

**Police and Crime Commissioner
and
Chief Constable
for West Mercia**

**JOINT CORPORATE GOVERNANCE
FRAMEWORK**

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1. Overarching Corporate Governance

1.1 Introduction

- 1.1.1 The purpose of this statement is to give clarity to the way the two organisations, Police and Crime Commissioner and Chief Constable, will be governed both jointly and separately, to do business in the right way, for the right reason at the right time.

1.2 Context

- 1.2.1 The principal statutory framework within which the organisations will operate is:
- Police Reform and Social Responsibility Act 2011 (PRSRA11, the Act)
 - Policing Protocol Order 2011 (the Protocol)
 - Financial Management Code of Practice
 - Strategic Policing Requirement
- 1.2.2 This framework creates a public sector relationship, based upon a commissioner - provider arrangement but with unique elements such as the single elected commissioner and the operational independence of the police service. It is therefore not appropriate to import corporate governance arrangements into this environment but to build upon existing good governance principles and experience.

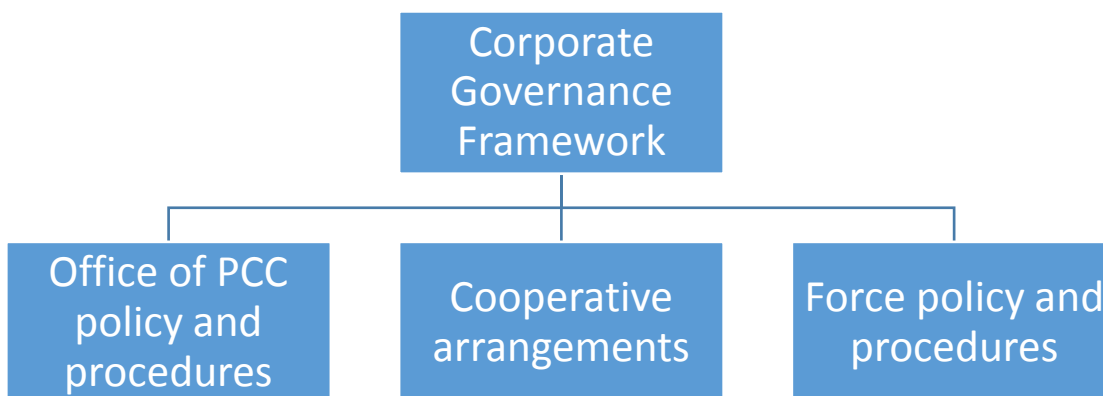
1.3 Principles

- 1.3.1 The core principles adopted by both organisations are those highlighted by the good governance standard for public services:
- Focus on outcomes for local people,
 - Clarity of roles, functions and responsibilities
 - Promotion of values and demonstrating these through behaviour,
 - Informed, transparent decisions & managing risk,
 - Developing capacity and capability
 - Engaging with local people to ensure robust accountability.

The principles of good decision making (set out in the Decision Making Policy) also apply.

1.4 Instruments of governance

- 1.4.1 The corporate governance framework by which both organisations will be governed, both jointly and separately will consist of:
- the statutory framework and local policy, setting out the overarching summary
 - how the core principles will be implemented,
 - the parameters within which the organisations will conduct their business,
 - Separate policy and procedures for each corporation sole, with protocols where they operate jointly.
 - Cooperative arrangements by which the Police and Crime Commissioner and the Chief Constable support the exercise of each other's functions.



1.5 **Leadership**

- 1.5.1 The Police and Crime Commissioner and Chief Constable will review the framework on an annual basis and ensure compliance.
- 1.5.2 The Police and Crime Commissioner will ensure compliance with this Corporate Governance Framework, holding the Chief Constable to account for the operational effectiveness and efficiency of the Force.

1.6 **Record of Decisions**

- 1.6.1 Any significant decision of the Police and Crime Commissioner or of the Deputy Police and Crime Commissioner shall be set out in a Decision Notice and shall be published on the Police and Crime Commissioner's website.
- 1.6.2 In determining the extent of information to be published the principles of the Freedom of Information Act 2000 will be applied.
- 1.6.3 The Police and Crime Commissioner will publish a **Decision Making Policy and Procedure** document that will set out the framework and principles for decision making, and the processes for ensuring decisions are made by the right people in the right way and at the right level within the organisation. It will set out which decisions should be formally recorded and published.
- 1.6.4 The Police and Crime Commissioner shall also publish a Scheme of Delegation which sets out any delegations of the Police and Crime Commissioner's powers. The scheme may permit the sub-delegation of powers but any such sub-delegation shall be notified to the Police and Crime Commissioner. The Police and Crime Commissioner may prohibit, vary or make any sub-delegation subject to conditions and limitations.

2. Corporate Governance Mechanisms

2.1 Introduction

2.1.1 This section sets out how the Police and Crime Commissioner and the Chief Constable conduct their organisations both jointly and separately in accordance with policy contained within the overarching statement of corporate governance. It will do this by highlighting the key enablers for ensuring good governance.

2.2 Context

2.2.1 This section sets out how the organisations are conducted, using the International Framework for good governance in the Public Sector¹ as the structure for setting out the statutory framework and local arrangements.

2.3 Corporate governance mechanisms

2.3.1 *Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.*

The Act² sets out ***the functions of the Police and Crime Commissioner and Chief Constable*** and the protocol³ sets out how these functions will be undertaken to achieve the outcomes of the police and crime plan.

The Act requires the Police and Crime Commissioner to have ***a Chief Executive and Chief Finance Officer⁴ (the Treasurer)***. The Chief Executive will be the head of paid service and undertake the responsibilities of monitoring officer⁵.

The Act requires the Chief Constable to appoint ***a Chief Finance Officer⁶ (the Head of Commercial Services)***.

The ***financial management code of practice*** and ***statements of roles⁷*** set out the responsibilities of Chief Finance Officers for both the Police and Crime Commissioner and the Chief Constable, and of the Chief Executive.

The ***scheme of delegation*** highlights the parameters for key roles in the organisations including delegations or consents from the Police and Crime Commissioner and Chief Constable, financial regulations and contracts.

The ***decision making policy and procedure*** sets out the framework and principles for decision making, and the processes for ensuring decisions are made by the right people in the right way and at the right level within the organisation. It sets out which decisions will be formally recorded and published.

Officers, police staff and staff of the Office of Police and Crime Commissioner will operate within:

- Office of the Police and Crime Commissioner and Police Force policy and procedures,

¹ International Framework: Good Governance in the Public Sector, IFAC and CIPFA 2014

² PRSRA11, s5 – 8,

³ Policing Protocol Order 2011

⁴ PRSRA11 sch 1 p6

⁵ Local Government and Housing Act 1989 s5,

⁶ PRSRA11 sch 2 p4.

⁷ Financial Management Code of Practice for the Police, s4, CIPFA Statement on the Role of Chief Finance Officers, APACE Statement on the Role of the Chief Executive

- corporate governance framework,
- conduct regulations and codes of conduct.

The Policing Protocol 2011 requires all parties to abide by the seven ***principles of public life***⁸ and these will be central to the conduct and behaviour of all. Those principles are:

Selflessness Holders of public office should act solely in terms of the public interest.

Integrity Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty Holders of public office should be truthful.

Leadership Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The Code of Ethics combines these values with others espoused in policing, and sets and provides a framework for upholding high standards of conduct and behaviour. It adds two further principles:

Fairness Holders of public office should treat people fairly.

Respect Holders of public office should treat everyone with respect.

The Protocol also highlights the expectation that the relationship between all parties will be based upon the principles of goodwill, professionalism, openness and trust.

The Financial Management Code of Practice requires the Police and Crime Commissioner and Chief Constable to ensure that the good governance principles are embedded in the way the organisations operate.

2.3.2 Ensuring openness and comprehensive stakeholder engagement

The ***communication and community engagement strategies*** set out how the Police and Crime Commissioner and Chief Constable will ensure that local people are involved in decision making.

The ***publication scheme*** establishes the means by which information relating to

⁸ Standards in Public Life, 2005 as amended by the 14th report of the Committee on Standards in Public Life

decisions will be made available to local people, with those of greater public interest receiving the highest level of prominence, except where operational and legal constraints exist.

The **Police and Crime Panel** is a check and balance on the Police and Crime Commissioner through reviewing or scrutinising their decisions. It is made up primarily of Councillors nominated from each of the local authorities and meet in public. They have particular responsibilities to scrutinise decisions about precept setting, the issue of Police and Crime Plans, and the appointment and dismissal of the chief constable and other senior personnel.

2.3.3 Defining Outcomes in terms of sustainable economic, social and environmental benefits

The Police and Crime Commissioner has issued a **Police and Crime Plan**. It outlines the police and crime objectives (outcomes) and the strategic direction for the policing of the Force area.

Within that the Police Force has defined their vision as **Protecting people from harm**. The Policing **priorities** are established around Safer People, Safer Homes and Safer Roads, with clearly set out approach and outcomes.

Collaboration agreements set out those areas of business to be undertaken jointly with other Forces, Fire and Rescue Services and Local Policing Bodies, whether to reduce cost, increase efficiency or increase capability to protect local people.

A **Medium Term Financial Plan (MTFP)** has been developed to support delivery of the Police and Crime Plan.

A **Commissioning framework** has been developed by the Police and Crime Commissioner.

2.3.4 Determining the interventions necessary to optimise the achievement of the intended outcomes

The national decision model⁹ is applied to spontaneous incidents or planned operations, by officers and staff within the Force as individuals or teams, and to both operational and non-operational situations. These are applied in the context of the Force **values** of public first, courage, compassion and ownership, set within a **leadership ethos** of simplicity, standards and service.

The Police and Crime Commissioner's **Police and Crime Plan** outlines the police and crime objectives (outcomes) and the strategic direction for the policing and supporting services of the Force area.

The **Commissioning Framework** ensures the right interventions are used to achieve the intended outcomes set out in the Police and Crime Plan.

2.3.5 Developing the entity's capacity, including the capability of its leadership and the individuals within it

The organisations' **training strategies** set the climate for continued development of individuals. The respective performance development review processes will ensure that these strategies are turned into reality for officers and members of staff.

⁹ National Decision Model (NDM) for the Police Service, College of Policing

This principle is also included within the ***Police and Crime Plan***.

2.3.6 *Managing risks and performance through robust internal control and strong public financial management*

A joint independent ***audit committee*** will operate in line with Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and within the guidance of the Financial Management Code of Practice¹⁰.

The ***scheme of delegation*** highlights the parameters for decision making, including the delegations, consents, financial limits for specific matters and for contracts.

The ***risk management strategy*** establishes how risk is managed throughout the various elements of corporate governance of the organisations, whether operating solely or jointly.

2.3.7 *Implementing good practices in transparency, reporting, and audit, to deliver effective accountability*

The protocol¹¹ highlights that the Police and Crime Commissioner is ***accountable to local people*** and draws on this mandate to set and shape the strategic objectives for the force area in consultation with the Chief Constable.

The ***Police and Crime Plan*** sets out what the strategic direction and priorities are and how they will be delivered.

To complement this the ***communication and community engagement strategies*** set out how local people will be involved with the Police and Crime Commissioner and the Chief Constable to ensure they are part of decision making, accountability and future direction.

The Police and Crime Commissioner and Chief Constable will develop arrangements for effective engagement with key ***stakeholders***, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction.

¹⁰ Financial Management Code of Practice for the Police, s11.1.3

¹¹ Policing Protocol Order 2011, art14

3. Scheme of Delegation

3.1 Introduction

The first section details the key roles of the Police and Crime Commissioner, Chief Executive, the Treasurer, Chief Constable and the Head of Commercial Services and of those who support them.

The second section describes the strategies, arrangements, instruments and controls adopted to ensure good governance in the organisations.

This section provides a framework which ensures the business is carried out efficiently, ensuring that decisions are not unnecessarily delayed. It forms part of the overall corporate governance framework of the two organisations. It should be read in the context of the previous two sections.

This Scheme sets out the delegations by the Police and Crime Commissioner to the Chief Executive, other members of their staff and Police staff. It sets out the delegations by the Chief Constable to their officers and staff. It includes other instruments such as the financial regulations.

Statutory Officers are the Chief Executive (who is also the Monitoring Officer), Chief Constable, Deputy Chief Constable, Treasurer, and Head of Commercial Services. This Scheme of Corporate Governance aims to clarify those powers which, for the benefit of good business practice, are given to the statutory officers. The Police and Crime Commissioner **may limit these powers and/or withdraw delegation**, as may the Chief Constable in relation to their delegations. Similarly, any sub-delegations by Statutory Officers may be limited or withdrawn by those Statutory Officers.

The Police and Crime Commissioner may impose reporting arrangements on any authorised powers.

Powers are given to the Chief Constable by laws, orders, rules or regulations. Also, national conditions of employment give powers to the Police and Crime Commissioner, the Chief Constable and, in the case of police regulations, the Secretary of State for the Home Office.

The powers given to officers and staff should be exercised in line with these delegations, the law, financial regulations, and also policies, procedures, plans, strategies and budgets.

Whilst the Chief Constable has the statutory power to enter into contracts for goods and services with the consent of the Police and Crime Commissioner, in order to simplify systems of internal control, contracts will continue to be issued in the name of the Police and Crime Commissioner. Consequently no consent framework is required. This does not preclude the Police and Crime Commissioner from providing consent to the Chief Constable to enter into contracts for goods and services on a case by case basis, with such consent to be evidenced in writing.

This Scheme of Delegation does not identify all the statutory duties which are contained in specific laws and regulations.

3.2 Key Role of the Police and Crime Commissioner

- 3.2.1 The Police and Crime Commissioner is the legal contracting body who owns all the assets and liabilities, and with responsibility for the financial administration of their office and the Police Fund, including all borrowing.
- 3.2.2 The Police and Crime Commissioner will receive all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction. By law all funding for the Police Force must come via the Police and Crime Commissioner. How this money is allocated is for the Police and Crime Commissioner to decide in consultation with the Chief Constable, or in accordance with any grant terms.
- 3.2.3 The Police and Crime Panel is a check and balance on the Police and Crime Commissioner through reviewing or scrutinising their decisions, but not those of the Chief Constable.
- 3.2.4 The Police and Crime Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Constable and staff of the Office of the Police and Crime Commissioner and monitoring complaints against officers and staff of the Police Force. Both organisations are responsible for complying with the legitimate requirements of the Independent Office of Police Conduct.

3.3 General principles of delegation

- 3.3.1 **The Police and Crime Commissioner and Chief Constable expect anyone proposing to exercise a delegation or an authorisation under this scheme to draw to the attention of the Police and Crime Commissioner any issue which is likely to be regarded by the Police and Crime Commissioner as novel, contentious, repercussive or likely to be politically sensitive before exercising such powers.**
- 3.3.2 The Police and Crime Commissioner is ultimately accountable for the Police Fund. Before any financial or legal liability affecting the Police Fund that the Police and Crime Commissioner might reasonably regard as novel, contentious, repercussive or politically sensitive is incurred, prior written approval must be obtained from the Police and Crime Commissioner.
- 3.3.3 The Police and Crime Commissioner must not restrict the operational independence of the police force and the Chief Constable who leads it¹². In exercising their functions the Chief Constable must have regard to the Police and Crime Plan issued by the Police and Crime Commissioner¹³.
- 3.3.4 To enable the Police and Crime Commissioner to exercise the functions of their office effectively they will need access to information, and officers and staff within their force area. This access must not be unreasonably withheld or obstructed by the Chief Constable, or restrict the Chief Constable's direction and control of the force¹⁴.
- 3.3.5 The Police and Crime Commissioner has wider responsibilities than those solely relating to the police force and these are referred to elsewhere in the Corporate Governance Framework.

¹² Policing Protocol Order 2011, art18

¹³ PRSRA11 s8(2)

¹⁴ PRSRA11 ss2(5) and 36

- 3.3.6 Delegations are set out in this scheme. The Police and Crime Commissioner and Chief Constable may require at any time that a specific matter is referred to them for a decision and not dealt with under powers of delegation.
- 3.3.7 Delegations may only be exercised subject to:-
- a) compliance with the corporate governance framework.
 - b) provision for any relevant expenditure being included in the approved budget.
- 3.3.8 These arrangements delegate powers and duties within broad functional descriptions and include powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation. The scheme does not attempt to list all matters which form part of everyday management responsibilities.
- 3.3.9 Giving delegation under this scheme does not prevent an officer or member of staff from referring the matter to the Police and Crime Commissioner or Chief Constable for a decision or guidance if the officer or member of staff thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication – see paragraph 3.3.1).
- 3.3.10 When a statutory officer is considering a matter that also falls within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action (see Decision Making, above).
- 3.3.11 All decisions statutory officers make under powers given to them by the Police and Crime Commissioner or Chief Constable must be recorded and published in accordance with the Decision Making principles.
- 3.3.12 In this document, references made to the statutory officers include officers authorised by them to act on their behalf.
- 3.3.13 The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of the Corporate Governance Framework.
- 3.3.14 The persons appointed as the Chief Executive (who is also the Monitoring Officer) and the Chief Finance Officers have statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.
- 3.3.15 The Scheme of Delegation provides a member of staff with the legal power to carry out functions of the Police and Crime Commissioner and Chief Constable. In carrying out these functions the member of staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:
- Police Reform and Social Responsibility Act 2011 and other relevant legislation issued under the Act.
 - Policing Protocol Order 2011
 - Financial Regulations
 - Financial Management Code of Practice
 - CIPFA Statement on the role of the Chief Finance Officer in public service organisations
 - APACE Statement on the role of the Chief Executive
 - Contract Regulations
 - Public Procurement Regulations
 - The Police and Crime Commissioner's Corporate Governance framework

- The Police and Crime Commissioner's and Police Force employment policies and procedures.
- The Data Protection Act 2018, General Data Protection Regulations and the Freedom of Information Act 2000
- Health and safety at work legislation and codes.

This list is not exhaustive.

3.3.16 When carrying out any functions, the Police and Crime Commissioner, Chief Constable and staff must have regard to the following:

- The views of the people in their policing area
- Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.
- The Police and Crime Plan and any guidance issued by the Secretary of State.

This list is not exhaustive.

3.3.17 The corporate governance framework, including this Scheme of Delegation, will be reviewed periodically. The scheme allows any person with appropriate authority to delegate that power further (subject to any statutory limitations) but before doing so they must inform the Police and Crime Commissioner and comply with any limitation conditions or prohibition issued by the Police and Crime Commissioner and notification of any sub-delegation shall be given to the Chief Executive.

3.3.18 These arrangements do not delegate any matter which by law cannot be delegated to a member of staff nor do they affect the constitutional relationship between the Police and Crime Commissioner and the Chief Constable

Delegations by the Police and Crime Commissioner

3.4. Functions delegated to the Chief Executive, Office of the Police and Crime Commissioner

3.4.1. The Chief Executive is the Head of Paid Service and the Monitoring Officer of the Police and Crime Commissioner. The formal delegations, listed below, are those given to the Chief Executive.

3.4.2. As the monitoring officer of the Police and Crime Commissioner there is a statutory responsibility to manage their legal affairs as set out in section 5 Local Government and Housing Act 1989 (as amended).

3.4.3 In their absence the Police and Crime Commissioner delegates to the Chief Executive all of his functions, except those prohibited by law¹⁵, unless otherwise agreed.

3.4.4 In the event of a significant conflict of interest arising which would preclude the West Mercia Police and Crime Commissioner from exercising a function, that Police and Crime Commissioner delegates to the Chief Executive the exercise of any functions, except those prohibited by law¹⁵.

General

3.4.5. To prepare the Police and Crime Plan for submission to the Police and Crime Commissioner.

3.4.6. To provide information to the Police and Crime Panel, as reasonably required to

¹⁵ s18(3)(d) and (7) PRSRA11

enable the panel to carry out its functions.

- 3.4.7. To sign contracts on behalf of the Police and Crime Commissioner including contracts which are required to be executed under the common seal of the Police and Crime Commissioner.
- 3.4.8. To consider whether, in consultation with the Treasurer, to provide indemnity to the Police and Crime Commissioner and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- 3.4.9. To consider and approve, in consultation with the Treasurer, provision of indemnity and/or insurance to individual staff of the Police and Crime Commissioner.
- 3.4.10 To respond to consultations on proposals in respect of all issues affecting the Police and Crime Commissioner, if necessary, after first taking the views of the Police and Crime Commissioner, Chief Constable or the Treasurer, as appropriate
- 3.4.11 To consider, with the Police and Crime Commissioner, any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing someone to investigate the complaint
- 3.4.12 To make arrangements for the support of public communications and engagement
- 3.4.13 To make arrangements for the support to the Commissioner in holding the Chief Constable to account
- 3.4.14. At the request of the Chief Constable, to exercise the power of the Police and Crime Commissioner under the Police (Property) Regulations 1997 to approve the keeping of unclaimed property if it can be used for police purposes
- 3.4.15 To be the Senior Information Risk Owner for the Office of the Police and Crime Commissioner.

Property

- 3.4.16 To deal with all matters in respect of land or buildings and structures thereon. Purchase, sale, redesign and major reconfiguration will be undertaken in consultation with the Commissioner.
- 3.4.17 To be the HSE Duty Holder in respect of Asbestos, Legionella and Gas regulations.

Financial

- 3.4.18. The financial management responsibilities of the Chief Executive are set out in the financial regulations.
- 3.4.19 To manage the budget of the Police and Crime Commissioner's office, along with the Treasurer, particularly to:
 - order goods and services and other items provided for in the revenue budget.
 - ask for and accept quotations and tenders for goods and services provided for in the revenue budget

Staff employed by the Police and Crime Commissioner

- 3.4.20 To appoint and dismiss staff employed by the Police and Crime Commissioner, in consultation with the Police and Crime Commissioner.

- 3.4.21 Paragraph 3.4.19 shall not apply to the appointment or dismissal of, or disciplinary action against the Chief Executive or Treasurer.
- 3.4.22 No disciplinary action in respect of the Chief Executive or Treasurer, except suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action, may be taken by the Police and Crime Commissioner without having due regard to a recommendation in a report made by an independent person. Any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 3.4.23 "disciplinary action" means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Police and Crime Commissioner, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract; and "designated independent person" must be such person as may be agreed between the Police and Crime Commissioner and the relevant officer
- 3.4.24 To make recommendations to the Police and Crime Commissioner with regard to staff terms and conditions of service, in consultation with the Treasurer.
- 3.4.25 To undertake the management of staff employed by the Police and Crime Commissioner in line with agreed policies and procedures.
- 3.4.26 To authorise, in line with staff conditions of service, the suspension of any member of staff employed by the Police and Crime Commissioner.
- 3.4.27 To bring national agreements on salaries, wages and conditions into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Police and Crime Commissioner for a decision.
- 3.4.28 To approve payments under any bonus or performance-related payment schemes for staff approved by the Police and Crime Commissioner, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.4.29 To negotiate with, and reach agreements with, recognised trade unions and staff associations on any matters that can be decided locally. All agreements reached must be reported to the Police and Crime Commissioner.
- 3.4.30 To grant essential or casual car-user allowances.
- 3.4.31 To issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 3.4.32 To approve the retirement of staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner. All ill-health retirements must be reported to the Police and Crime Commissioner before implementation.
- 3.4.33 Settlement of employment tribunal cases and grievances of staff employed by the Police and Crime Commissioner with the exception of those cases felt to be exceptional because:
- they involve a high profile claimant
 - there is a particular public interest in the case
 - there is a real risk that the Police and Crime Commissioner or Chief Constable

will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.

3.4.34 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.

3.4.35 To appoint Independent Custody Visitors and terminate appointments if necessary.

Legal

3.4.36 To affix or authorise the affixing of the common seal of the Police and Crime Commissioner to:

- all contracts, agreements or transactions in respect of which there is no consideration
- all deeds which grant or convey an interest in land
- all documents where it is determined by the Police and Crime Commissioner there is a particular need for the seal to be attached.

3.4.37 To approve the financial settlement of all claims or requests for compensation against the Police and Crime Commissioner in accordance with financial regulations and against the Chief Constable in accordance with paragraph 8 of Schedule 2 Police Reform and Social Responsibility Act 2011 and s.88 of the Police Act 1996.

3.4.38 To approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because:-

- they involve a high profile claimant
- there is a particular public interest in the case
- there is a real risk that the Police and Crime Commissioner or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- the proceedings are by their nature considered to be a test case before the court

3.4.389 To authorise, after consultation with the Chief Constable, the institution, defence, withdrawal or settlement of any claims or legal proceedings on the Police and Crime Commissioner's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the legal adviser (and Treasurer if there are significant financial implications).

3.4.40 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Police and Crime Commissioner.

3.5 Functions delegated to the Treasurer

3.5.1 The Treasurer, as the financial adviser to the Police and Crime Commissioner has a statutory responsibility to manage the Commissioner's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended).

3.5.2 The detailed financial management responsibilities of the Treasurer are set out in the financial regulations.

3.6 Functions delegated to the Head of Commercial Services

- 3.6.1 To sign contracts on behalf of the Police and Crime Commissioner, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework, except those which are required to be executed under the common seal of the Police and Crime Commissioner or in such cases the Chief Executive is authorised to sign and affix the seal.
- 3.6.2 To undertake the day to day management of procurement in accordance with the financial and contract regulations.
- 3.6.3 The detailed financial management responsibilities of the Head of Commercial Services are set out in the financial regulations.

3.7 Functions delegated to the Director of Business Services

- 3.7.1 To undertake the day to day management of physical assets other than property, and excluding the purchasing of vehicles for West Mercia, subject to the provision of financial regulations.
- 3.7.2 The Director of Business Services will provide regular reports to the Police and Crime Commissioner in order to demonstrate compliance and good governance.

3.8 Functions delegated to the Deputy Chief Constable - Transformation Capital Schemes

- 3.8.1 In consultation with the PCC Chief Executive, the authority to create a contingency fund of no more than £500,000 utilising/viring underspends on approved current schemes within the Transformation Capital Programme as they arise and to use this contingency fund to vire funds between approved schemes subject to the following.
- 3.8.2 This delegation applies to the funds within the Capital Budgets for the schemes within it. The Deputy Chief Constable does not have the authority to vire funds between revenue and capital budgets, nor vire/transfer funds between financial years.
- 3.8.3 The underspend on any scheme to be vired into the contingency should not be more than 10% of the approved original budget or £100,000 whichever is the lower amount for that scheme
- 3.8.4 The additional amount or amounts for an individual scheme approved by the DCC in consultation with the Chief Executive should not be more than
- 20% or £10,000 whichever is the lower where the original approved funding for the scheme is £100,000 or less
 - 10% or £100,000 whichever is the lower where the original approved funding for that scheme is £100,000 or more.
- Any larger proportions or amounts require the approval of the Police and Crime Commissioner.
- 3.8.5 The Deputy Chief Constable in consultation with the Chief Executive may approve more than one additional amount for a scheme provided the total amount does not exceed
- 20% or £10,000 whichever is the lower where the original approved funding for the scheme is £100,000 or less
 - 10% or £100,000 whichever is the lower where the original approved funding for that scheme is £100,000 or more
- Any larger combined proportions or amounts require the approval of the Police and Crime Commissioner.

- 3.8.6 The Deputy Chief Constable will produce and send to the Police and Crime Commissioner a quarterly report detailing the funds held in the contingency fund, and the virements he has approved, outlining the reasons for the virements and giving a progress report on all schemes within the Transformation Capital Programme.
- 3.8.7 The Police and Crime Commissioner will approve the schemes within arrangements within the contingency fund. The schemes subject to these delegations will be reviewed quarterly and amended as necessary. All schemes subject to these delegations must have a business case for that individual scheme which has been approved by the Police and Crime Commissioner.
- 3.8.8 The Deputy Chief Constable may only vire funds between the schemes agreed by the Police and Crime Commissioner as being subject to these delegations. He may not vire funds between the schemes and other schemes outside these delegations, such as schemes within the ICT Replacement programme and the Estates and Fleet Programmes.
- 3.8.9 The Deputy Chief Constable may request that the Police and Crime Commissioner authorise the virement of funds between schemes within the Capital Programme as a whole.
- 3.8.10 These delegations do not apply to any scheme which is funded in part by an agreed contribution from another partner.

3.9 Urgent matters

- 3.9.1 If any matter which would normally be referred to the Police and Crime Commissioner for a decision arises where it is impractical to obtain the decision of the Police and Crime Commissioner and the matter is urgent the matter may be decided by the appropriate chief officer.
- 3.9.2 Appropriate chief officers authorised to decide urgent matters are:
- the Chief Executive (all issues other than operational matters);
 - the Treasurer (financial and related issues)
- 3.9.3 Where possible the appropriate officer will consult the Deputy Police and Crime Commissioner before taking an urgent decision unless such consultation is impractical.
- 3.9.4 Urgent decisions taken must be reported to the Police and Crime Commissioner as soon as practicable and published.

Delegations by the Chief Constable

3.10 Functions delegated to the Deputy Chief Constable

- 3.10.1 The Deputy Chief Constable may exercise or perform any or all of the functions of the Chief Constable of the force during any period when the Chief Constable is unable to exercise functions, or otherwise with the consent of the Chief Constable¹⁶.
- 3.10.2 To appoint and dismiss staff employed by the Chief Constable.
- 3.10.3 To undertake the management of staff employed by the Chief Constable in line with agreed policies and procedures.
- 3.10.4 To approve the appointment or secondment of police officers for central services or overseas duty.
- 3.10.5 To be the appropriate authority for complaint and professional standards matters
- 3.10.6 To be the Senior Information Risk Owner

3.11 Functions delegated to the Director of Business Services

- 3.11.1 To make recommendations to the Chief Constable with regard to staff terms and conditions of service, in consultation with the Head of Commercial Services.
- 3.11.2 To bring national agreements on salaries, wages and conditions into effect on the clear understanding that any issues which are sensitive or have major financial implications will be referred to the Chief Constable for a decision.
- 3.11.3 To negotiate with recognised trade unions and staff associations on any matters that can be decided locally, and to recommend agreements to the Chief Constable.
- 3.11.4 To recommend to the Chief Constable the retirement, in the interests of the efficiency of the service, of employees and to report on this issue each year, in consultation with the Head of Commercial Services.
- 3.11.5 In consultation with the Chief Executive, to issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 3.11.6 To recommend to the Chief Constable the retirement of police staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner and in consultation with the Head of Commercial Services.
- 3.11.7 To approve payments under any bonus or performance-related payment schemes for staff approved by the Chief Constable, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.11.8 To grant essential or casual car-user allowances.

¹⁶ PRSRA11 s41

3.12 Functions delegated to the Head of Commercial Services

- 3.12.1 The Head of Commercial Services, as the financial adviser to the Chief Constable has a statutory responsibility to manage the Chief Constable's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended).
- 3.12.2 The detailed financial management responsibilities of the Head of Commercial Services and their staff are set out in the financial regulations.
- 3.12.3 To undertake the day to day management of procurement in accordance with contract regulations.
- 3.12.4 To sign all contracts on behalf of the Chief Constable, irrespective of value, once they have been properly approved in accordance with financial regulations, except those which are required to be executed under the common seal of the Chief Constable. In such cases the Head of Legal Services is authorised to sign and affix the seal.

3.13 Functions Delegated to the Head of Legal Services

- 3.13.1 To authorise the institution, defence and/or withdrawal of legal proceedings on the Chief Constable's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the Head of Commercial Services if there are significant financial implications.
- 3.13.2 In relation to any claim or legal proceedings regarding police officers and police staff and their terms of employment, the Deputy Chief Constable and Chief Executive must be consulted.
- 3.13.3 To settle any claims pursuant to the Police and Crime Commissioners Scheme of Governance paragraph 3.4.33, 3.4.34 and 3.3.37 and the delegations detailed therein and provide a quarterly report to the PCC and Chief Constable in order to demonstrate compliance and good governance.
- 3.13.4 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Chief Constable.
- 3.13.5 Where Legal Services are provided to the Police and Crime Commissioner in accordance with Section 2(5) PRSRA11 the matter or transaction will require specific authorisation by the Police and Crime Commissioner. The settlements of claims shall be subject to Paragraph 8 Schedule 2 PRSRA11.*