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Scheme of Delegation

Chief Constable
June 2023

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Document History

All parts of this section must be completed

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This Scheme of Delegation supersedes the previous Scheme of Delegation.

1. Introduction

This document sets out the responsibilities, delegated authority and control framework that applies to staff employed by the Chief Constable of West Mercia Police. The Chief Constable's Scheme of Delegation forms part of the force Corporate Governance Framework (CGF) ref. WM22/2023/001.

West Mercia Police must establish a framework to ensure good governance, financial control and value for money. This scheme provides a framework to ensure clear governance and accountability for decision making whilst ensuring that business is carried out efficiently and without unnecessary delay.

The purpose of the Scheme is to set out the responsibilities and flexibilities the Chief Constable has delegated to their command teams and budget holders. This includes any limitations on designated powers, including requirements to report back and the extent to which powers designated can be further delegated to others.

The Police Reform and Social Responsibility Act, 2011, requires each Chief Constable to appoint a person responsible for the proper administration of financial affairs for the Chief Constable, their 'Chief Finance Officer' (CFO). For the purpose of this scheme of delegation, the CFO is the Director of Commercial Services.

The Scheme predominantly relates to financial responsibilities but includes other delegations from the Chief Constables. The Scheme does not include specific operational responsibilities established by statute. It sets out the framework for budget management and promotes good financial management and the effective use of resources by budget holders.

This scheme applies to all staff and police officers employed by the Chief Constable of West Mercia Police. Financial Regulations allow appropriate staff to manage budgets in line with this Scheme.

The authority delegated by the Chief Constables in this Scheme should be exercised in line with any other legal or operational requirements and with reference to Financial Regulations, the Medium Term Financial Plan and other policies, procedures, plans and budgets.

Statutory Officers are the Chief Constable, Deputy Chief Constable and Director of Commercial Services. This Scheme aims to clarify those powers which, for the benefit of good business practice, are given to the statutory officers. The Chief Constable may limit these powers and/or withdraw delegation. Similarly, any sub-delegations by Statutory Officers may be limited or withdrawn by those Statutory Officers.

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.

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

Urgent Matters

If any matter which would normally be referred to the Chief Constable for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer.

The appropriate chief officers authorised to decide urgent matters are the:

- Deputy Chief Constable (all issues)
- Director of Commercial Services (financial and related issues)

Urgent decisions taken must be reported to the Chief Constable as soon as practically possible.

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2. General principles of delegation

- 2.1 The Chief Constable expects anyone proposing to exercise a delegation or an authorisation under this scheme, before exercising such powers, to draw to the attention of the Chief Constable any issue which is likely to be regarded as:
- Novel
 - Contentious
 - Repercussive or
 - Likely to be politically sensitive
- 2.2 Delegations are set out in this scheme. The 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.
- 2.3 Delegations may only be exercised subject to:-
- a) compliance with the CGF.
 - b) provision for any relevant expenditure being included in the approved budget.
- 2.4 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.
- 2.5 Giving delegation under this scheme does not prevent an officer or member of staff from referring the matter to the 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 2.1). Officers and staff are advised that in any situation of doubt the matter should be referred to the Chief Constable.
- 2.6 When a statutory officer is considering a matter that also falls within another statutory officer's area of responsibility, they must consult the other statutory officer before authorising the action.

- 2.8 In this document, references made to the statutory officers include officers authorised by them to act on their behalf.
- 2.9 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.
- 2.10 The Scheme of Delegation provides a member of staff with the legal power to carry out functions of the Chief Constable. In carrying out these functions the member of staff must comply with all statutory and regulatory requirements and relevant professional guidance including, but not limited to:
- 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
 - Nolan Principles of Good Governance
 - Contract Regulations
 - Public Procurement Regulations
 - The Corporate Governance framework
 - 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.
- 2.11 The CGF, 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 Chief Constable and comply with any limitation conditions or prohibition issued by the Chief Constable.
- 2.12 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

3. Functions delegated to the Deputy Chief Constable

- 3.1 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 Constable¹.
- 3.2 To appoint and dismiss staff employed by the Chief Constable.
- 3.3 To undertake the management of staff employed by the Chief Constable in line with agreed policies and procedures.
- 3.4 To approve the appointment or secondment of police officers for central services or overseas duty.
- 3.5 To be the appropriate authority for complaint and professional standards matters
- 3.6 To be the Senior Information Risk Owner
- 3.7 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 This delegation applies only 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.
- 3.9 These delegations do not apply to any scheme which is funded in part by an agreed contribution from another partner.
- 3.10 To ensure, in consultation with the Chief Constable, arrangements are in place to gather the community's views on policing in West Mercia.

¹ PRSRA11 s41
WM22/2023/002

- 3.11 To determine ex gratia payments in respect of loss or damage to the personal property of anyone under the direction and control of the Chief Constable.
- 3.12 To establish and maintain appropriate accountability and reporting mechanisms for the governance and scrutiny of complaint and conduct matters that allow regular internal and external engagement with relevant stakeholders, staff associations and networks.

4. Functions delegated to all Assistant Chief Constables and Directors

- 4.1 To create the necessary boards to deliver governance and accountability for the business areas within your directorate.

5. Functions delegated to the Director of Business Services

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 To create and review a staff handbook that sets out the processes the force must follow, alongside all relevant employment legislation and processes established by the College of Policing, for recruiting, promoting, instructing, managing, suspending and dismissing of staff.
- 5.5 On behalf of the force, and according to Police Regulations 2003 and determinations, Police (Conduct) Regulations 2020, Police (Complaints and Misconduct) Regulations 2020 and Police (Performance) Regulations 2020,

establish and manage the recruitment, promotion, instruction, management, suspension and dismissing of police officers in consultation with the College of Policing and the force Head of Professional Standards.

- 5.6 To determine the application of half pay and nil pay for long term absence of staff and officers in accordance with force policy.
- 5.7 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.
- 5.8 To approve settlement agreements up to a value of £15,000.
- 5.9 To grant essential car-user allowances.
- 5.10 To undertake the day-to-day management of physical assets other than property for West Mercia, subject to the provision of financial regulations.
- 5.11 To keep a register of all property and major assets owned by the commissioner or leased by him/her showing a current value at £10,000 or above and of all vehicles.
- 5.12 To determine when assets are surplus to requirements or obsolete and arrange for their disposal in line with financial regulations.

6. Functions delegated to the Director of Commercial Services

- 6.1 The Director 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).
- 6.2 To assure that financial management responsibilities, including those of their staff, comply with the financial regulations.

- 6.3 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.
- 6.4 To ensure the financial affairs of West Mercia Police are properly administered and have regard to the financial Regulations and appropriate accounting standards.
- 6.5 To be responsible for the reallocation of capital budgets between projects within the approved capital programme.
- 6.6 To be responsible for investing and borrowing money on a day-to-day basis, as necessary in line with the treasury management strategy.
- 6.7 To prepare, maintain and revise as necessary, Financial Regulations, subject to the approval of the Chief Constable
- 6.8 To issue, when necessary, financial management instructions with which officers shall comply.
- 6.9 To keep a register of all digital equipment of measurable value.
- 6.10 To approve contract exemptions

7. Functions Delegated to the Head of Legal Services

- 7.1 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 Director of Commercial Services if there are significant financial implications. In exercising this delegation due regard must be made to sections 2.1 & 2.5.

- 7.2 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.
- 7.3 To settle any claims pursuant to the Police and Crime Commissioners Scheme of Delegation and the delegations detailed therein and provide a quarterly report to the PCC and Chief Constable in order to demonstrate compliance and good governance.
- 7.4 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Chief Constable.
- 7.5 To sign all contracts which are required to be executed under the common seal of the Chief Constable and affix the seal.
- 7.6 To undertake day to day management of the insurance arrangements of the force in line with Financial Regulations.
- 7.7 The settlements of claims shall be subject to Paragraph 8 Schedule 2 PRSRA11 and s.88 of the Police Act 1996.

8. Functions Delegated to the Head of Finance

- 8.1 To prepare and review the annual budget on behalf of, and in consultation with, the Chief Constable for approval by the PCC.
- 8.2 To act as Deputy S151 Officer
- 8.3 To undertake the day to day financial management of the force budget, escalating to the Director of Commercial Service where appropriate
- 8.4 To write off stock/debts in accordance with the limits set out in the financial regulations
- 8.5 To authorise expenditure within the budget allocated

- 8.6 In accordance with Financial Regulation, to vire budgets between budget headings in line with the amounts set out in the financial regulations. All virements above £100k will be reported to the PCC through the budget monitoring process.

9. Functions Delegated to the Contracts and Procurement Manager

- 9.1 To undertake the day-to-day management of procurement in accordance with contract regulations.
- 9.2 To approve all requests to go out to tender.
- 9.3 To maintain oversight and approve the awarding of all contracts in accordance with the limits set out in the financial regulations.
- 9.4 To approve all variations, extensions and terminations of contracts in accordance with the limits set out in the financial regulations.

10. Functions Delegated to Business Area Leads²

- 10.1 Authority to approve expenditure in line with agreed budget, and within current financial period, whilst ensuring sound financial control and funds available are not exceeded.
- 10.2 To lead and manage the department within area of responsibility.
- 10.3 To manage the information assets owned within area of responsibility and in consultation with the Head of Audit, Risk and Compliance.

11. Functions delegated to the Head of Professional Standards

² As listed in section 11 of the joint finance regulations

- 11.1 Establish a framework for and deliver all recording and investigation covered within Schedule 3 of the Police Reform Act (2002), the Police (Conduct) Regulations (2020), and the Police (Complaints and Misconduct) Regulations (2020).

12. Functions delegated to the Head of Audit, Risk and Compliance

- 12.1 Manage the Information Asset Register on behalf of the force enabling officers to have easy access to information ensuring high availability, but also maintaining integrity and security in the collection, storage, retention and access to data to meet force responsibility under the Management of Police Information (MOPI) (2005).
- 12.2 Under the lead of the Senior Information Risk Officer, deliver on the force's legal duties to obtain, use and share information, in order to discharge our collective duties and keep communities safe within the Data Protection Act (2018) and the General Data Protection Regulations.
- 12.3 Ensure crime and incident records are recorded in an ethical and accurate manner, in accordance with Home Office Counting Rules (HOCR), National Crime Recording Standards (NCRS), and National Standard for Incident Recording (NSIR). Develop appropriate crime and incident recording processes and practices to ensure compliance.
- 12.4 Deliver a schedule of audit activity, highlighting good practice for shared learning as well as identifying areas for improvement.

13. Functions delegated to Boards and Committees

Change and Transformation

- 13.1 Manage all Change and Transformation programmes and projects including authorisation of start and close, holding project teams to account, approving movement between critical gateways and authorising all changes to the force operating model.

13.2 Prioritise all Change and Transformation programmes and projects.

Portfolio, Programme and Project Boards (decision pending to remove Portfolio Boards)

13.3 Maintain an overview of the Programme Plans to ensure that projects are set up to deliver the objectives of the project and to ensure that Outcomes and Benefits will be achieved.

13.4 Track the progress of plans to ensure that Risks and Issues are tracked and mitigated or resolved.

Health, Safety and Wellbeing Board

13.5 .Make decisions regarding work aimed at the wellbeing of our workforce

13.6 .Make decisions in relation to future work, action plans, expectations of departmentt heads based around the Health, Safety and Wellbeing of our workforce

13.7 Ensure compliance with HSE requirements in relation to Health and Safety monitoring processes

Workforce Planning Board

13.8 Authority to fill vacancies within approved establishment. The board may further delegate approval of specified roles / departments to the relevant deployment panel.

13.9 Make decisions in relation to police officer resource plan, including changes to numbers entering the force and different cohort types and the movement of officers to meet strategic needs.

13.10 Make decisions on the agreement or extension of secondments.

These delegations should be read in conjunction with the Joint Financial Regulations.

Other documents that are linked to the Scheme of Delegation include:

1. National Police Staff Council Handbook (2017)
2. West Mercia Police Staff Handbook (2019)
3. Police Officer Regulations (2003)

Policies and Procedures (or referred to in the above handbooks)

1. Payroll & Pensions
 - a. Ill-health Retirement (officers only) reference number WMP174
 - b. Flexible & early Retirement ref. WMP071
 - c. Internal Dispute Resolution Procedure ref. WMP189
2. Insurance
 - a. Claims
 - b. Policy placement
3. Recruitment and Occupational Development
 - a. Recruiting to a post
 - b. Requesting re-grade
 - c. Flexible working ref. WMP071
 - d. Settlement Agreements
 - e. Creating a new permanent post
 - f. Create a temporary post
 - g. Secondments
 - h. Backfilling sickness
 - i. Discretionary Payments WMP056
 - j. Accelerating SCP progression
 - k. Halting SCP progression
4. Standards and Discipline
 - a. Suspension WMP033c
 - b. Misconduct WMP050
 - c. Unsatisfactory Performance Student Officers WMP061
 - d. Appearance and Dress WMP042
 - e. Gifts, Gratuities & Hospitality WMP141
 - f. Notifiable & Vulnerable Associations WMP139
 - g. Professional Standards Reporting WMP033b
 - h. Business Interests WMP122
 - i. Unmanageable Debt WMP033E