

Decision making policy

Office of the Police and Crime Commissioner



OFFICIAL	
Author: Jean Cass, Governance Officer, Office of the Police and Crime Commissioner.	
Date created: 6 December 2016	Date approved: 4 April 2017

Introduction

1. Purpose

- 1.1. This policy establishes the approach and principles for decision making by the Police and Crime Commissioner for Staffordshire. (PCC). It outlines the decision making process together with providing information on how decisions of a Strategic Public Interests will be determined, recorded and published.

2. Decision Making Framework

- 2.1. The PCC is committed to a robust decision making process and will adopt rigorous standards of probity, regularity and transparency in his decision making. All decisions will be taken in the public interest. The PCC will review his decision making process on a regular basis.

- 2.2. Decisions taken by the PCC arise from their statutory duties. The statutory framework for decision making by the PCC consists of:-

- a. Police Reform and Social Responsibility Act 2011 which sets out the functions of the PCC and provides the legal framework for the PCC's decision making¹
- b. PCC Elections (Declaration of Acceptance of Office) requires the PCC to swear an oath of operational impartiality. It commits the PCC to serve local people without fear or favour and set out publicly their commitment to tackling their role with integrity, impartiality and fairness²
- c. The Police Reform and Social Responsibility Act 2011 sets out the functions of Staffordshire's Police and Crime Panel which required to review and scrutinise decisions made by the PCC³
- d. The Policing Protocol sets out the framework within with the PCC and the Chief Constable (CC) should work. The Protocol requires all parties, including the PCC and his staff to abide

¹ s5-10 Police Reform and Social Responsibility Act 2011,

² s70 Police Reform and Social Responsibility Act 2011, The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012

³ s28 Police Reform and Social Responsibility Act 2011

by the Nolan Principles⁴

- e. The Financial Management Code of Practice for the Police Service provides clarity around the financial governance arrangements and specifies the needs to embed the principles of good governance into the way the PCC operates. The Code requires the PCC and the CC to establish a Joint Audit Committee with the Committee recommended to consider internal and external audit reports and advice according to good governance principles and appropriate risk management arrangements.⁵

- f. The Elected Local Policing Bodies (Specified Information) Order 2011 and the Elected Local Policing Bodies (Specified information) (Amendment) Order 2012 specify the information that must be published by the PCC⁶ and includes specific reference to decisions.⁷ It sets out both the time scales and requirements for recording and publication of decisions and related polices.⁸

2.3. Under the Police Reform and Social Responsibility Act 2011 the PCC can be subject to investigation by the Local Government Ombudsman for any allegations or apparent maladministration in connection with the exercise of his administrative duties.⁹

⁴ Para 10 The Policing Protocol Order 2011

⁵ Financial Management Code of Practice for the Police Forces of England and Wales October 2013

⁶ Paras 1-8 The Elected Local Policing Bodies (Specified Information) Order 2011 Section 1-8 The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012

⁷ Para 5 The Elected Local Policing Bodies (Specified Information) Order 2011; Paragraph 16 The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012

⁸ Para 6 The Elected Local Policing Bodies (Specified Information) Order 2011; Paragraph 9 The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012

⁹ Para 121 Schedule 16 Police Reform and Social Responsibility Act 2011, Section 25 Local Government Act 1974

Approach to Decision Making

3. Approach to Decision Making

3.1. The decision making by the PCC will arise from the discharge of his statutory functions. The PCC will need to demonstrate probity and regularity in their decision making, not just as a matter of good governance but also as a matter of law. Decisions will range in significance and impact, consequence and cost. The PCC will apply the good governance principles to all decisions that are taken. Equality and diversity issues will also be considered and for each decision an Equality Impact Assessment will be completed and published alongside the decision form on the Office of the Police and Commissioner's (OPCC) website.

3.2. The key to achieving well informed decisions is through a sound process, good management and effective leadership.

3.3. The following checklist will be used in advance of making key strategic decisions:

- a. **Understanding local needs**, resources and priorities and consider the views of partners and stakeholders
- b. Based on the knowledge **agree outcomes** and how they can be delivered effectively, efficiently, equitably and sustainably
- c. Establish all the **relevant and material facts**
- d. **Consult** those who might reasonably consider they would be adversely or significantly affected
- e. Seek appropriate **specialist advice**
- f. Consider **all reasonable courses of action** open to the PCC
- g. Ensuring **value for money** is obtained
- h. Consider **risk, performance and financial information**

3.4. Proposed decisions of significant public interest, will be made by OPCC's Senior Management and Executive Officers of the Force. The full details of all these decisions will be recorded on the OPCC decision form template.

3.5. Decisions forms will only be ratified and published on the OPCC website following:-

- Completion by the Originating Officer including the declaration section (page 7)
- Approved and signed by the OPCC Chief Executive (page 2)
- Approved and signed by the PCC (page 7)
- Accompanied by a completed Equality Impact Assessment form

4. Urgent Key Decisions

4.1. There may be occasions where the circumstances of a decision dictates that only some elements of the checklist will be employed, for example an urgent decision would limit the amount of engagement that could be undertaken. However, all measures will be taken to ensure that urgent decisions are limited.

5. Contentious Issues/Decisions

- 5.1. Occasions will arise when the 'line' between strategic and operational will be ambiguous. These issues/decisions will be classified as 'contentious'. To avoid possible conflict in who should take the decision the principle of 'due regard' will be employed.
- 5.2. Contentious decisions can be defined as those of a political nature, matters of a high public/media interest, matters likely to impact on a community/communities, high risk issues (e.g. Upon Significant financial risk, reputation, public confidence) and could include the following:-
- 5.3. Actions that conflict with priorities set out in the PCC's Police and Crime Plan that will impact on the delivery of the Plans outcomes
- 5.4. Policy changes – A decision that has a direct impact on local communicates, for example the re-organisation of local policing
- 5.5. Political issues – These could be any number of areas and a checklist could be derived from the Police and Crime Plan

Part 2: Principles of Decision Making

6. The principles of decision making are:-

6.1. Decision making will be transparent and well informed

In order to make well informed decisions the PCC will give proper considerations to all relevant parties. Arrangements will be made for obtaining the views of people in the area about policing Staffordshire. The PCC will consider the appropriate means to consult in relation to any decision.

6.2. Decisions will make use of good quality information, advice and support

Decisions will be taken based on quality information and clear advice in order to reduce the risk of taking decisions that fail to achieve the PCC's objectives or have unintended consequences. This will include professional policing advice from the CC, who is required to provide information on policing matters to the PCC and advice from the PCC's statutory officers who hold the roles of Chief Executive and Chief Financial Officer.

6.3. Decisions will make use of risk management information

The Risk Register for the PCC and the CC will be used to inform the decision making process. In addition, where appropriate alternative options will be considered and reported, including details of the opinion appraisals together with the reasons why the other options considered had not been taken forward.

6.4. Decisions will be lawful, reasonable, fair and proportionate

The PCC will make use of this professional advisors in decision making. The PCC will take into consideration the impact of any decision of all those that live and work in Staffordshire and will give consideration to equality and diversity issues as appropriate. The PCC will make decisions with a view to achieving value for money.

6.5. The PCC will uphold the highest standard of integrity and honesty when taking decisions, as set out in the Nolan Principles.

The seven principles of public life are – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership.

7. All decisions of significant public interest will be recorded and published

The statutory requirement for the recording and publication of information surrounding decisions is set out in the Elected Local Policing Bodies (Specified information) Order 2011

8. Decisions of Significant Public Interest

(It must be noted that the definition of decisions of significant public interest is a matter of professional judgement. The lead officer, if unsure, needs to bring the issues to a management team meeting)

8.1. The following decisions will normally be regarded as decisions of significant public interest:

- a. Any decisions with any impact on the community, expenditure in excess of £ 100k per contract, or any decision that would be obvious interest to the media or the general public;
- b. Any decisions leading to a requirements to publish any item of specified information by the Elected Local Policing bodies (specified information) Order 2011 (“the Order”);¹⁰
- c. Any decisions to issue or vary a Police and Crime Plan under Section 5 of the Act,¹¹ or to consult the CC regarding the draft of such a plan, to submit a draft to the Police and Crime Panel (“the Panel) for Staffordshire or respond to any report or recommendation from the Panel;¹²
- d. Any decision to submit an Annual Report to the Police and Crime Panel as required by Section 12 of the Act,¹³ or to respond to any report or recommendation of the Panel regarding an Annual Report;¹⁴
- e. Any decision to supply or withhold any information requested by the Police and Crime Panel under Section 13 of the Act,¹⁵ but if the decision is to withhold information neither the information nor the reasons for withholding it will be disclosed;¹⁶
- f. Any decision regarding arrangements for obtaining the views of the community under Section 96 of the Police Act 1996 as amended;¹⁷
- g. Any decision to appoint any person (Whether or not employed by the PCC or any other body) or to designate any person as having specific duties or responsibilities under Section 16 of the Act;¹⁸
- h. Any decision to appoint any person as Deputy Police and Crime Commissioner under Section 18 of the Act;¹⁹
- i. Any decision to approve or amend the Corporate Governance framework, scheme of Delegation/Consent, Financial Regulations or Contract Standing Order, and the Governance Arrangements (i.e. the scrutiny and Decision Framework);
- j. Any decision to appoint,²⁰ remove²¹ or suspend ²²the CC under Section 38 of the Act, save that in case of suspension, reasons for the decision may not be published or at all;
- k. Any response to a consultation initiated by the CC under Section 39 or 40 of the Act regarding the number of Deputy Chief Constables²³ and Assistant Chief Constables²⁴ to be appointed by him/her or the appointment of any person to such office;

¹⁰ Para 5 The Elected Local Policing bodies (specified information) Order 2011

¹¹ s5(4) Police Reform and Social Responsibility Act 2011

¹² s5 (6) Police Reform and Social Responsibility Act 2011

¹³ s12(1) Police Reform and Social Responsibility Act 2011

¹⁴ s12(4) Police Reform and Social Responsibility Act 2011

¹⁵ s13 (1) Police Reform and Social Responsibility Act 2011

¹⁶ s13 (2) Police Reform and Social Responsibility Act 2011

¹⁷ s96(1) Police Act 1996 as amended by S14 Police Reform and Social Responsibility Act 2011

¹⁸ s16 (1) Police Reform and Social Responsibility Act 2011

¹⁹ s18 (1)(a) Police Reform and Social Responsibility Act 2011

²⁰ s38 (1) Police Reform and Social Responsibility Act 2011

²¹ s38 (3) Police Reform and Social Responsibility Act 2011

²² s38 (2) Police Reform and Social Responsibility Act 2011

²³ s39 (2) Police Reform and Social Responsibility Act 2011

- l. Any decision to enter into²⁵, withdraw from²⁶, or vary any collaboration agreement²⁷ entered into under Section 22A of the Police Act 1996;
- m. Any decision relating to complaints and conduct matters concerning the CC and any decision to direct the CC to comply with his/her obligations in regard to complaints (schedule 14, para 7 of the Act); and²⁸
- n. Any decision to enter into,²⁹ withdraw from, or vary any combination agreement under the Crime and Disorder Act 1998 (schedule 11 of the Act).³⁰

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

- a. Any decision taken in the course of developing any budget strategy, policy, report or plan prior to consultation with the CC or submission to the Police and Crime Panel and/or publication following its approval or adoption;
- b. Day to day internal management decisions; and
- c. Decisions regarding to the appointment suspension or dismissal of staff or any disciplinary proceedings against them or any determination regarding to their terms and conditions of appointment except in so far as may be required under Part 1 of the schedule of the Order.³¹

3: Publication of Decisions

10. Publication of decisions

The statutory requirements for the recording and publication of decisions are set out in the Elected Local Policing Bodies (Specified Information) Order 2011. The PCC's website will be used to publish the Significant Public Interest decisions made by the PCC.

Decisions will be published on the PCC's website using a standard template report (see Appendix B). Deferment of publication is only applicable where release before that date would compromise the implementation of the decision being approved.

11. Forward Plan

As an absolute minimum the PCC will publish all statutory decisions together with information relating to the decision. A Forward Plan for key decisions to be taken over a three month period will be published on the PCC's website.

12. Exclusions

²⁴ s40 (2) Police Reform and Social Responsibility Act 2011

²⁵ s22A(1) Police Act 1996

²⁶ s23C(4) Police Reform and Social Responsibility Act 2011

²⁷ s23C(5) Police Reform and Social Responsibility Act 2011

²⁸ Schedule 14 Para 7 Police Reform and Social Responsibility Act 2011

²⁹ Schedule 11 Para 2 Police Reform and Social Responsibility Act 2011

³⁰ Schedule 11 Para 3 Police Reform and Social Responsibility Act 2011

³¹ Para 1 Part 1 Schedule The Elected Local Policing bodies (specified information) Order 2011

There will be occasions when some information has to remain confidential, examples issues of national security, safety of individual, prejudice the administration of justice.

Decision related information may also restricted where security restrictions are placed on the information held by the Police.

Upon occasion, where deemed appropriate:-

- Commercial or operational information will be redacted from Decision forms and/or decision forms may be not be published in their entirety
- Appendices to decision forms may not be published if they contain information deemed to be commercially and or operationally sensitive.

Note the Decision Register will be marked appropriately to indicate where information has been withheld as detail above.

13. Review

This policy may be reviewed at any time and will be subject to a formal review annually.

Appendix A: Relevant Legislation

1. [Police Reform and Social Responsibility Act 2011](#)
2. [The Police and Crime Commissioner Elections \(Declaration of Acceptance of Office\) Order 2012](#)
3. [The Policing Protocol Order 2011](#)
4. [Financial Management Code of Practice for the Police Forces of England and Wales October 2013](#)
5. [The Elected Local Policing Bodes \(Specified Information\) Order 2011](#)
6. [The Elected Local Policing Bodes \(Specified Information\) \(Amendment\) Order 2012](#)
7. [Local Government Act 1974](#)
8. [Police Act 1996](#)

Appendix B: Decision Template



Office of the Police and
Crime Commissioner
STAFFORDSHIRE

Please note: This form and an EIA will be published on the OPCC website immediately a decision is made unless the author of the report indicates otherwise at sections 7 or 8 below

REQUEST FOR DECISION BY POLICE & CRIME COMMISSIONER

Date decision required by:

If an urgent approval is required, please state reasons:

For completion by OPCC only:-

Decision Number: OPCC/D/2017/18

Date Received:

Who is empowered to make decision: PCC

Title

Summary:

Recommendation:

Chief Executive

I hereby approve the recommendation for consideration.

Signature

Date

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC

1. Introduction and background

2. Issues for consideration

3a. Has the OPCC's Director of Finance & Performance/Force's Chief Financial Officer been consulted?

3b. Financial Comments from OPCC's Director Finance & Performance Officer /Force's Chief Financial Officer

4a. Has legal advice been sought on this submission?

4b. Legal Comments

5. Equality Comments Please attach your completed Equality Impact Assessment, (EIA) – this will be published with a copy of this decision statement (No decisions will be accepted without a completed EIA)
--

6. Background/supporting papers
7. Public access to information
8. Is the publication of this form to be deferred?

ORIGINATING OFFICER DECLARATION:

Author	
Signed	
Date	

APPROVAL (for completion by OPCC only)

Rationale for approval

PCC

Signature

Date