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## **Part A**

### **Joint Corporate Governance Framework**

### **Police and Crime Commissioner & Chief Constable West Mercia**

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## CONTENTS

### PART A – Governance Framework

	<b>Page</b>
<b>1. Overarching Corporate Governance</b>	
1.1. Introduction	3
1.2. Context	4
1.3. Principles	4
1.4. Instruments of governance	4
1.5. Leadership	5
<b>2. Corporate Governance Mechanisms</b>	
2.1. Introduction	6
2.2. Context	6
2.3. Code of corporate governance	6
<b>3 Decision Making</b>	
3.1. Introduction	10
3.2. Decision Making Process	10
3.3. Administrative Process to Support PCC Decision Making	11
<b>Appendix 1 - Examples of Typical Decisions of Significant Public Interest</b>	12

### PART B – Joint Financial & Contract Regulations

### PART C – Scheme of Consent

### PART D – PCC Scheme of Delegation

### PART E – Force Scheme of Delegation

# 1. Overarching Corporate Governance

## 1.1 Introduction

The purpose of this statement is to give clarity to the way both the Police and Crime Commissioner and Chief Constable will be governed both jointly and separately as corporation soles, ensuring they are able to do business in the right ways, for the right reasons, at the right times.

Good governance enables the Police and Crime Commissioner (PCC) to:

- Deliver on their vision and priorities for policing and crime
- Hold the Chief Constable to account and performance manage the Force
- Hold the Chief Executive to account and performance manage the OPCC
- Hold individuals to account for delivery
- Make decisions in an open, transparent, and evidenced way
- Engage with the public and victims of crime to achieve better outcomes
- Provide good stewardship over public funds and achieve value for money

The PCC as a corporation sole has a statutory duty and electoral mandate to hold the Chief Constable to account on behalf of the public, and ensure they represent a strong voice for the community in policing. The PCC has sworn an oath of impartiality. This oath makes a commitment to serve local people without fear or favour and they set out their public commitment to performing their role with integrity, impartiality and fairness.

The PCC is the recipient of all funding, including the government grant and precept and other sources of income related to policing and crime reduction. All funding for a Force must come via the PCC. How this money is allocated is a matter for the PCC in consultation with the Chief Constable and in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.

The principal activity of the PCC is to be responsible for the totality of policing, including setting strategic direction and holding the Chief Constable to account for the delivery of effective and efficient policing. The PCC also has other responsibilities and obligations in respect of the wider criminal justice services, victims' services, equality and diversity, safeguarding children and community safety.

The Chief Constable as a corporation sole is responsible for maintaining the King's peace and for the operational direction and control of the Force's police officers, staff and volunteers. The Chief Constable has operational independence and is answerable to the law. The Chief Constable is also accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, and management of resources and expenditure by the Police Force.

This framework sets out how the Chief Constable and PCC agree to work together through the principles of trust, openness, professionalism and good will to deliver their individual and collective functions in the best interests of the public. The joint Scheme of Corporate Governance sets out how the PCC and the Chief Constable conduct their roles and organisations, both jointly and separately. The framework is intended to enable operational independence, dynamism and flexibility for the Chief Constable, combined with appropriate oversight and strategic control for

the PCC to enable both parties to operate effectively, efficiently and to exercise good governance in all activities.

## **1.2 Context**

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
- Victims' legislation
- Data Protection Act 2018
- Freedom of Information Act 2000
- Elected local policing bodies (specified information order)
- Equality Act 2010
- Health and Safety legislation
- Statutory instruments owned and enforced by local authorities

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**

The core principles adopted by both organisations are those highlighted by the good governance standard for public services:

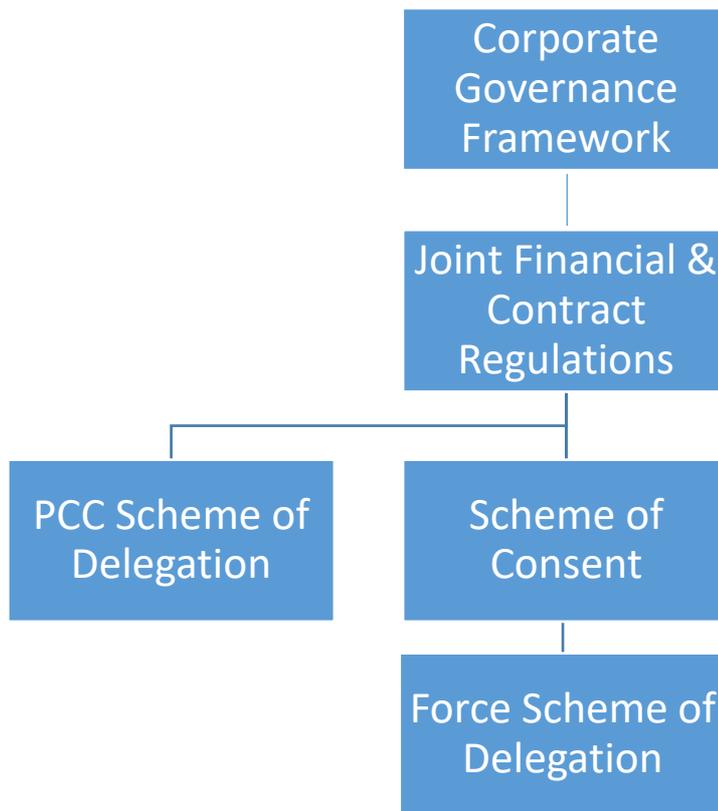
- Focus on outcomes for local people,
- Clarity of roles, functions and responsibilities
- Promotion of values and demonstrating these through behaviour,
- Informed, transparent decisions & managing risk,
- Developing capacity and capability
- Engaging with local people to ensure robust accountability.

The principles of good decision making (set out in Section 3: Decision Making) also apply.

## **1.4 Instruments of governance**

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**

The Police and Crime Commissioner, OPCC Chief Executive and Chief Constable will review the framework on an annual basis and ensure compliance.

The Police and Crime Commissioner will ensure compliance with this Corporate Governance Framework, holding both the Chief Constable to account for the operational effectiveness and efficiency of the Force, and the Chief Executive for the effectiveness and efficiency of the OPCC.

The Chief Constable and Chief Executive will work together on governance matters wherever there is a shared / mutual interest.

The Police and Crime Commissioner shall also publish a Scheme of Delegation & Scheme of Consent 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

This section sets out how the Police and Crime Commissioner, the Chief Executive 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

This section sets out how the organisations are conducted, using the International Framework for good governance in the Public Sector<sup>1</sup> 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 Act<sup>2</sup> sets out the functions of the Police and Crime Commissioner and Chief Constable and the protocol<sup>3</sup> 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 Officer<sup>4</sup> (the Treasurer). The Chief Executive will be the head of paid service and undertake the responsibilities of monitoring officer<sup>5</sup>.

The Act requires the Chief Constable to appoint a Chief Finance Officer<sup>6</sup> (the Director of Commercial Services).

The financial management code of practice and statements of roles<sup>7</sup> 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 schemes of delegation and consent highlight 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.

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 (where applicable),
- corporate governance framework,
- conduct regulations and codes of conduct.

The Policing Protocol 2011 requires all parties to abide by the seven **principles of**

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<sup>1</sup> International Framework: Good Governance in the Public Sector, IFAC and CIPFA 2014

<sup>2</sup> PRSRA11, s5 – 8,

<sup>3</sup> Policing Protocol Order 2011

<sup>4</sup> PRSRA11 sch 1 p6

<sup>5</sup> Local Government and Housing Act 1989 s5,

<sup>6</sup> PRSRA11 sch 2 p4.

<sup>7</sup> 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

**public life**<sup>8</sup> 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 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.

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

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 meets 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 issues a **Police and Crime Plan**. It outlines the police and crime objectives (outcomes) and the strategic direction for the policing of the Force area. The central pillars of the Safer West Mercia Plan are:

- Putting Victims and Survivors First
- Building a More Secure West Mercia
- Reforming West Mercia
- Reassuring West Mercia's Communities

Having had due regard to the Commissioner's Police and Crime Plan, the Chief Constable has defined their vision for the force as providing "a quality policing service, protecting people from harm. We are visible and open to all, inspiring everyone to take pride in and feel ownership of their service" (Plan on a Page). The Policing priorities are established around keeping people safe and delivering excellent service, 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 and strategy** 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 model<sup>9</sup> 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, inclusion 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** and strategy ensure 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

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<sup>9</sup> National Decision Model (NDM) for the Police Service, College of Policing

### **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.

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 Practice<sup>10</sup>.

The **schemes of delegation and consent** highlight 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 protocol<sup>11</sup> 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.

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<sup>10</sup> Financial Management Code of Practice for the Police, s11.1.3

<sup>11</sup> Policing Protocol Order 2011, art14

## 3. Decision Making

### 3.1 Introduction

The PCC has the sole legal authority to make a decision on any given day as a result of discussion or information provided by the public, partner organisations, members of staff from the office of the PCC or Chief Constable.

The Chief Constable has sole jurisdiction in respect of operational policing matters.

The PCC's Chief Executive is designated as Monitoring Officer under Sch 16, para 202 of the Police Reform and Social Responsibility Act 2011. The role of the Monitoring Officer in the context of decision making is to ensure lawful, rational and fair decision making and to report if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. The Chief Executive should therefore be consulted in respect of all significant PCC decisions.

A register will be kept of all decisions which are considered to be of significant public interest. The PCC's support team will aim to ensure each decision notice is published on the PCC's website within 2 full working days of its approval.

Appendix Ai contains a list of examples of items that have been identified as being of significant public interest.

The following will not normally be regarded as matters of significant public interest:

- Any decision taken in the course of developing any budget strategy policy report or plan prior to consultation with the Chief Constable or submission to the Panel and/or publications following its approval or adoption.
- Day to day internal management decisions
- Decisions relating to the appointment suspension or dismissal of staff or any disciplinary proceedings against them or any determination relating to their terms and conditions of appointment except in so far as may be required under Part 1 of the Schedule to the Order.
- Minor estates remediation / refurbishment

A decision that a matter is not of significant public interest should not be taken to mean that it is of no public interest. The intention in restricting the register to decisions of significant public interest is merely to avoid the need to record every decision made in the normal course of business, however minor. Proportionate governance should be applied to all decisions, regardless of whether a decision notice is required. All decisions of a nature which could be deemed to be novel or contentious will be recorded.

### 3.2 Decision Making Process

The following are the agreed methods / fora whereby the PCC can take significant decisions:

Decision Notice

For any significant decision outside of below meeting cycles. Requires strategic alignment to police and crime plan and endorsement from OPCC statutory officers, as well as approval from PCC. A graduated decision notice may be

used where appropriate in relation to exceptional circumstances where, for example, an expedited decision is required. Guidance from the Chief Executive and Treasurer should be sought in respect of the use of a graduated notice.

The Template Decision Notice is attached at Appendix Aii

Minute from West Mercia Governance Board

Principal forum for decisions relating to requests from the police force. Typically to be based on an accompanying report / business case.

Minute from OPCC Governance Board

Principal forum for decisions relating to the Office of the PCC. Typically to be based on an accompanying report / business case.

Minute from Estates Governance Board

Principal forum for decisions relating to the police estate. Typically to be based on an accompanying report / business case.

### 3.3 Administrative Process to Support PCC Decision Making

The Force and other partners need an understood administrative process for the Commissioner to make formal decisions. This structure does not apply to ordinary day-to-day management decisions (e.g. diary management) that can be made informally.

The process has been designed to be flexible but this is the process that everyone is expected to follow. So that the public can see how decisions are likely to be made. In the event that there was a challenge to a particular decision or to the decision-making process in a particular case the procedure would be referred to and the PCC might need to explain why, if it had not been followed, there was good reason to adopt a different approach.

The principles that should apply to the process are:-

1. **Transparency** - unless there are reasons for confidentiality, consistent with legislation, decisions and the supporting reasons should be publicly available.
2. **Openness** – subject to confidentiality, the most important decisions should be taken in a public forum and should be the subject of public engagement and consultation.
3. **Auditable** – there should be evidence to demonstrate, if necessary, how the decision was made and what advice was taken.
4. **Proportionality** – the administrative process should be proportionate to the nature of the decision being taken.
5. **Timeliness** – the process should enable timely decisions to be made.
6. **Accountability** – Clarity around who is proposing / endorsing the proposal to the PCC and (where appropriate) who will be responsible for delivery.

Decision Notices require a clear recommendation to be included (either within the DN itself or as a covering report to a paper submitted to the relevant decision-making meeting. The Recommendation should state “The PCC approves the ...”

The PCC will then demonstrate a decision has been made through signing the DN, or recording in the minutes of the meeting that they approve the recommendation.

Where decisions are being requested through board meetings then adequate time must be allowed for the PCC to review the supporting documentation. Reports should be circulated in line with the agreed ToR of each meeting.

Expectation that adequate planning will be made to ensure that decisions can be scrutinised and considered in appropriate timescales. Decision Notices should not be used to make urgent decisions due to lack of planning. This does not represent good governance and allow proper scrutiny of the decision required.

For Decision Notices

- They will be given a unique identification number and recorded on a Log Sheet
- Once signed it will be published in an accessible format on the PCC website within 5 working days
- Supporting documentation will be saved in an appropriate location by the OPCC
- Distributed in the Force and OPCC in line with the agreed distribution list

For Meeting decisions

- The minutes will record the decision made
- The minutes will be published on the PCC website once agreed A summary log of all meeting decisions will be maintained by the OPCC
- The summary log will be made available through Force systems to all relevant individuals

**APPENDIX Ai**

**Examples of Typical Decisions of Significant Public Interest**

- Police and Crime Plan
- Precept levels
- Annual Budgets & Medium Term Financial Plan
- Public and Victim consultation findings and responses
- Public complaints and misconduct
- Estates, ICT and Asset Strategic Planning
- Any new or amendments to policy and procedures
- Forecast budget and virement requests
- Levels of reserves and provisions
- Workforce Plan and recruitment strategies
- Performance monitoring and insight
- Commissioning and awarding of grants to individuals and organisations
- Strategic planning and performance monitoring for safeguarding and equalities (Commissioner and Force)
- Contracts above £250K
- All new business cases
- Decisions relating to the complaints and conduct matters relating to the Chief Constable
- Appoint, remove or suspend a Chief Constable
- Publication of annual report
- Restructuring of Force or OPCC staffing structure

**APPENDIX Aii**

**Decision Notice Template**

**POLICE AND CRIME COMMISSIONER FOR WEST MERCIA**



**RECORD OF DECISION**

**TITLE:**

Ref: PCC/D/2023/

**EXECUTIVE SUMMARY**

**PROPOSAL**

**APPROVAL OF  
West Mercia Police and Crime Commissioner**

I hereby approve the above proposal.

Signed

## **PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND FIGURES**

### **SUPPORTING REPORT**

### **STRATEGIC CONSIDERATIONS**

This decision supports the following element(s) of the Safer West Mercia Plan:

- Putting Victims and Survivors First     Building a More Secure West Mercia  
 Reforming West Mercia                       Reassuring West Mercia's Communities

The decision supports this/ these objective(s) through the following:

- 

### **BENEFITS AND THEIR REALISATION**

### **AUTHOR**

Name

Date

### **FINANCIAL AND TREASURER COMMENTS**

**Treasurer**

Signature

Date

### **LEGAL CONSIDERATIONS**

By virtue of schedule 11, paragraph 14 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner. That includes: entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (including land).

**PUBLIC ACCESS TO INFORMATION**

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website. Any facts and advice that should not be made automatically available on request are not included in Part 1 but instead in a separate Part 2 report.

**OFFICER APPROVAL**

**Chief Executive Officer**

Signature

Date