



Ms Sappho Powell
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Your reference: SP/TheCCofSuffolkConstabulary/2018-19/MO
Our reference: CJAP133

1 May 2019

Dear Ms Powell

Re: Understanding how the Monitoring Officer exercises oversight over those charged with governance and Management

I refer to your letter of 16 April 2019. Herewith my response to the questions raised in your letter.

- 1 How do you as Monitoring Officer, gain assurance that all relevant laws and regulations have been complied with?*

The Monitoring Officer role is one of a number of statutory officers associated with “those charged with governance”. These officers have specific statutory responsibilities relating to their statutory designation. Collectively they will seek to ensure that “the entity” operates in a manner consistent with relevant legal provisions. The chief finance officers in particular are responsible for compliance from a financial perspective and I would expect them to advise me and keep me informed of any potential non-compliance of a financial nature.

As Chief Executive and Monitoring Officer appointed by the Police and Crime Commissioner (PCC) I regard it as a key role to ensure that the PCC discharges his duties within the bounds of the functions, powers and obligations provided for in legislation. All my staff team are required and know to report to me on any issues or concerns as to the discharge of these powers and functions. In performing my role I take it upon myself to guide the PCC to ensure compliance and provide all the necessary advice and support to enable the statutory requirements to be met. This includes delivery of an appropriate corporate governance framework and decision-making mechanisms. For example the PCC has been advised and guided upon compliance with his GDPR obligations and the production of a GDPR Policy to ensure compliance. Further all formal decisions are made under the Scheme of Governance

and Consent requirements which provide, amongst other things, that all submissions to the PCC must be made via the Chief Executive. This enables a legal compliance check to be made on the issues under consideration.

Regular/weekly Senior Management Team meetings are held with the PCC and where the PCC is, amongst other things, guided as to compliance with the obligations upon him. These meetings enable monitoring and scrutiny of the PCC's activities and where his diary is available for consideration.

Particular attention is paid to business involving other agencies such as the 7 Forces Collaboration Programme and Blue Light Collaboration Programme and all relevant business there is scrutinized by myself to ensure compliance with legal obligations.

In short the PCC benefits from regular advice as to the discharge of his obligations and is guided by officers in his key decision-making to ensure compliance. As Chief Executive and Monitoring Officer I ensure that the PCC complies with all relevant governance and legal compliance obligations.

With regard to compliance by the Chief Constable I gain assurance in a number of ways. The relationship between the PCC and Chief Constable is, from a local perspective, provided for in the Scheme of Governance and Consent. On a day-to-day basis I ensure that the provisions of the Scheme are complied with. This provides for a formal accountability process for the Chief Constable, and within which he needs to account as appropriate on a range of issues. This can include issues related to his statutory obligations and compliance with legal instruments.

The PCC and Chief Constable have regular (weekly) Weekly Conference meetings where I am free to add items to the agenda. I am able to, and regularly do, add items to ensure compliance with legal requirements, by inquiry and scrutiny.

Additionally I have free and ready access to discuss issues with the Chief Constable and frequently do so with a view to securing compliance.

I am exposed to developments in legal requirements and obligations through professional networks eg the APCC and APACE. The arrangements set out above enable me to test the application of legal developments and current obligations for compliance.

The preparation of the PCC's Annual Governance Statement and consideration of the Chief Constable's Annual Governance Statement, both prepared in accordance with the CIPFA Guidance Notes for Policing Bodies in England and Wales 2016 edition, provide further assurance that systems are in place to ensure that all relevant law is being complied with. Further, and relative to the next bullet point, it also enables me to ensure oversight over those charged with governance and Management that their arrangements comply with the tenets of good corporate governance.

2 *How, as Monitoring Officer, do you exercise oversight over those charged with governance and Management and their arrangements in relation to:*

(a) *assessing and responding to either changes in the legal framework or identified or potential breaches of relevant legal provisions;*

See answer to the first issue above. As far as the PCC is concerned I take responsibility for any issue of a legal nature that requires action to ensure that the PCC is compliant. As far as the Chief Constable is concerned I would by questioning and scrutiny at the governance vehicles described above seek assurance that all necessary steps have or are being taken to respond to changes in “the legal framework” or “identified or potential breaches of relevant legal provisions”.

(b) *ensuring that joint working arrangements and other such similar arrangements operate in a manner consistent with the entity as a single body in respect of law and regulation and do not pose a risk, either operational, reputational or financial;*

I have taken a leading role in the production and maintenance of the Scheme of Governance and Consent, designed after the commencement of the Police Reform and Social Responsibility Act 2011 in 2012. This Scheme ensures that the two corporation sole operate together in a way consistent with their being a single entity and which helps with compliance with our respective legal obligations. The Scheme, which includes Financial Regulations and Contract Standing Orders that apply to both corporation sole, is kept under regular review to reflect current practice and respond to necessary changes.

The governance arrangements that are described above give ample opportunity for PCC and Chief Constable, as advised by statutory officers, to ensure arrangements operate within the law and so as not to pose a risk, either operational, reputational or financial.

(c) *undertaking an assessment of the risk that the financial statements may be materially misstated due to fraud or error (including the nature, extent and frequency of these assessments);*

This is a responsibility of the PCC’s Chief Finance Officer who provides relevant oversight over those charged with governance and which he has addressed in his response to Ernst & Young. In the production of the PCC’s Annual Governance Statement this is an issue that would be discussed with the PCC’s Chief Finance Officer.

(d) *identifying and responding to risks of fraud in the organization, including any specific risks of fraud which have been identified or that have been brought to either those charged with governance’s or Management’s attention, or classes of transactions, account balances, or disclosure for which a risk of fraud is likely to exist;*

This is a responsibility of the PCC’s Chief Finance Officer who provides relevant oversight over those charged with governance and which he has addressed. The procedures for identifying and responding to the risk of fraud and potential breaches of internal control are clearly set out in the documents that he has described in his response to Ernst & Young. In the

production of the PCC's Annual Governance Statement this is an area that would be discussed with the PCC's Chief Finance Officer.

- (e) *identifying and responding to potential or actual unlawful acts which have been identified or that have been brought to either those charged with governance's or Management's attention:*

The same processes as outlined above would apply in the eventuality that the circumstance arising in the question occurred.

- (f) *communicating to employees their views on business practice and ethical behaviour (for example by updating, communicating and monitoring against the organisation's code of conduct):*

Staff within the PCC's office are referred on appointment and afterwards to the PCC website for all applicable policy and practice (see Document library) and where, amongst other things, the Code of Ethics is found. The staff is small so that I can deal with the maintenance of ethical behaviour on a day-to-day basis.

The Chief Constable communicates to his workforce through the Intranet Site and Force Orders and draws to their attention all relevant issues re business practice and ethical behaviour.

I ensure that the Audit Committee receives a report each year from the Chief Constable upon the work to implement and embed the Code of Ethics into the Suffolk Constabulary. The last such report was considered by the Audit Committee on 30 November 2018.

I also refer you to the "Standards of Conduct" section of the PCC's and Chief Constable's Annual Governance Statements.

- (g) *encouraging employees to report their concerns about fraud or potential illegal acts;*

These issues have been addressed by the PCC's Chief Finance Officer in his response to Ernst & Young and where reference has been made to the Confidential Reporting and Whistleblowing Policy and Anti-Fraud and Corruption policy. These policies are both referred to in the PCC's Annual Governance Statement which in discussion with the PCC's Chief Finance Officer over its production enables me to ensure that these elements of the corporate governance framework are being adequately discharged.

- (h) *communicating the process for identifying and responding to fraud or error;*

These issues have been addressed by the PCC's Chief Finance Officer in his response to Ernst & Young and are issues discussed between myself and the PCC's Chief Finance Officer in the production of the PCC's Annual Governance Statement.

- (i) *compliance with internal control arrangements and due process;*

The production and consideration respectively of the PCC's and Chief Constable's Annual Governance Statements provide assurance to me that arrangements are in place for those charged with governance and Management to ensure compliance with internal control arrangements and due process. The full scale of those arrangements are described in these Statements and speak for themselves.

3 *Are you aware of any:*

- (a) *breaches of, or deficiencies in, internal control in respect of fraud or compliance with relevant legal provisions that could have a significant effect on the entity or a material impact on the financial statements;*

I am not aware of any such matters occurring during 2018/19.

- (b) *actual, suspected or alleged frauds or breaches of legislative requirements during 2018/19;*

I am not aware of any of the matters described occurring during 2018/19.

- (c) *excessive or undue pressure to meet financial or operating targets that may unduly influence the actions of either those charged with governance or Management:*

I am not aware of any such matters occurring during 2018/19.

- (d) *actual or potential litigation or claims that would have a significant effect on the entity or a material impact on the financial statements;*

I am not aware of any claims, actual or otherwise, apart from any that have already been reported as contingent liabilities in the Statement of Accounts to date, and the draft contingent liabilities notes for the Statement of Accounts for 2018/19.

- (e) *circumstances that would call into question the preparation of the financial statements on a going concern basis;*

I am not aware of any such circumstances.

If there are any queries on the above please let me know.

Yours sincerely

Christopher Jackson
Chief Executive