissioner requires to be involved in any policing and crime matter which may have a significant impact on the people of Suffolk.
- 3.7 In this Scheme, references made to the professional officers, or to the Chief Executive, the Commissioner's Chief Finance Officer, the Chief Finance Officer of the Chief Constable, include officers authorised by them to act on their behalf and provided that such further delegation is documented in writing.
- 3.8 The professional officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme of Delegation.
- 3.9 The person appointed as the Chief Executive (who will also be the Monitoring Officer) and the Commissioner'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 the statutory roles.
- 3.10 The Scheme of Delegation provides the Deputy Commissioner and officers with the authority to discharge the duties of the Commissioner. In undertaking these duties they must comply with all relevant requirements as appropriate including:
  - the Police Reform and Social Responsibility Act 2011 and delegated legislation thereto;

- Contract Standing Orders;
- Financial Regulations;
- the Decision-making and Accountability Framework;
- the Home Office Financial Management Code of Practice;
- the CIPFA Statement on the role of the Chief Finance Officer of the Police and Crime Commissioner and the Chief Finance Officer of the Chief Constable;
- the Commissioner's and Suffolk Constabulary's employment policies and procedures;
- the Data Protection Act 1998 and the Freedom of Information Act 2000;
- Health and Safety at Work legislation and associated instruments;
- Equality Act 2010.

3.11 The Commissioner may delegate the performance of their functions under Section 18 of the 2011 Act, with the exception of those listed below and as provided at paragraph 4.2 below:

- issuing the Police and Crime Plan;
- determining the policing and crime objectives for the Police and Crime Plan;
- calculation of the budget requirement for the purpose of issuing a precept;
- appointing, suspending and calling upon the Chief Constable to resign or retire;
- attendance at the Police and Crime Panel for specified duties;
- preparing the Annual Report.

3.12 The Commissioner may not delegate the performance of a function to:

- a constable;
- another police and crime commissioner;
- 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.

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

3.14 To enable the Commissioner to exercise the functions of their office effectively they require reasonable access to information, and officers and staff within their force area. This access must not be unreasonably withheld or obstructed by the Chief Constable nor should the Chief Constable's direction and control of the force be restricted.

#### **4. Functions delegated to the Deputy Police and Crime Commissioner (if appointed)**

4.1 The Commissioner may appoint a deputy to exercise their functions except for those which cannot be delegated (listed at paragraph 4.2).

4.2 The Commissioner cannot give consent to the Deputy Commissioner to carry out the following functions:

- issuing the police and crime plan;
- appointing, suspending or calling upon the Chief Constable to resign or retire;
- calculating the budget requirement for the purpose of issuing a precept.

4.3 The Deputy Commissioner is authorised to exercise or perform any or all of the functions of the Commissioner, with the exception of those listed at paragraph 4.2, during any period when the Commissioner is unable through leave or illness to exercise the functions or at any other time with the consent of the Commissioner.

## **5. Functions delegated to the Chief Executive of the Office of the Police and Crime Commissioner**

5.1 The Chief Executive is the Head of the Police and Crime Commissioner's staff and is also the Monitoring Officer for the Commissioner. The Chief Executive will be the primary adviser on strategic issues that arise from the Commissioner's legal duties. The Chief Executive will discharge their statutory roles as Chief Executive and Monitoring Officer in accordance with the statutory requirements, APACE (Association of Police Authority Chief Executives) Statement on the Role of the Chief Executive and Monitoring Officer of the Police and Crime Commissioner, and Home Office Guidance<sup>1</sup>. The delegations, listed below, are those granted to the Chief Executive.

5.2 To take such action as is necessary to discharge the roles of Chief Executive and Monitoring Officer.

5.3 To take such day-to-day action as is required for the efficient and effective administration and management of the Office of the Commissioner and except as provided hereto the discharge of the Commissioner's functions and to give effect to the decisions and direction of the Commissioner.

5.4 To execute all contracts, agreements and other legal instruments either in writing or by affixing the common seal of the Commissioner, on behalf of the Commissioner in accordance with any decisions made by or on behalf of the Commissioner.

5.5 To manage the Commissioner's corporate budget in accordance with Financial Regulations.

5.6 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.

5.7 To manage the staff of the Office of the Commissioner including the appointment and dismissal of members of the Commissioner's staff who are not under the direction and control of the Chief Constable.

5.8 To make recommendations to the Commissioner with regard to staff terms and conditions of service in respect of the Commissioner's staff who are not under the direction and control of the Chief Constable, in consultation with the Commissioner's Chief Finance Officer.

5.9 To administer the Independent Custody Visitors Scheme and any other volunteer schemes including the appointment, suspension and removal of Custody Visitors and other volunteers.

5.10 To obtain legal or other expert advice.

5.11 To commence, defend, withdraw or settle any claim or legal proceedings on the Commissioner's behalf, in consultation with the Chief Finance Officer.

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<sup>1</sup> See "Have You Got What It Takes. Delivering through your Chief Executive and Monitoring Officer", Home Office, 2012.

## **6. Functions delegated to the Chief Finance Officer of the Office of the Police and Crime Commissioner**

- 6.1 The Chief Finance Officers of the Commissioner and of the Chief Constable each have 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).
- 6.2 The Chief Finance Officer of the Commissioner 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 Police and Crime Commissioner and the Chief Finance Officer of the Chief Constable, the Home Office Financial Management Code of Practice and other relevant guidance and best practice. The delegations listed below are those granted to the Chief Finance Officer of the Commissioner.
- 6.3 To take such action as is necessary to discharge the role of Chief Finance Officer of the Commissioner.
- 6.4 To ensure that the financial affairs of the Commissioner are properly administered and that Financial Regulations are observed and kept up to date.
- 6.5 To ensure regularity, propriety and Value for Money (VfM) in the use of public funds.
- 6.6 To ensure that the funding required to finance agreed programmes is available from Central Government funding, precept, other contributions and recharges.
- 6.7 To report to the Commissioner, the Police and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the Commissioner or officers of the Commissioner and others exercising on their behalf.
- 6.8 To report to the Commissioner, 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.
- 6.9 To advise the Commissioner on the robustness of the budget and adequacy of financial reserves.
- 6.10 To arrange for the determination, issue and transfer of the precept.
- 6.11 To ensure an effective internal audit function is resourced and maintained.
- 6.12 To ensure production of the statements of accounts of the Commissioner.
- 6.13 To ensure receipt and scrutiny of the statements of accounts of the Chief Constable and ensure production of the group accounts.
- 6.14 To liaise with the external auditor.
- 6.15 To advise the Commissioner on the application of value for money principles by the police force to support the Commissioner in holding the Chief Constable to account for efficient and effective financial management.

- 6.16 To advise, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance.
- 6.17 To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
- 6.18 The Chief Finance Officer of the Commissioner is the Commissioner's professional adviser on financial matters. To enable them to fulfil these duties and to ensure the Commissioner is provided with adequate financial advice, the Chief Finance Officer of the Commissioner:
- must be a key member of the Commissioner's Leadership Team, working closely with the Chief Executive, helping the team to develop and implement strategy and to resource and deliver the Commissioner'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 Commissioner, to ensure that the financial aspects of immediate and longer term implications, opportunities and risks are fully considered, and align with the Commissioner's financial strategy;
  - must lead the promotion and delivery by the Commissioner 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.
- 6.19 The Chief Finance Officer of the Chief Constable is authorised to undertake the section 151 responsibilities of the Chief Finance Officer of the Commissioner in their absence.

## 7. Functions designated to the Chief Constable

### **Explanatory Note:**

Under Section 18 of the 2011 Act the Commissioner is prohibited from delegating the performance of a function to a constable. This means that, unlike the predecessor Police Authority, the Commissioner cannot arrange for their functions to be discharged by the Chief Constable. During the Stage 1\* period of transfer, all police staff (including those under the direction and control of the Chief Constable) will remain employed by the Commissioner. This will enable the Commissioner to make delegations to such staff in the same way as they would make delegations to their Chief Executive or Chief Finance Officer. Accordingly, on an interim basis until the Stage 2\* period of transfer is reached a number of functions are delegated to the Chief Finance Officer of the Chief Constable and the Director of Human Resources (and which but for the prohibition above, would have been delegated to the Chief Constable). At transfer Stage 2 the Scheme of Delegation will give consent to the Chief Constable to undertake a number of matters without the need for prior approval – for example in relation to the procurement of goods or services. It will give consent for the Chief Constable to exercise powers on their own behalf as a Corporation Sole rather than their having delegated authority to exercise the Commissioner's powers.

\* Stage 1 and Stage 2 transfers are respectively the initial and subsequent transfers referred to at Schedule 15 to the 2011 Act.



- 7.1 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 Commissioner for the delivery of efficient and effective policing, and 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.
- 7.2 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.
- 7.3 To appoint the Force's officers and staff (after consultation with the Commissioner, in the case of officers above the rank of Chief Superintendent and police staff equivalents).
- 7.4 To support the Commissioner in the delivery of the strategy and police and crime objectives set out in the Police and Crime Plan.
- 7.5 To provide the Commissioner with access to information, officers and staff as required.
- 7.6 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.
- 7.7 To notify and brief the Commissioner upon any matter or investigation which they may need to provide public assurance either alone or with the Commissioner (all Police and Crime Commissioners will be designated as Crown Servants under the Official Secrets Act 1989 making them subject to the same provisions in relation to sensitive material as Government Ministers).
- 7.8 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.
- 7.9 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 Commissioner.
- 7.10 To remain politically independent of their Commissioner.
- 7.11 To manage all complaints against the Force, its officers and staff, except in relation to the Chief Constable, and to ensure that the Commissioner 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.
- 7.12 To exercise the power of direction and control in such a way as is reasonable to enable the Commissioner to have access to all necessary information and staff within the force.

7.13 To have responsibility for financial management of the Force within the framework of the agreed budget allocation.

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

8.1 The Chief Finance Officer of the Commissioner and of the Chief Constable each 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).

8.2 The Chief Finance Officers will discharge their statutory roles in accordance with statutory requirements, their job description, the CIPFA Statement on the Role of the Chief Finance Officer of the Police and Crime Commissioner and the Chief Finance Officer of the Chief Constable, the Home Office Financial Management Code of Practice and other relevant guidance and best practice.

8.3 The Chief Finance Officer of the Commissioner is authorised to undertake the section 151 responsibilities of the Chief Constable's Chief Finance Officer in their absence.

8.4 The delegations listed below are those granted to the Chief Finance Officer of the Chief Constable.

8.5 To take such action as is necessary to discharge the role of Chief Finance Officer of the Chief Constable.

8.6 To undertake the day to day management of the budget delegated to the Force in accordance with Financial Regulations.

8.7 To approve business cases for revenue and capital expenditure in accordance with Financial Regulations.

8.8 In accordance with Financial Regulations, undertake the day to day management of the following functions relating to:

- Financial and management accounting;
- Treasury management;
- Payroll and pensions;
- Insurance.

8.9 To undertake the day to day management of the procurement function in accordance with the requirements and limitations set out in the Contract Standing Orders.

8.10 To undertake the day to day management of the property function relating to both real and personal property. The disposal and acquisition of interests in land is reserved to the Commissioner.

8.11 To keep a register of all property and capitalised assets owned by the Commissioner.

8.12 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 must be taken in line with Home Office advice and after consulting the Chief Constable, Chief Executive and the Commissioner's Chief Finance Officer.

- 8.13 To approve the financial settlement of all claims, requests for compensation and debt write-offs for the Commissioner in accordance with Finance Regulations.
- 8.14 To commence, defend, withdraw or settle any claims or legal proceedings on behalf of the Police and Crime Commissioner in consultation with the Chief Executive and the Commissioner's Chief Finance Officer.
- 8.15 To exercise the Commissioner's discretions under the Local Government Pension Scheme (and in the case of discretions in relation to staff employed in the Office of the Commissioner in consultation with the Chief Executive).
- 8.16 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Scheme (Internal Dispute Resolution Procedures) Regulations 1996.

**9. Functions delegated to the Director of Human Resources.**

- 9.1 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 where the performance of such function is, at law, the responsibility of the Commissioner.