

ORIGINATOR: CHIEF EXECUTIVE

DECISION NUMBER: 2-2020

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

SUBJECT: CORPORATE GOVERNANCE – SCHEME OF GOVERNANCE AND CONSENT

SUMMARY:

- 1 The Scheme of Governance and Consent has been reviewed to cover a number of changes. Key amongst these changes are:
 - minor revisions to the Seven Forces' Contract Standing Orders;
 - revised delegations in readiness for the introduction of national police complaints and misconduct reforms.
- 2 Approval is now sought to the revised Scheme.

RECOMMENDATION:

The PCC is invited to adopt the revised Scheme of Governance and Consent (with the exception of the Financial Regulations) at Appendix 1 to apply from 1 February 2020.

APPROVAL BY: PCC

The recommendation set out above is agreed.

Signature

Tim Parnham

Date

*15th January
2020.*

DETAIL OF THE SUBMISSION

1. INTRODUCTION

- 1.1 The Police and Crime Commissioner (PCC) has adopted a number of key corporate governance documents that help contribute to the good governance of the two corporations sole that operate in policing locally, namely the PCC and the Chief Constable. These corporate governance documents include a Scheme of Governance and Consent.

Scheme of Governance and Consent

- 1.2 The Scheme of Governance and Consent was adopted by the PCC in April 2014 and has been amended on five occasions since. The Scheme governs the inter-relationship between the PCC and Chief Constable and others. It is expected that the Scheme be regularly reviewed to ensure it adapts to the ongoing needs and governance requirements of the corporations sole.

2. CHANGES TO THE SCHEME OF GOVERNANCE AND CONSENT

- 2.1 The Scheme has been revised to accommodate changes that have occurred since March 2019, the time the Scheme was last revised. In particular the Scheme now incorporates changes to accommodate:

- minor revisions to the Seven Forces' Contract Standing Orders which were introduced by the Seven Force Collaboration Agreement for Procurement;
- revised delegations by the Chief Executive in readiness for the introduction of the complaints and misconduct reforms due to commence on 1 February 2020;
- minor revisions to the provisions concerning the Audit Committee.

- 2.2 The Scheme has a number of constituent parts:

- Introduction, Outline and Legislative Background and General Principles;
- Key Roles of the Police and Crime Commissioner and Chief Constable;
- Delegations by the Police and Crime Commissioner;
- Financial Regulations;
- Contract Standing Orders;
- Decision-Making and Accountability Framework;
- Arrangement between Police and Crime Commissioner and Chief Constable;
- Appendices.

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	Yes – Originator is a solicitor and the PCC's 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?	Yes, although not directly applicable
Have human resource implications been considered?	Yes, although not directly applicable
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 – the Chief Constable, and Chief Finance Officers for the PCC and Chief Constable have been consulted
Has communications advice been sought on areas of likely media interest and how they might be managed?	No – media interest not anticipated
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 14 January 2020

- 2.3 All of these constituent parts of the Scheme have also been reviewed, apart from the Financial Regulations, to ascertain whether any further change is necessary. The revised Scheme (with the exception of the Financial Regulations) is now presented for consideration and adoption (see Appendix 1) and where all the proposed changes are shown tracked in red.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from consideration of the paper.

4. RISK AND OTHER IMPLICATIONS

- 4.1 There are no other material implications or risks association with consideration of this paper.



GOVERNANCE FRAMEWORK (3)

SCHEME OF GOVERNANCE AND CONSENT ~~2019~~2020

**Chief Executive
(and Monitoring Officer)**

**~~1 April 2019~~
1 February 2020**

CONTENTS

- 1 Introduction, Outline of Legislative Background and General Principles
- 2 Key Roles of the Police and Crime Commissioner and Chief Constable
- 3 Delegations by the Police and Crime Commissioner
- 4 Delegations by the Chief Constable
- 5 Financial Regulations
- 6 Contract Standing Orders
- 7 Decision-Making and Accountability Framework
- 8 Arrangements between Police and Crime Commissioner and Chief Constable
- 9 Appendices
 - A Delegations by the Chief Executive
 - B Financial Regulations
 - C Contract Standing Orders
 - D Decision-making template

1. 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 and others 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 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. 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. Further, the Contract Standing Orders contained within the scheme are, by virtue of collaboration between the police areas of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Kent, Norfolk and Suffolk, common to all the seven police areas.

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 2011 Act has also established the Chief Constable as a corporation sole.
- 1.2.3. The 2011 Act has conferred wide powers upon the PCC and Chief Constable. A PCC may do anything which is calculated to facilitate, or is conducive to 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. The explanatory notes to section 18 of the 2011 Act state that the intention is that any exercise of a PCC's functions by another PCC should be under a collaboration agreement. Section 22 of the Police Act 1996 (as amended by the 2011 Act) expressly provides that a collaboration agreement may be made by two or more policing bodies. This power enables one PCC to act in collaboration with another. Therefore, for example, one PCC would be able to enter into a contract on behalf of another PCC if they so agreed in a collaboration agreement executed between them. This power has been drawn upon to agree the Contract Standing Orders across the seven police areas and referred to at paragraph 1.1.4 above.
- 1.2.7. 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 in the police area of Suffolk. The PCC through this Scheme of Governance and Consent has granted consent to the Chief Constable for the daily administration of property. 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 or as provided for as appropriate by the Contract Standing Orders.

- 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 Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Kent, Norfolk and Suffolk.
- 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. 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;
- 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, crime reduction and the provision of victims' services. The allocation of this funding is for the PCC to determine in consultation with the Chief Constable, and where appropriate in compliance 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 Office for Police Conduct;
- 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. 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 (and who is the Head of Paid Service and the Monitoring Officer) and the PCC's Chief Finance Officer have powers and duties deriving from each of these 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 and Freedom of Information legislation and associated instruments;
- 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.

A PCC may however arrange for a function to be exercised by another PCC under a collaboration agreement rather than by delegation (see paragraph 1.2.6 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 Paid Service and is also the Monitoring Officer for the PCC. These are statutory roles. He is also the Data Protection Officer for the PCC for the purposes of the General Data Protection Regulation.
- 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, Head of Paid Service 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.¹
- 3.2.3. Without prejudice to the performance of the statutory roles of the Chief Executive, Head of Paid Service and Monitoring Officer the PCC grants the following delegations to the Chief Executive:
- 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.
- 3.2.5. 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 to give effect to the decisions and direction of the PCC.
- 3.2.6. 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.
- 3.2.7. To manage the PCC's corporate budget in accordance with Financial Regulations.
- 3.2.8. To discharge the functions of the PCC in respect of the initial handling and recording of complaints against the Chief Constable under the police complaints system.
- 3.2.9. To fix fees for copies of documents and extracts of documents requested under the freedom of information and data protection legislation or otherwise.
- 3.2.10. To manage the staff of the Office of the PCC including the appointment and dismissal of members of the PCC's staff.

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

- 3.2.11. 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.
- 3.2.12. To administer the Independent Custody Visitors Scheme and any other volunteer schemes including the appointment, suspension and removal of custody visitors and other volunteers.
- 3.2.13. 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.
- 3.2.14. 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.
- 3.2.15. 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.
- 3.2.16. 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.
- 3.2.17. In addition, the Police and Crime Panel has delegated to the Chief Executive the responsibility for the receipt, initial handling and recording of complaints in respect of the PCC in accordance with Part 2 of the Elected Policing Bodies (Complaints and Misconduct) Regulations 2012.

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 unlawful, 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. 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.
- 3.4.2. Current delegations by the Chief Executive under paragraph 3.4.1. are set out at Appendix A hereto.

4. 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 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. 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 B to this Scheme.

6. CONTRACT STANDING ORDERS

6.1. General

6.1.1. The Contract Standing Orders govern the relationship between the PCC, Chief Constable and others in relation to the entering into of contracts. The PCC and Chief Constable have entered into a collaboration agreement with their counterparts for the police areas of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Kent and Norfolk in relation to procurement. In this agreement a common set of Contract Standing Orders have been agreed for the seven police areas. They are called the Seven Force Procurement Contract Standing Orders.

6.1.2. The Seven Force Contract Standing Orders are found at Appendix C to this scheme.

7. 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)

<i>Purpose:</i>	Regular briefings and discussions. Decisions can be made in this forum.
<i>Frequency:</i>	To be decided by the PCC.
<i>Records and publication:</i>	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)

<i>Purpose:</i>	To hold the Chief Constable to account and to enable issues to be discussed, and decisions made, in public.
<i>Frequency:</i>	To be decided by the PCC.
<i>Records and publication:</i>	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

<i>Purpose:</i>	To enable engagement with the public around the county.
<i>Frequency:</i>	To be decided by the PCC.
<i>Method:</i>	To be decided by the PCC although could include surgeries, webcasts and public events.
<i>Location:</i>	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 eg 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 D) 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. Items

that are marked “Not Protectively Marked” will mean they are suitable for publication.

- 7.3.6. Where there is a need to share information which is marked other than “Not Protectively Marked”, 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

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 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, including completing a self-assessment of good practice.

7 Treasury Management

- 7.1 The Committee will note the Annual Investment and Treasury Management Strategy Statement and any appropriate related monitoring reports.

8 Wider functions

- 8.1 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.

Attendances: 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 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 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.

Quorum The quorum for all meetings of the Audit Committee will be two members.

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.

<i>Frequency:</i>	The Panel will meet as agreed by the Chief Executive. The number of meetings will be commensurate with the level of business to be transacted.
<i>Open/Closed:</i>	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.
<i>Attendances:</i>	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.
<i>Venue:</i>	As agreed variously by the PCCs of Norfolk and Suffolk.
<i>Records and Publication:</i>	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 were appropriate published via the PCC's website.

7.8.4. Seven Force Collaboration

Terms of reference for the Eastern Region Alliance Summit.

<i>Principles:</i>	<p>The Meeting shall be a private business meeting and not a public decision-making board. Appropriate minutes will be made.</p> <p>The Meeting shall provide PCCs, PFCC(s) (Police, Fire and Crime Commissioners) and Chief Constables (the Members) with a forum to discuss and shape new initiatives and discharge their statutory duties.</p> <p>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/PFCC and Chief Constable shall retain their executive sovereignty as corporation sole.</p>
<i>Role of the meeting:</i>	<p>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.</p> <p>Hold the Lead Force Chief Constables and Lead PCCs/PFCC(s) to account for the operational delivery of the collaborative functions for which they are responsible.</p> <p>Consider plans for the delivery of all functions through collaboration and where appropriate ensure they are implemented effectively.</p>

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. The members participating in this oversight will be defined within the relevant collaboration agreement.

Consider regional police and crime issues, share best practice, exchange ideas and facilitate close 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 six monthly reports on the performance of all regional collaborative functions, including financial and operational performance, in accordance with the terms of the objectives of the relevant collaboration agreement.

Membership: The Meeting (Board) shall comprise Commissioners and the Chief Constable (or their representatives) of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Kent, Norfolk and Suffolk.

The Chair shall be rotated at each meeting in a full rotational sequence by Commissioners.

A nominated OPCC will have responsibility for all necessary administration in relation to the Meeting.

Proceedings and meetings: The aim is for Meetings to take place quarterly although they can be held as and when it is felt appropriate by the Members.

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 to make a decision it shall 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.

Further governance mechanisms under the Seven Forces Collaboration have been created and which are provided for in collaboration agreements entered into by the PCCs/PFCC(s) and Chief Constables from the Seven Forces.

7.8.5. Business Liaison

To enable regular engagement by the PCC and Suffolk Constabulary with the representatives of the business community, bespoke meetings will be arranged on a regular basis to meet with representative groups from the business community.

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. 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.

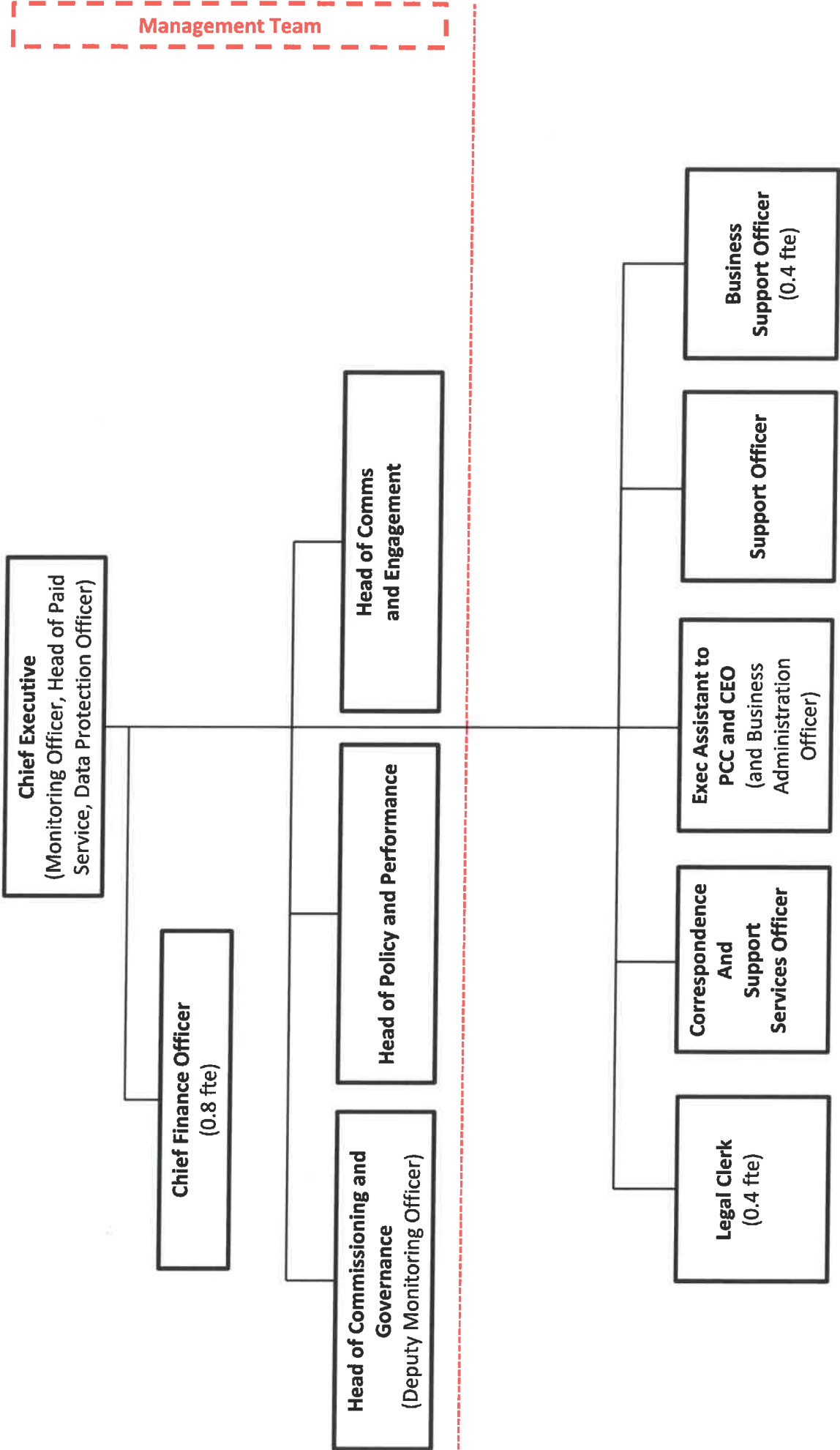


Delegations made by the Chief Executive under paragraph 3.4.1. comprise:

1. The Head of ~~Governance and Commissioning~~Commissioning and Governance is authorised to deputise for the Chief Executive as Monitoring Officer as and when required.
2. The Head of ~~Governance and Commissioning~~Commissioning and Governance is authorised 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. The Head of ~~Governance and Commissioning~~Commissioning and Governance, the Head of Policy and Performance and the Head of Communications and Engagement are authorised to deputise for the Chief Executive in his absence as required.
4. ~~The Correspondence and Support Services Officer, is authorised to take all necessary action to progress appeals on behalf of the PCC under the Police Appeals Tribunal Rules 2012.~~ Head of Policy and Performance, and the Legal Clerk are authorised to take all necessary steps to progress and determine reviews arising pursuant to the Police Reform Act 2002, the Policing and Crime Act 2017 and the Police (Complaints and Misconduct) Regulations 2020.
- 4.5. The Correspondence and Support Services Officer is authorised to take all necessary actions to progress appeals on behalf of the PCC under the Police Appeals Tribunals Rules 2012 and 2020 whichever is appropriate, with the exception of determining Tribunal composition and which will be reserved to the Chief Executive (or those authorised to deputise as set out above).

The roles described above are as set out in the structure chart for the Office of the PCC for Suffolk.

OPCC Suffolk Structure



SCHEDULE 5

**Seven Force Procurement
Contract Standing Orders**

September 2019

1. GLOSSARY OF TERMS

1.1. These terms will have the following meanings in the Standing Orders:

CC Chief Finance Officers (CC CFOs)	The Chief Finance Officers of the Chief Constables.
Chief Constable (CCs)	The Chief Constable of Bedfordshire Police, the Chief Constable of the Cambridgeshire Constabulary, the Chief Constable of Essex Police, the Chief Constable of the Hertfordshire Constabulary, the Chief Constable of Kent Police, the Chief Constable of the Norfolk Constabulary and the Chief Constable of the Suffolk Constabulary.
Chief Officers	Officers who are members of the Chief Officer's team of Bedfordshire, the Chief Officer's team of Cambridgeshire, the Chief Officer's team of Essex, the Chief Officer's team of Hertfordshire, the Chief Officer's team of Kent, the Chief Officer's team of Norfolk and the Chief Officer's team of Suffolk.
Constabulary	Police officers, including the special constabulary, and police staff under the direction and control of the CCs.
Framework Agreement	An enabling agreement, which establishes the terms (in particular the terms as to price and where appropriate, quantity) under which individual contracts (call-offs) can be made throughout the period of the agreement (normally a maximum of four years).
Officers	All police officers and police staff of Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Kent, Norfolk and Suffolk Constabularies/Police and staff of the PCCs and PFCC(s).
PCC Chief Finance Officers (PCC CFOs)	The Chief Finance Officer of the PCCs and PFCC(s).
PCR 2015	The Public Contracts Regulations 2015, as amended and any subsequent amendments thereto.
Police and Crime Commissioners (PCCs) and Police, Fire and Crime Commissioner(s) (PFCC(s))	The Bedfordshire Police and Crime Commissioner, the Cambridgeshire Police and Crime Commissioner, the Essex Police, Fire and Crime Commissioner, the Hertfordshire Police and Crime Commissioner, the Kent Police and Crime Commissioner, the Norfolk Police and Crime Commissioner and the Suffolk Police and Crime Commissioner.
Procurement Function	The 7 Force Single Procurement function operated by the 7 Force procurement team.
Procurement Policy and Procedures	All Procurement Policies and Procedures published by the Procurement Function.
Reserved Matters	Matters which are reserved by a Policing Body, acting reasonably, to be progressed and delivered locally. Reserved Matters will typically entail the procurement of goods or services that are novel, politically sensitive or

Collaboration Agreement for the provision of a 7 Force Single Procurement function

	<p>particularly important locally to a Policing Body, e.g. election pledge matters, and shall be matters where the Policing Body reasonably believes that the requirements can best be procured locally. These must only be undertaken in exceptional circumstances as this is contrary to the objectives for creating the Function as defined in the agreed FBC. To ensure transparency across the Policing Bodies, all instances of reserved matters must be notified by the relevant party to the Strategic Governance Board in advance for their awareness. The Policing Body that instigates the Reserved Matter will authorise and approve any contract award. The Policing Body that instigates the Reserved Matter will be liable for any Claims and any liabilities therefrom will not be shared across the remaining Forces.</p>
Seven Force Head of Strategic Procurement	The individual appointed to run the Procurement Function.
Single Force Requirement	Where a single Force has a requirement for goods or services and which is not a Reserved Matter and will be undertaken by the Function. The procurement process may be allocated to a member of staff geographically based and not always by an existing member of the single home Force requesting the goods or services.
Single Tender Action (STA)	The selection of a supplier to provide goods, works or services without competition.
Standing Orders	These contract standing orders.

2. INTRODUCTION

- 2.1. In Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Kent, Norfolk and Suffolk, the 7 Force Procurement Function has been created to support police procurement activity.
- 2.2. These contract standing orders will apply to all procurements that are being carried out by the 7 Force Procurement Function, unless exceptional circumstances exist. This is in-line with the intent set-out in para 6.6 of the Business Case of having a single set of harmonised contract standing orders, where possible.
- 2.3. All contracts and orders for goods, works or services made by or on behalf of the PCCs and PFCC(s), with the exception of contracts/leases, for the lending or borrowing of money, land and contracts of service for employment purposes, shall be made in accordance with these Standing Orders.
- 2.4. All contracts shall comply with statutory requirements including, but not limited to, UK and other applicable legislation and relevant Government guidance.
- 2.5. The PCCs, PFCC(s) and Chief Constables require all procurement activity to be undertaken in a transparent, fair and consistent manner, ensuring the highest standards of probity and accountability. All procurement undertaken on behalf of the PCCs, PFCC(s) and CCs will operate under robust principles and procedures to ensure best value.
- 2.6. No exceptions shall be made to these Standing Orders other than for those reasons stated in paragraph 5.
- 2.7. Professional and legal advice on procurement matters must be directed through the Procurement Function which will decide the appropriate route for response or escalation.
- 2.8. All Officers shall comply with these Standing Orders; any failure to do so may result in disciplinary action.
- 2.9. Any specific delegation of these Standing Orders to an officer may be exercised by their deputy or by another officer specifically designated in writing by the officer in accordance with any general directions issued by them.
- 2.10. Any dispute regarding the interpretation of these Standing Orders will be referred to the Strategic Governance Board in the first instance. If the dispute cannot be resolved within 1 month, it will be escalated to the PCCs and the PFCC(s) and their decision will be final.

3. COMPETITIVE PROCUREMENT

- 3.1. For goods, works or services the acceptance of quotations and bids will be based on the principle of best overall value for money, i.e. the most economically advantageous offer.
- 3.2. Estimated value is deemed to be the aggregate whole life cost (inclusive of consumables, maintenance and disposal) to the joint organisations that is reasonably anticipated over the time of provision. If the lifetime is unknown, then the aggregate cost should be based on forty-eight (48) months. Requirements must not be disaggregated in order to avoid competitive procurement under any circumstances.

- 3.3. Where the estimated aggregated value of a proposed contract is in excess of EU thresholds, tender procedures will be in accordance with the PCR 2015. For those with aggregated values of less than EU thresholds, the principles of the PCR 2015 will be followed unless it is not practical to do so (for example, to obtain goods or services for an urgent operational requirement). Permission from the Seven Force Head of Strategic Procurement or nominated Deputy must be obtained in this instance and a report setting out the rationale must be presented to the next Strategic Governance Board. The Seven Force Head of Strategic Procurement has responsibility to publish details of the processes to be followed.
- 3.4. Criteria for the award of contracts shall be recorded in advance of the invitation to tender and strictly observed by Officers evaluating the bids. The criteria cannot be altered once the tender is advertised. The criteria may include cost and qualitative elements and shall take into account whole life costs.
- 3.5. Evaluation models used to select the successful tender shall generally be weighted such that the overall percentage score allocated to cost is not less than 50%. In exceptional circumstances the Procurement Function staff at Tier 1 and 2 may agree an alternative cost/quality ratio after discussing with the lead stakeholder on that programme, if the deliverables are complex or critical in nature. Any changes are to be recorded for audit purposes. For Reserved Matters undertaken by a local Force, they may set their own evaluation criteria.
- 3.6. The evaluation of bids must be objective, systematic, thorough and fair. Decision makers should be aware that the records of the decision-making process may be subject to scrutiny at a later date.
- 3.7. The tables at 3.9 and 3.14 describe the procedure and authority levels dependent on the estimated value of the total procurement, (not an individual Force value). A high-level overview of the tender/award governance flow-chart, above and below £1million, is detailed in Appendix 1.
- 3.8. If there is already a corporate contract in place for the goods, works or services required, it is mandatory to use it. The Procurement Function will advise. For the avoidance of doubt, local Force staff must still approve all of their individual respective written quotation requests and ensure that they obtain best value for their own Force. (Where possible, this is to include a quotation from a local supplier.) This is because of the different ERP systems across the various Forces and the wider Function, at an individual level, not having common access to them.

3.9. Procurement competition procedures and authority levels for Bedfordshire, Cambridgeshire, Hertfordshire, Kent and Essex. The procedures and authority levels only apply to Norfolk and Suffolk above the £50k threshold. For values up to £50k in Norfolk and Suffolk see 3.13 and 3.14.

Estimated Value	Procurement Procedure	Level of Delegated Authority	Purchase Order sign-off
£0 - £5,000	1 written quote.	Tier 6 Procurement Personnel level staff as detailed in the S22a and FBC function structure chart	Approval locally by officers with relevant authority in accordance with financial instructions/approval procedures and above as per the levels of delegated authority
£5,000 - £50,000	3 written quotes or use of Compete For to undertake a mini-competition. FOC Tender portal focused on SME supplier market with over 185k suppliers registered and must include a local supplier where possible.	Tiers 4 and 5 Procurement Personnel level staff as detailed in the S22a and FBC function structure chart	Approval locally by officers with relevant authority in accordance with financial instructions/approval procedures and above as per the levels of delegated authority
£50,000 - £100,000	Competitive tender. Request for Work Form confirming Budget and Stakeholder (business strategic lead) approval required before commencement.	Tier 3 Procurement Personnel level staff as detailed in the S22a and FBC function structure chart	Approval locally by officers with relevant authority in accordance with financial instructions/approval procedures and above as per the levels of delegated authority
£100,000 - £150,000	Competitive tender. Request for Work Form confirming Budget and Stakeholder (business strategic lead) approval required before commencement.	Tier 2 Procurement Personnel level staff as detailed in the S22a and FBC function structure chart	Approval locally by officers with relevant authority in accordance with financial instructions/approval procedures and above as per the levels of delegated authority
£150,000 - £250,000	Competitive tender. Request for Work Form confirming Budget and Stakeholder (business strategic lead) approval required before commencement.	Tier 1 7F Head of Procurement or nominated deputy level staff as detailed in the S22a and FBC function structure chart	7F Head of Procurement or nominated deputy

Collaboration Agreement for the provision of a 7 Force Single Procurement function

£250,000 - £1,000,000	Competitive tender. Request for Work Form confirming Budget and Stakeholder (business strategic lead) approval required before commencement.	Relevant Chief Officer/Director from respective Force who has delegated authority to enter into Contract	Relevant Chief Officer/Director from respective Force who has delegated authority to approve their own Purchase Order.
Above £1,000,000	Competitive tender. Request for Work Form confirming Budget, (business strategic lead) and Strategic Governance Board approval prior to commencement required before commencement.	Under seal of each PCC/PFCC once confirmation from Strategic Governance Board that a compliant tender exercise has been completed and they are satisfied that best value has been achieved. PCC/PFCC approval must be obtained.	Under seal of each participating PCC/PFCC

- 3.10. In all cases where it is estimated that spend will be within 10 – 15% of the threshold limit set out above, consideration should be given to undertaking the procurement activity in accordance with the quotation/tender requirements at the higher (next) band level.
- 3.11. An Officer with authority to authorise requisitions or contracts committing the expenditure does so with the consent of and on behalf of the PCCs and PFCC(s).
- 3.12. The authority levels shall apply to variations to contract, i.e. any additional costs resulting from the variation must be aggregated with the original contract value for the purposes of authorisation.
- 3.13. The table at 3.14 describes the procedure and authority levels dependent on the estimated value of the total procurement, (not an individual Force value) for Norfolk and Suffolk up to £50k in value. Above £50k in value, Norfolk and Suffolk are in alignment with the processes and values agreed under 3.9.

Collaboration Agreement for the provision of a 7 Force Single Procurement function

3.14 Procurement competition procedures and authority levels for Norfolk and Suffolk up to £50k in total value. (Above £50k in value then table 3.9. applies.) These procedures and authority levels shall apply in any procurement where the financial resources of Norfolk or Suffolk are being committed.

Estimated Value	Procurement Procedure	Level of Delegated Authority	Purchase Order sign-off
£500 - £3,000	Evidence of more than one price comparison shall be obtained, preferably in writing (including email) or obtained from catalogues or price lists. Evidence shall be attached to the requisition. Where possible, at least 1 quotation should be from a local supplier.	Requisitions to be approved locally by officers with relevant authority in accordance with financial instructions Contracts must be signed by a minimum of a Tier 4 Procurement personnel as detailed in the S22a and FBC function structure chart	Approval locally by officers with relevant authority in accordance with financial instructions/approval procedures and above as per the levels of delegated authority
£3,000 - 20,000	At least three quotations shall be obtained in writing. Evidence of competition shall be attached to the requisition. Where possible, at least 1 quotation should be from a local supplier	Requisitions to be approved locally by officers with relevant authority in accordance with financial instructions Contracts must be signed by a minimum of a Tier 4 Procurement personnel as detailed in the S22a and FBC function structure chart	Approval locally by officers with relevant authority in accordance with financial instructions/approval procedures and above as per the levels of delegated authority
£20,000 – 50,000	At least three quotations received through an e-tendering system shall be obtained. This may include either the Compete For portal or e existing e-tendering system. Where possible, at least 1 quotation should be from a local supplier	Requisitions to be approved locally by officers with relevant authority in accordance with financial instructions /procedures Contracts must be signed by a	Approval locally by officers with relevant authority in accordance with financial instructions/approval procedures and above as per the levels of delegated authority

		minimum of a Tier 4 Procurement personnel as detailed in the S22a and FBC function structure chart	
--	--	----------------------------------------------------------------------------------------------------	--

4. FINANCIAL AND CONTRACTUAL DELEGATIONS

- 4.1. The PCC CFOs and CC CFOs will be responsible for determining authorised signatories within the PCCs, PFCC(s) and Constabularies. Those authorised signatories and sub delegation rules will be described and documented in the each PCC and PFCC's respective Financial Regulations and Procurement Procedures. They will ensure that suitable segregation of responsibilities are observed, that purchases are compliant with the PCR 2015 and any procedures, and that sufficient funding and resources are available within the revenue budget or capital programme.

5. EXCEPTIONS TO NORMAL PROCEDURES/SINGLE TENDER ACTION

5.1. Exceptions

5.1.1. Tenders are not required in the following circumstances:

- 5.1.1.1. purchases through government agency or other consortium or similar body where legally entitled to do so and in accordance with the approved purchasing methods of such a consortium or body; or
- 5.1.1.2. purchases at public auctions; or
- 5.1.1.3. internal PCC, PFCC or Constabulary business where one part of the PCC, PFCC or Constabulary provides a service to the other; or
- 5.1.1.4. for works (emergency property repairs) up to £5,000 where no corporate contract exists and are commissioned by the Estates Department of the relevant force for urgent requirements not covered by existing contracts.

- 5.1.2 All exceptions to normal procedures must be approved by the lead PCC CFO and full justification recorded.

5.2. Single Tender Action (STA)

- 5.2.1. STA should only be used in exceptional circumstances. Tier 1 or 2 procurement staff must endorse the route to market prior to seeking permission to commence activity. Legal advice must also be obtained if the procurement value is over the relevant OJEU threshold and to clarify our exemption from/compliance with the Public Contracts Regulations 2015. The PCC CFOs or CC CFOs or their delegated authorities will consider requests for exceptions to normal procedures under the following circumstances:

- 5.2.1.1. where it can be evidenced that only one supplier is able to carry out the work or service or to supply goods for technical reasons or because of exclusive rights;
- 5.2.1.2. extensions to an existing contract where there is a genuinely justifiable case to use an existing contractor/supplier to maintain continuity of supply or site experience and it is legal to do so;
- 5.2.1.3. the contract has been classified as secret by the CC CFOs making the use of a particular contractor essential or a limited competition to a select list of contractors and the avoidance of advertising requirements in the public domain;
- 5.2.1.4. the contract is required so urgently that competition is impracticable, e.g. when an operational need arises which requires immediate action. However failure to take action within appropriate timescales due to poor planning does not constitute grounds for an urgency exception.
- 5.2.2. Where, for any reason not covered by para 5.2.1, an exception is sought to be made to the application of normal procurement procedures, then the PCC CFOs may approve the exception. Post activity exception will only be granted for operationally imperative, or other emergency situations.
- 5.2.3. The 7F Procurement Function must report quarterly to the Strategic Governance Board any Single Tender Actions not dealt with locally under Reserved Matters.

6. COMPETITIVE PROCUREMENT USING TENDERS

- 6.1. The Procurement Function has responsibility to ensure appropriate Procurement Policy and Procedures are published covering matters such as:
 - 6.1.1. the procedures to be applied in respect of the whole tendering process i.e. initial tender, specifications and standards, and evaluation and appointment of contractors and consultants;
 - 6.1.2. processes regarding the use of sub-contractors;
 - 6.1.3. processes regarding variations to contract;
 - 6.1.4. the process to be undertaken in relation to declarations of interest in a contract;
 - 6.1.5. the procedures to be followed in relation to collaborative contracts;
 - 6.1.6. the adoption of Framework Agreements;
 - 6.1.7. the procedures to be followed in applying for an exception to Standing Orders, including:
 - 6.1.7.1. the formal procedure to be adopted to evidence alternative provision is not available;

- 6.1.7.2. the formal justification of emergency provision;
- 6.1.8. the achievement of value for money, and the minimisation of risk to the PCCs, the PFCC(s) and Constabulary.
- 6.2. If during a procurement process it is identified that an individual Force (or Forces) are put in a detrimental position (economical or from an operational efficiency perspective) this is to be escalated to the lead stakeholder to resolve, or take to the next monthly Strategic Governance Board.
- 6.3. The Procurement Policy and Procedures will set out arrangements for the recording and retention of information in relation to procurement activity.
- 6.4. The Procurement Policy will also detail the arrangements for reporting procurement activity to meet the requirements of the PCCs, the PFCC(s) and Constabularies together with addressing the need to publish information in accordance with Government requirements.
- 6.5. Contents of the Policies and Procedures will be agreed by the PCC CFOs and CC CFOs.

7. TENDER CUSTODY AND OPENING

Electronic Tendering

- 7.1. Tenders will be received through a proprietary e-tendering solution, which ensures managed opening and version controls with all processes and actions being fully auditable except in extraordinary circumstances i.e. system failure.

Tender custody and opening if non-electronic means are utilised

- 7.2. In the event of operating by non-electronic means, tenders shall be stored in a secure and confidential manner as required by the sealed bid procedure.
- 7.3. The opening of these tenders and recording of details shall be subject to the following regulations:
 - 7.3.1. They shall not be opened before the appointed time.
 - 7.3.2. They shall be opened at one time by not less than two persons one of which will be a CC CFO or other Chief Officer in the absence of a CC CFO.
 - 7.3.3. The appropriate tender details shall be recorded on the Tender Opening Certificate, which shall be ruled off (to prevent the addition of further entries) and then signed by each member of the tender opening panel.
- 7.4. Once the tenders have been opened they must be circulated only to those directly involved in tender evaluation and contract letting activities prior to awarding the contract.

8. FORM OF CONTRACT

- 8.1. All contracts shall be in the name of one or more of the PCCs and/or PFCC(s), as indicated in the table below. Where applicable, each of the relevant joint forces shall be a named party to the contract, ensuring joint and several liability. Suitable clauses reflecting the joint procurement shall also be included in the contract.

Total Contract Value	Parties to contract
£0 - £1,000,000	1 PCC/PFCC on behalf of all PCCs/PFCCs. In this case, the contracting PCC/PFCC will be the only authority with privity of contract with the supplier, and therefore will be required to enforce the contract terms on behalf of all collaborating PCCs/PFCCs. All PCCs/PFCCs will, however, have the express right to receive the benefit of the works, goods or services being delivered under the contract.
Above £1,000,000	All of the collaborating PCCs/PFCCs will be signatories to the contract, meaning that they each have joint and several liability to enforce the terms of the contract against the supplier (and joint and several liability to have the terms enforced against them by the supplier, if applicable). All PCCs/PFCCs will also have the express right to receive the benefit of the works, goods or services being delivered under the contract.

- 8.2. Contracts shall be in writing. If appropriate, legal advice should be sought in relation to contracts through the Procurement Function in the first instance.
- 8.3. Every contract shall specify the:
- 8.3.1. goods, works, or services to be provided;
 - 8.3.2. consideration;
 - 8.3.3. time within which the contract is to be performed; and
 - 8.3.4. terms and conditions for payment (and any early payment mechanism if applicable.)
- 8.4. Every contract shall ensure that the contractor indemnifies the Commissioner against all losses in connection with injury to or death of any person, or damage to property, happening as a result of or in connection with the carrying out of the contract. The contractor shall also be required to effect and maintain insurance which provides both the contractor and the employer with full cover in respect of any liability against which the contractor is required to indemnify the employer. The CCs shall stipulate the minimum amount of insurance after consultation with the PCC CFOs.

- 8.5. **Liquidated Damages:** Each contract should be reviewed for the appropriate inclusion of liquidated damages.
- 8.6. **Default Clauses:** Contracts which are estimated to exceed £50,000 shall provide that should the contractor default in the terms of the contract, the PCCs and PFCC(s), without prejudice to any remedy for breach of contract, shall be at liberty to purchase other goods, works or services as appropriate of the same or similar description to make good any default. Every contract shall provide that the amount by which the cost of purchasing other goods, works or services (including the expenses of acquiring the new supplier) exceeds the amount which would have been payable to the contractor shall be recoverable from the contractor.
- 8.7. **Transfer or Assignment of Contracts:** Every contract which is estimated to exceed £50,000 shall prohibit the contractor from assigning the contract or sub-letting any portion of the contract work without the written consent of the CC.
- 8.8. **Prevention of Corruption:** In every contract a clause shall be inserted to secure that the PCCs and PFCC(s) shall be entitled to cancel any contract and to recover from the contractor the amount of any loss resulting from such cancellations if the contractor or any person employed by them or acting on their behalf (whether with or without the knowledge of the contractor) shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing something in relation to the obtaining or execution of any contract with the PCCs and PFCC(s), or shall have committed any offence under the Bribery Act 2010, or shall have given any fee or reward the receipt of which is an offence under subsection 2 of Section 117 of the Local Government Act 1972.
- 8.9. **Exclusion of third party rights:** Unless precluded by statute every contract shall exclude the ability of third parties to claim the same rights and remedies as those enjoyed by the main parties to the contract. The rights of permitted successors to or assignees of the rights of a party shall not be excluded.
- 8.10. **Milestone or stage payments:** For large complex projects milestone or stage payments may be agreed subject to the approval of the Seven Force Head of Strategic Procurement (or such other person as may be delegated by them).
- 8.11. **Parent company guarantee:** For contracts over fifty thousand pounds (£50,000) a parent company guarantee should be considered depending on the risk profile of the contract.
- 8.12. **Bank bond or guarantee:** For contracts over one million pounds (£1,000,000) a bank bond or guarantee should be considered depending on the risk profile of the contract.

9. AWARD OF CONTRACT

- 9.1. Tender analysis should be completed using criteria determined prior to issue of tender documentation.
- 9.2. The Procurement lead must record the reasons and analysis that led to the acceptance of the best value offer. A detailed Contract Award Report, approved by the lead stakeholder, is to be completed for all tenders above £50,000 and for any STA irrespective of value.

- 9.3. The Procurement lead is empowered to recommend the acceptance of tenders.
- 9.4. The Contract is to be signed on behalf of the PCCs and PFCC(s) in accordance with the tables at paragraphs 3.9 and 3.14 above.
- 9.5. A minimum period of ten (10) calendar days must be allowed as a standstill period between the notification of an award decision and contract commencement for all over EU value contracts. (This period is extended to the next working day when the final day falls on a non-working day). Where a Framework Agreement is used and if expediency is required, this requirement can be removed if authorised by a Tier 1 or Tier 2 member of the function.
- 9.6. A voluntary standstill period will be applied on below threshold tender activity if required.
- 9.7. Where there is no difference between tenders to make an informed decision the contract shall be subject to further clarification.

10. COLLABORATIVE CONTRACTS AND FRAMEWORK AGREEMENTS

- 10.1. Where tenders are undertaken that include other police forces or public sector organisations outside of the 7 Forces, they will be invited on a lead PCC/PFCC basis and comply with these Standing Orders.

11. REVIEW

- 11.1. These Standing Orders will be reviewed at least on an annual basis by the PCC CFOs and CC CFOs and comments fed into the Strategic Governance Board for consideration if change is required.

Appendix 1.



Procurement-Infographic-1.pdf

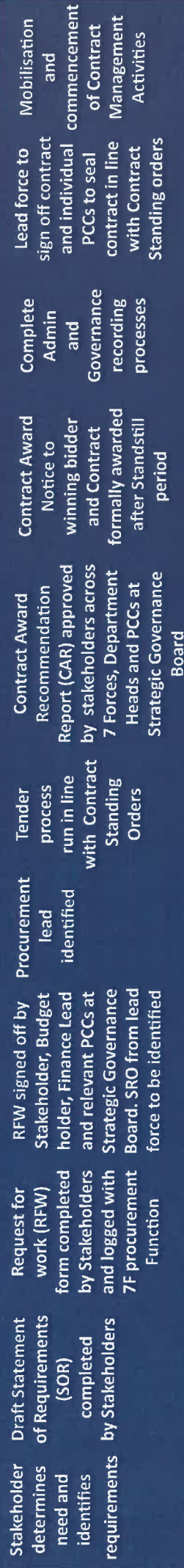
7F Procurement Function Contracts Process



Contracts under £1,000,000



Contracts over £1,000,000





ORIGINATOR:

DECISION NUMBER:

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

SUBJECT:

SUMMARY:

1.

RECOMMENDATION:

APPROVAL BY: PCC

The recommendation set out above is agreed.

Signature

Date

DETAIL OF THE SUBMISSION

1. KEY ISSUES FOR CONSIDERATION:

2. FINANCIAL IMPLICATIONS:

3. OTHER IMPLICATIONS AND RISKS:

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	
Has the PCC's Chief Finance Officer been consulted?	
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	
Have human resource implications been considered?	
Is the recommendation consistent with the objectives in the Police and Crime Plan?	
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	
Has communications advice been sought on areas of likely media interest and how they might be managed?	
Have all relevant ethical factors been taken into consideration in developing this submission?	

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).

<p>Chief Executive</p> <p>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).</p>	
Signature:	Date

