

# Joint Scheme of Delegation and Consent

## Office of the Police and Crime Commissioner and Chief Constable

OFFICIAL	
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## Introduction

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### 1 Purpose

- 1.1 The Joint Scheme of Delegation and Consent details the key roles of the Police and Crime Commissioner (PCC), and those functions designated by the PCC to the Deputy PCC, Chief Executive, and Director of Finance & Performance. They also detail the key role of the Chief Constable (CC) and the powers that are delegated by the CC to the Deputy Chief Constable (DCC), the Chief Constable's Chief Financial Officer, the Chief Constable's Head of People Services, and the Chief Constable's Director of Legal Services.
- 1.2 The Joint Scheme of Delegation and Consent forms part of the Police and Crime Commissioner's and Chief Constable's governance framework to ensure that business is carried out efficiently without unnecessarily delaying decisions. They should be read in the context of the Statement of Corporate Governance and the principles of Corporate Governance.
- 1.3 The Scheme includes, but is not limited to, formal delegations by the PCC and Chief Constable. It also includes activities where the Chief Constable when acting in their own right and/or exercising their power of directing or controlling; in such a way that is reasonable to assist the PCC to perform his / her functions.

- 1.4 The powers set out in the Joint Scheme of Delegation and Consent should be exercised in accordance with the PCC’s consent, the law, standing orders and financial regulations, and also the policies, procedures, plans, strategies and budgets. It does not identify all the statutory duties which are contained in specific legislation and regulation.
- 1.5 In summary, the Joint Scheme of Delegation and Consent will:
- a. Define the key role of the PCC, the Chief Constable and other Chief Officers
  - b. Set out the functions the PCC and the Chief Constable cannot delegate
  - c. Set out the powers and activities delegated by the PCC and the Chief Constable to others to undertake on their behalf and in their name
  - d. Set out the powers and activities given consent by the PCC to the Chief Constable

## 2 Definitions

In this document the following specific expressions shall have the following meanings unless inconsistent with the context

“ The Act”

The Police Reform and Social Responsibility Act 2011

### **Office of the Police and Crime Commissioner**

“Police and Crime Commissioner (PCC)”

The person occupying the office of Police and Crime Commissioner for Staffordshire

“Deputy PCC”

A member of the Police and Crime Commissioner's officials who may exercise the functions of the PCC where delegated and in accordance with the Act

“Police and Crime Commissioner’s Chief Executive ”

The head of the PCC’s officials appointed under paragraph 6 (1)(a) of Schedule 1 to the Act

“Police and Crime Commissioner’s Director of Finance & Performance

The officer with responsibility for the proper administration of the PCC’s financial affairs appointed under paragraph 6(1)(b) of Schedule 1 to the Act

"Police and Crime Commissioner's Monitoring Officer"	This function is performed by the "PCC's Chief Executive "under s5 of the Local Government and Housing Act 1989
"Police and Crime Commissioner's Deputy Monitoring Officer"	This function can be performed by a an official of the PCC other than the PCC's Chief Finance Officer s5 (1)b of the Local Government and Housing Act 1989
"151 Officer"	Section 151 of the Local Government Act 1972 requires PCCs and CCs to make arrangements for the proper administration of their financial affairs and to appoint a CFO to have responsibility for those arrangements Note – the same officer cannot hold 151 and Monitoring Officer posts
"Director of Legal Service"	The person designated as such and who has been appointed as legal advisor to the CC and where appropriate to the PCC.
"Official (s) of the PCC	Person(s) employed by the PCC

## **The Chief Constable**

"Chief Constable (CC)"	The person appointed under s2 of the Act
"Deputy Chief Constable (DCC)"	The person appointed in accordance with Section 39(1) of the Police Reform and Social Responsibility Act 2011 and whose powers are defined under Section 41 of that Act
"Chief Constable's Chief Finance Officer"	The person responsible for the proper administration of the Police Force's financial affairs under paragraph 4(2)(1) of Schedule 2 to the Act
"Chief Constable's Head of People Services	The person responsible for the development of a cohesive People Services Strategy to support the business priorities of the Force

“Director of Legal Service”

The person designated as such and who has been appointed as legal advisor to the CC and where appropriate to the PCC.

“Chief Constable’s Staff or Police Staff employed by the Chief Constable”

Persons employed by the Chief Constable

### **3 Public Accountability**

- 3.1 The public accountability for the delivery and performance of the police service is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their Force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC.

# Part 1: Scheme of Delegation

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## 1 General Principles of Delegation

- 1.1 The PCC and Chief Constable have the discretion to limit and/or withdraw the powers delegated by them at any time, provided that the reasons for doing so are documented in writing. They may ask that a specific matter is referred to them for a decision and not dealt with under powers of delegation.
- 1.2 Any person to whom powers have been delegated under the Scheme may refer the matter back to the PCC or CC, for a decision if that person thinks this is appropriate, for example, due to reputationally sensitive issues or decisions with novel, contentious, or repercussive implications.
- 1.3 All significant decisions made under delegations from the PCC or CC must be recorded and available for inspection.
- 1.4 When a person considering a matter that impacts upon another person's area of responsibility, they should consult that person before proceeding with any decision.
- 1.5 This Scheme does not attempt to list all matters which form part of everyday management responsibilities.
- 1.6 This Scheme of Delegation provides named post holders with the authority to undertake the duties of the PCC or CC. Whilst undertaking these duties the named post holders must comply with all other relevant statutory and regulatory requirements as follows:
  - a. The Act and other relevant legislation issued under the Act
  - b. Financial Regulations
  - c. Home Office Financial Code of Practice for the police service
  - d. CIPFA Statement on the role of the Chief Finance Officer of the PCC and CC
  - e. The Contracts Regulations and Contract Standing Orders
  - f. The PCC and Staffordshire Police employment policies and procedures
  - g. The Joint Governance Framework
  - h. The Data Protection Act 1998 and the Freedom of Information Act 2000
  - i. Health and Safety at Work legislation and codes
  - j. Equality Act 2010 and related equality and diversity regulation and guidance
  - k. The Code of Ethics
- 1.7 Individuals are responsible for ensuring that officials they supervise are aware of the provisions and obligations of this Scheme of Delegation and governance framework.

## **2 Office of the Police and Crime Commissioner**

### **Role of the Police and Crime Commissioner**

- 2.1 The PCC within each Force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public.
  
- 2.2 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, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.

### **Function of the Police and Crime Commissioner**

- 2.3 The PCC has the legal duty to:
  - a. Set the strategic direction and objectives of the Force through the Police and Crime Plan (“the Plan”), which must have regard to the Strategic Policing Requirement set by the Home Office, Secretary of State
  - b. Scrutinise, support and challenge the overall performance of the Force including against the priorities agreed within the Plan
  - c. Hold the Chief Constable to account for the performance of the Force’s officers and staff
  - d. Decide the budget, allocating assets and funds to the Chief Constable; and set the precept for the Force area
  - e. Appoint the Chief Constable
  - f. Remove the Chief Constable subject to following the process set out in part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996(a)
  - g. Maintain an efficient and effective police Force for the police area
  - h. Enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police Forces in consultation with the Chief Constable (where it relates to the functions of the police Force, then it must be with the agreement of the Chief Constable)
  - i. Provide the local link between the police and communities, (working towards translating the legitimate desires and aspirations of the public into action)
  - j. Hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable
  - k. Publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the Force area to assess the performance of the PCC and Chief Constable
  - l. Comply with all reasonable formal requests from the Police and Crime Panel (“The Panel”) to attend their meetings

- m. Prepare and issue an annual report on the PCC's delivery against the objectives of the Plan
  - n. Monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable.
- 2.4 The PCC must not restrict the operational independence of the Police Force and the Chief Constable who leads it.
- 2.5 In order to enable the PCC to exercise the functions of their office effectively, they will need access to information and officers and staff within the Force area. Such access to any information must not be unreasonably withheld or obstructed by the Chief Constable and/or fetter the Chief Constable's direction and control of the Force.
- 2.6 A PCC has wider responsibilities than those relating solely to the Police Force, namely:
- a. A specific responsibility for the delivery of community safety and crime reduction
  - b. The ability to bring together Community Safety Partnerships at the Force level
  - c. The ability to make crime and disorder reduction grants within their Force area
  - d. The duty to ensure that all collaborative agreements with their Local Policing Bodies and Force deliver better value for money or enhance the effectiveness of policing capabilities and reliance
  - e. A wider responsibility for the enhancement of the delivery of criminal justice in their area.
- 2.7 The PCC is a corporation sole which owns all the assets, land and buildings upon it including all rights and liabilities which derive from that ownership whether or not in the possession and use of the Chief Constable as a corporation sole.
- 2.8 The PCC will be held to account by the Panel who will scrutinise his / her decisions.
- 2.9 The PCC may appoint a deputy to exercise his / her functions, with the exception of those functions which cannot be delegated detailed within paragraph 2.12.
- 2.10 The PCC is ultimately accountable for the Police Budget, therefore, prior to any financial liability being incurred that might reasonably be regarded as novel, contentious or repercussive, written approval must be obtained from the PCC. Likewise, it is expected that anyone exercising delegated powers will highlight any issue that might reasonably be regarded as novel, contentious or repercussive.

## **Application**

- 2.11 The PCC and his / her officials must have regard to the following (this list is indicative only and should not be considered to be exhaustive):
- a. The views of the communities in Staffordshire and Stoke-on-Trent
  - b. Any report or recommendation made by the Panel on the Annual Report for the previous financial year
  - c. The Police and Crime Plan and any guidance issued by the Secretary of State.
- 2.12 The following functions may not be delegated by the PCC (as described in s18 (7) of the Act)
- a. Issuing the Police and Crime Plan
  - b. Determining the police and crime objectives of the Police and Crime Plan
  - c. Calculation of budget requirements
  - d. Appointing the Chief Constable, suspending the Chief Constable or calling upon the Chief Constable to retire or resign
  - e. Attendance at the Panel in compliance with the requirements by the Panel to do so
  - f. Preparing the Annual Report to the Panel.
- 2.13 This PCC may give additional delegation under Section 18 of the Act. This scheme is a record of the formal consents that are in effect at the time of its publication. The PCC's Constitution, including the scheme of delegation will be reviewed annually.
- 2.14 With the exception of the functions detailed at 2.12 which may not be delegated by the PCC, this scheme of delegation permits any person with a delegation to delegate that power further, where appropriate to roles and responsibilities of the delegatee.
- 2.15 Delegation may only be exercised subject to:
- a. Compliance with the Joint Governance Framework
  - b. Provision for any relevant expenditure being included in the approved budget.

## **Urgent provisions**

- 2.16 When it is necessary to do so in urgent circumstances, the Chief Executive , in consultation with Director of Finance & Performance, has been given specific authority on any matters falling to be determined by the PCC (other than those matters described in 2.12 above).
- 2.17 The appropriate chief officers authorised to decide urgent matters are:  
The Chief Executive who is also the Monitoring Officer (all issues)  
The PCC's Director of Finance and Performance (financial and related issues, and all issues in the absence of the Chief Executive in the post-holders capacity as the designated Deputy Chief Executive and except for the role of Monitoring Officer which is deputised by the Head of Policy, Performance and Assurance).
- 2.18 Urgent decisions taken must be reported to the PCC as soon as practicably possible.

2.19 This applies to periods of leave and short periods of absence, in longer term absence, the Police & Crime Panel will seek to appoint a temporary PCC. Until that appointment, the Chief Executive will continue to exercise the functions of the PCC.

## **Functions delegated to the Chief Executive, Office for the Police and Crime Commissioner**

### **General**

2.20 The Chief Executive is a statutory role whose primary function is to act as the head of the PCC body paid service under Section 4 of the Local Government and Housing Act 1989.

2.21 To act as a monitoring officer under Section 5(1) Local Government and Housing Act 1989.

2.22 To prepare the Police and Crime Plan in consultation with Staffordshire Police for submission to the PCC.

2.23 To ensure, in consultation with the Chief Constable, appropriate arrangements are made to gather the community's views on the policing of Staffordshire and Stoke-on-Trent and preventing crime.

2.24 To prepare an Annual Report for submission by the PCC to the Panel on the PCC's delivery against the objectives set out in the Police and Crime Plan.

2.25 To provide information to the Panel to carry out its functions.

2.26 To execute all contracts on behalf of the PCC and Deputy PCC in accordance with any decisions made by them.

2.27 To consider and approve, in consultation with the Director of Finance & Performance the indemnity to the PCC and Deputy PCC in accordance with the Local Authorities (Indemnities for Member and Officers) Order 2004.

2.28 To affix the common seal of the PCC in line with Contract Standing Orders to:

- a. All contracts, agreements or transactions; in respect of which there is no consideration.
- b. All contracts that are at or above the value set out in Annex 6 & 7 of the Contract Standing Orders over the life of the contract
- c. All deeds which grant or convey an interest in land
- d. All documents where it is determined by the PCC that there is a particular need for the seal to be attached.

2.29 To monitor all complaints made against officials of the PCC on behalf of the PCC.

## **Functions delegated to the Chief Executive, Office for the Police and Crime Commissioner (continued...)**

- 2.30 To review the annual statement of accounts of the PCC and Staffordshire Police.
- 2.31 To approve business cases for revenue or capital expenditure in accordance with the financial regulations.
- 2.32 To make arrangements to approve and appoint external solicitors and Counsel to represent the PCC from time to time.

### **Financial**

- 2.33 The financial management responsibilities of the Chief Executive are set out in the financial regulations.
- 2.34 To manage the PCC budget, along with the Director of Finance & Performance, particularly with regard to:
  - a. Ordering goods and services and paying for them if provided for the revenue budget
  - b. Seeking and accepting quotations and tenders for goods and services provided for in the revenue budget.
- 2.35 To fix fees for copies of documents and extracts of documents requested by members of the public from the PCC under the Freedom of Information Act 2000 and Data Protection Act 1998.
- 2.36 To sign all contracts on behalf of the PCC in accordance with decisions made and the Contract Standing Orders. The PCC has through Standing Orders authorised the Chief Constable's Chief Finance Officer to sign all contracts under the value of £100,000 or otherwise determined by Standing Orders.
- 2.37 Further authority has been delegated to the Head of Commissioning and Partnerships to sign any contract up to the value of £500,000.

### **Human Resources**

- 2.38 To appoint, dismiss and undertake the management of officials employed by the PCC, in consultation with the PCC and in line with agreed policies and procedures operated by Staffordshire Police.

- 2.39 To make recommendations to the PCC, in consultation with the Director of Finance & Performance, with regard to additional payments made to PCC officials in accordance with their terms and conditions of service as set in the Police Staff Council Handbook and any local collective agreements operated by Staffordshire Police. This includes the approval of payments under any bonus or performance-related payment schemes for officials employed by the PCC, honoraria payments made for additional duties and responsibilities and the granting of essential or casual car user allowances.
- 2.40 To implement national and local collective agreements on salaries, terms and conditions for officials employed by the PCC in line with those operated by Staffordshire Police, providing that any issues which are sensitive or have major financial implications will be referred to the PCC for a decision.
- 2.41 To appoint, dismiss and undertake the management of officials employed by the PCC, in consultation with the PCC in line with agreed policies and procedures.
- 2.42 To make recommendations to the PCC with regard to PCC officials' terms and conditions of services, in consultation with the Director of Finance & Performance. This includes the approval of payments under any bonus or performance-related payment schemes for officials employed by the PCC, honoraria payments made for taking on extra duties and responsibilities, and the granting of essential or casual car-user allowances for officials employed by the PCC.
- 2.43 To bring national agreements on salaries, wages and conditions into effect for officials employed by the PCC, providing that any issues which are sensitive or have major financial implications will be referred to the PCC for a decision. This includes negotiating with recognised trade unions and staff associations on any matters in relation to officials employed by the PCC that can be decided locally. All agreements reached must be reported to the PCC.
- 2.44 To approve the retirement of officials employed by the PCC 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 PCC before implementation.
- 2.45 Settlement of employment tribunal cases and grievances of officials employed by the PCC 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; or there is a real risk that the PCC or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- 2.46 To appoint, and terminate if necessary, Independent Custody Visitors.
- 2.47 To authorise, after consultation with the PCC, in line with staff conditions of service, the suspension of any official employed by the PCC.

## **Functions delegated to the Chief Executive, Office for the Police and Crime Commissioner (continued...)**

- 2.48 To consider, with the PCC, any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing an officer to investigate the complaint or an independent third party to undertake an investigation.
- 2.49 To issue exemption certificates to officials employed by the PCC whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 2.50 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.
- 2.51 Support and advice may be commissioned from the Force's People Services department in relation to the above points and / or other human resource related matters as appropriate.

### **Legal**

- 2.52 To approve the financial settlement of all claims or requests for compensation against the PCC in accordance with financial regulations.
- 2.53 To approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests, where the officers have acted in good faith and have exercised reasonable judgement in performing their police duties, with the exception of those felt to be novel, contentious, or repercussive because:
  - a. They involve a high profile claimant
  - b. There is a particular public interest in the case
  - c. There is a real risk that the PCC or Chief Constable will be exposed to serious public criticism, serious weaknesses in the organisation, or policies and procedures will be revealed
  - d. They involve a Chief Officer.

***Note: Requests deemed to be novel, contentious, or repercussive (as per the exceptions listed above) can only be approved by the PCC.***

- 2.54 To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on the PCC's behalf, in consultation with the Chief Constable, legal adviser (and the PCC Director of Finance & Performance and Chief Constable's Chief Finance Officer if there are novel, contentious, or repercussive financial implications).
- 2.55 To make arrangements to institute, defend or participate in any legal proceedings in any case where such action is necessary.

## **Functions delegated to the Chief Executive, Office for the Police and Crime Commissioner (continued...)**

2.56 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the PCC.

### **Other**

2.57 To consider whether, in consultation with the Director of Finance & Performance, to provide indemnity to the PCC (and Deputy PCC) in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004 and to deal with or make provision to deal with other matters arising from any proceedings relating to them.

2.58 To consider and approve, in consultation with the Director of Finance & Performance, provision of indemnity and/or insurance to officials of the PCC in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.

2.59 To respond to consultations on proposals that affect the PCC, following consultation with the PCC, the Director of Finance & Performance and the Chief Constable where appropriate.

2.60 At the request of the Chief Constable, to exercise the power of the PCC under the Police (Property) Regulations 1997 to approve the keeping of unclaimed property if it can be used for police purposes.

2.61 To approve payment to Officers in respect of unpaid Compensation Orders awarded to any officer by an appropriate Court, subject to Annex 6 & 7 of the Contract Standing Orders.

## **Functions delegated to the Director of Finance & Performance, Office for the Police and Crime Commissioner**

The Director of Finance & Performance is the financial advisor to the PCC and has statutory responsibility to manage his / her financial affairs as detailed in Sections 112 and 114 of the Local Government Finance Act 1988, and the Account and Audit Regulations 2011. He / she must ensure that the financial affairs of the PCC are properly administered having regard to their probity, legality and relevant standards.

2.62 To approve the arrangements for the Treasury management function including the day to day management, production of Treasury management strategy and supporting policies and procedures.

2.63 To approve the arrangement for securing and preparing the PCC'S accounts, and seek assurances that there are appropriate arrangements in place for the force's accounts.

2.64 To approve the opening of all bank accounts.

2.65 To undertake the day to day management of the PCC'S budget.

## **Functions delegated to the Director of Finance & Performance, Office for the Police and Crime Commissioner (continued...)**

- 2.66 To commit expenditure within the PCC's approved budget to meet the policies and objectives agreed with the PCC and reflected in the Policing Plan.
- 2.67 To manage grants awarded to the PCC or Deputy PCC.
- 2.68 To prepare from time to time, draft financial and contract regulations, in consultation with, and having due regard to the view of the Force, for approval by the PCC.
- 2.69 To act as money laundering reporting officer under the Proceeds of Crime Act 2002, and Money Laundering Regulations 2003 or other appropriate legislation from time to time in force.
- 2.70 To prepare and annually review a draft expenses and benefits framework for approval by the PCC.
- 2.71 To prepare and annually review financial and contract regulations, in consultation with the Force, for approval by the PCC or the Deputy PCC.
- 2.72 To determine when any goods are surplus to requirements or obsolete and arrange for disposal in line with financial requirements.
- 2.73 To report to the PCC and the external any unlawful or potentially unlawful spending by his / her, or the Force's officers.
- 2.74 To provide for an effective internal audit service.
- 2.75 The PCC's Director of Finance & Performance is also the PCC's nominated section 151 officer.
- 2.76 The PCC's Deputy Section 151 Officer is authorised to undertake the functions of the PCC's Director of Finance & Performance in their absence.

## **PCC'S DIRECTOR OF LEGAL SERVICES**

### **Role of the Director of Legal Services**

- 2.77 To undertake the day to day management of Legal Services in accordance with the relevant legislations, policies and procedures and provide advice to the PCC as appropriate.

### **3 Chief Constable**

#### **Role of the Chief Constable**

- 3.1 The Chief Constable is responsible for maintaining the Queen's peace and for the direction and control of the Force's police officers and police staff.
- 3.2 The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, and management of resources and expenditure by the Police Force.
- 3.3 In addition to keeping the peace and enforcing the law, the Chief Constable also has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of their functions<sup>1</sup>. This scheme deals with the ways in which certain of the Chief Constable's functions will be exercised in a way as is reasonable to assist the PCC to exercise their functions.

#### **Functions of the Chief Constable**

- 3.4 The Chief Constable is responsible to the public and accountable to the PCC for:
  - a. Leading the Force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality
  - b. Appointing the Force's officers and staff (after consultation with the PCC, in the case of officers above the rank of Chief Superintendent and police staff equivalents)
  - c. Supporting the PCC in the delivery of the strategy and objectives set out in the Plan
  - d. Assisting the PCC in planning the Force's budget
  - e. Providing the PCC with access to information, officers and staff as required
  - f. Having regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their Force's national and international policing responsibilities
  - g. Notifying and briefing the PCC of any matter or investigation on which the PCC may need to provide public assurance either alone or in company with the Chief Constable (all PCCs will be designated as Crown Servants under the Official Secrets Act 1989(a), making them subject to the same duties in relation to sensitive material as Government Ministers)
  - h. Being the operational voice of policing in the Force area and regularly explaining to the public the operational actions of officers and staff under their command
  - i. Entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective Policing Bodies
  - j. Remaining politically independent of their PCC
  - k. Managing all complaints against the Force, its officers and staff, except in relation to the Chief Constable, and ensuring that the PCC is kept informed in such a way as to enable the PCC to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission in line with legislation

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<sup>1</sup> Paragraph 7 (1), Schedule 2 PRSRA

- l. Exercising the power of direction and control in such a way as is reasonable to enable their PCC to have access to all necessary information and staff within the Force
  - m. Having day to day responsibility for financial management of the Force within the framework of the agreed budget allocation and levels of authorisation issued by the PCC.
- 3.5 Complying with the requirements of the Independent Police Complaints Commission.
- 3.6 Making necessary arrangements to involve and work with communities and partner organisations in order to solve local policing problems including financial contributions in line with Financial Regulations. This will be reported to the PCC.

### **Financial**

- 3.7 To ensure that the financial affairs of Staffordshire Police are properly administered having regard to probity, legality, Financial Regulations, and appropriate standards (see sections 3.22 to 3.39 for Chief Constable's Delegations to the Chief Constable's Chief Finance Officer).

### **Human Resources**

- 3.8 To approve, as far as is allowed by government directives, the numbers, locations, ranks and grading of police staff and police officers within the overall workforce budget provided by the PCC (except for posts at Assistant Chief Constable (ACC) and above which the PCC should be consulted on). This will include the appointment, suspension / dismissal, secondment and retirement of officers and staff as appropriate (see sections 3.41 to 3.54 for Chief Constable's Delegations to the Head of People Services).
- 3.9 To ensure that local and national arrangements around terms and conditions are brought in to effect as appropriate.
- 3.10 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme and Police Pension Scheme, in accordance with Internal Dispute Resolution Procedures (IDRP).

### **Legal**

- 3.11 To ensure that Legal Services are delivered in accordance with the relevant legislation, policies and procedures (see sections 3.56 to 3.59 for Chief Constable's Delegations to the Director of Legal Services).

3.12 The Chief Constable is responsible in his / her own right for settling claims against Police Officers and staff under his / her direction and control. The Chief Constable will report on a regular basis to the PCC on claims deemed to be novel, contentious, or repercussive.

### **Urgent matters**

3.13 If any matter which would normally be referred to the Chief Constable (or Deputy Chief Constable) for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer, i.e. any member of the Chief Constable's Executive Management Team (ACC or above) or for financial urgencies, the Chief Constable's Chief Finance Officer.

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

### **Chief Constable Delegation**

3.15 Senior Managers have powers of delegation to undertake the management of staff employed by the Chief Constable in line with agreed policies and procedures (senior managers are Executive Managers, Chief Superintendents and police staff equivalents, and Heads of Department).

3.16 All matters properly delegated by the Chief Constable to identified individuals may be further delegated where appropriate to roles and responsibilities of the delegate.

### **Chief Constable's delegations to the Deputy Chief Constable**

3.17 The Deputy Chief Constable may exercise or perform any or all of the functions of the Chief Constable during any period when the Chief Constable is unable to exercise functions, or otherwise with the approval of the Chief Constable.

### **Chief Constable's Chief Finance Officer**

#### **Role of the Chief Constable's Chief Finance officer**

- 3.18 The Chief Constable must appoint a person to be responsible for the proper administration of the Force's financial affairs, in accordance with the Financial Management Code of Practice, as issued by the Home Office. There is a statutory responsibility for the post-holder to manage the Force's financial affairs, in accordance with sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended).
- 3.19 The detailed financial management responsibilities of the Chief Constable's Chief Finance Officer, which includes a number of delegated powers, are set out in the financial regulations.
- 3.20 The Chief Constable's Chief Finance Officer is also the Chief Constable's nominated section 151 officer.
- 3.21 The Chief Constable's Deputy Section 151 Officer is authorised to undertake the functions of the CC's Chief Finance Officer in their absence.

## **Chief Constable's Delegations to the Chief Finance Officer**

### **Financial**

- 3.22 To ensure that the financial affairs of Staffordshire Police are properly administered having regard to probity, legality, Financial Regulations, and appropriate standards.
- 3.23 To plan the Force's budget in conjunction with the PCC.
- 3.24 To approve arrangements for securing and preparing the financial accounts for the Force.
- 3.25 To be responsible for the day to day management of the budget delegated to Staffordshire Police in accordance with financial regulations.
- 3.26 To approve expenditure in line with Financial Regulations unless novel, contentious, or repercussive, to meet policies and objectives agreed with the PCC and reflected in the Police and Crime Plan.
- 3.27 In accordance with financial regulations, to vire between budget headings and to notify the PCC of the virement through the budget monitoring process.

## **Chief Constable's Delegations to the Chief Finance Officer (continued...)**

- 3.28 To approve all agreements for the provision of non-policing services to other organisations within the Force area in line with Financial Regulations. This does not apply to the provision of mutual aid by the Chief Constable to another Force under section 24 of the Police Act 1996, or the provision of advice or assistance to international organisations under the Police Act 1996, which are operational matters. However these are subject to consultation with the PCC.
- 3.29 To be responsible for the day to day management of the approved capital programme.
- 3.30 To determine when all other goods are surplus to requirements or obsolete and arrange for their disposal in line with financial regulations and Contract Standing Orders.
- 3.31 To approve the provision of policing services to external bodies, subject to the service provision not being novel, contentious or repercussive, with reports being provided to the PCC through the regular quarterly budget monitoring reports.
- 3.32 To approve non exceptional cases in the provision of police advice and assistance to international agencies.

### **Contracts**

- 3.33 To approve the award of all contracts in line Contract Standing Orders unless novel, contentious, or repercussive.
- 3.34 To sign all contracts on behalf of the PCC in line with Financial Regulations once they have been properly approved, except those which are required to be executed under the common seal of the PCC. In these cases the Chief Executive is authorised to sign and affix the seal.
- 3.35 To approve all unforeseen variations and extensions for contracts in line with Financial Regulations unless novel, contentious, or repercussive.
- 3.36 To approve the early termination of all contracts in line with Financial Regulations, unless novel, contentious, or repercussive, in consultation with the PCC.

## **CHIEF CONSTABLE'S HEAD OF PEOPLE SERVICES**

### **Role of the Chief Constable's Head of People Services**

- 3.37 To undertake the day to day management of the Human Resources function in accordance with the relevant legislation, regulations, policies and procedures.

### **Chief Constable's Delegations to the Head of People Services**

- 3.38 To manage, as far as is allowed by government directives, the numbers, locations, ranks and grading of police staff and police officers within the overall workforce budget provided by the PCC (except for posts of Assistant Chief Constable or above which the PCC should be consulted on).
- 3.39 To appoint all Staffordshire Police officers and police staff (after consultation with the PCC on posts of Assistant Chief Constable or above).
- 3.40 To authorise, in line with police staff conditions of service, the suspension or dismissal of any staff employed by of the Chief Constable.
- 3.41 To approve the appointment or secondment of police officers for central services or overseas duty.
- 3.42 To make recommendations with regard to organisational structure, staff terms and conditions of service, in consultation with the Chief Constable's Chief Finance Officer.
- 3.43 To bring national agreements on salaries, wages and conditions into effect for staff employed by the Chief Constable 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.
- 3.44 To negotiate with, and reach agreements with, recognised trade unions and staff associations on any matters in relation to staff employed by the Chief Constable that can be decided locally. All agreements reached must be reported to the Chief Constable.
- 3.45 To approve payments to staff employed by the Chief Constable, under any bonus or performance-related payment schemes, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.46 In line with the terms of any approval given by the Secretary of State, to grant leave with pay, and the payment of appropriate fees and charges.
- 3.47 To approve the retirement, in the interests of the efficiency of the service, of staff employed by the Chief Constable, and to report to the Chief Constable on this issue each year.

## **Chief Constable's Delegations to the Head of People Services (continued...)**

- 3.48 To approve the retirement of staff employed by the Chief Constable up to and including the rank of Chief Superintendent on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from the Force Medical Examiner or a medical practitioner. The PCC must be consulted on the retirement of the Deputy Chief Constable and Assistant Chief Constables. All ill-health retirements must be reported to the Chief Constable annually and before implementation.
- 3.49 In consultation with the Chief Executive, to issue exemption certificates to staff employed by the Chief Constable whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 3.50 To grant essential or casual car-user allowances to staff under the direction and control of the Chief Constable.
- 3.51 To ensure support and advice is given to the OPCC from the Force's People Services Department in relation to Human Resource related matters as appropriate.

## **CHIEF CONSTABLE'S DIRECTOR OF LEGAL SERVICES**

### **Role of the Director of Legal Services**

- 3.52 To undertake the day to day management of Legal Services in accordance with the relevant legislations, policies and procedures.

### **Chief Constable's Delegations to their Director of Legal Services**

- 3.53 Settlement of claims against Police Officers and Police Staff under the direction and control of the Chief Constable. Claims deemed to be contentious will be reported to the Chief Constable on a regular basis.
- 3.54 Institute, defend or participate in legal actions to protect the interests of Staffordshire Police.
- 3.55 Provide advice, institute and defend legal proceedings when requested to do so.

## **Chief Constable's Delegations to their Director of Legal Services (continued...)**

- 3.56 Settlement of employment tribunal cases and grievances of staff under the direction and control of the Chief Constable, in consultation with the Head of People Services, with the exception of those cases felt to be novel, contentious, or repercussive because:
- a. They involve a high profile claimant
  - b. There is a particular public interest in the case
  - c. There is a real risk that the PCC or Staffordshire Police will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed
  - d. They involve Chief Officers.

# Part 2: Scheme of Consent between the PCC and the Chief Constable

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## 1 General

- 1.1 The Chief Constable is a Corporation Sole and is responsible for employing police officers and other staff to maintain the Queen's peace. The Chief Constable has direction and control over the Force's officers and staff.
- 1.2 The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the Police Force. At all times the Chief Constable, their constables and staff remain operationally independent in the service of the communities they serve.
- 1.3 The PCC is the Corporation Sole which owns all the assets, land and buildings upon it including all rights and liabilities which derive from that ownership including those in possession and use of the Chief Constable as a corporation sole. Any consent given by the PCC to the Chief Constable to enter into contracts is given on the condition that all assets arising from the contracts are for the use and benefit of the PCC.

## 2 Consents

### Assets and Property

- 2.1 The role of the PCC outlined in Part1 paragraph 2.3 including the specific responsibility to raise revenues, particularly through the precept which cannot be delegated, reinforce the position of retaining ownership of all assets and contracts for the benefit of the public of Staffordshire.

### VAT

- 2.2 The PCC gives consent to the Chief Constable to administer the PCC's VAT.

### Legal

- 2.3 The PCC gives consent to the Chief Constable in any legal proceedings involving the PCC and/or Chief Constable to approve the financial settlement of all claims or requests for compensation that are non-significant because:
  - a. The compensation to be paid is £100,000 or less (to include multiple or linked claims/claimants); or in the case of accident claims or ex-gratia payments for damage caused by officers and staff the compensation sum is £10,000 or less
  - b. They do not involve a high profile claimant including Chief officers
  - c. There is no significant public interest in the case

- d. The risk that the PCC or the Police Force will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures is considered low
  - e. It is not a test case.
- 2.4 Institute, defend or participate in legal actions to protect the interests of the Force and the Office for the Police and Crime Commissioner.
- 2.5 Provide advice, institute and defend legal proceedings on behalf of the PCC when requested to do so.
- 2.6 All financial levels are determined by the financial regulations, and approval of authority set down.