



## Staffordshire Commissioner (Fire and Rescue Authority)

# CORPORATE GOVERNANCE FRAMEWORK

### Document Control:

Version History			
Version No	Approval Date	Approving Board	Change(s) Summary
V0.3	06/07/2021	Strategic Governance Board	New PFCC approval (No Changes)
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V0.5	23/01/2023	Strategic Governance Board	SC Delegations to SCO Chief Executive.
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V0.7	24/01/2024	Strategic Governance Board	Changes due to PPN Requirements Jan 2024

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# 1 Statement of Corporate Governance

## 1.1 Introduction

The purpose of this statement is to give clarity to the way the Staffordshire Commissioner (Fire and Rescue Authority) and the fire and rescue service will be governed to do business in the right way, for the right reason at the right time.

## 1.2 Context

1.2.1 The principal statutory framework within which the organisations will operate is:

- Fire and Rescue Services Act 2004 (FRSA04, the Act)
- Civil Contingencies Act 2004
- Police Reform and Social Responsibility Act 2011 (PRSRA11)
- Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017
- Regulatory Reform (Fire Safety) Order 2005
- Crime and Disorder Act 1998
- Financial Management Code of Practice 2018
- Fire and Rescue National Framework for England
- The Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018 (the Order)

## 1.3 Principles

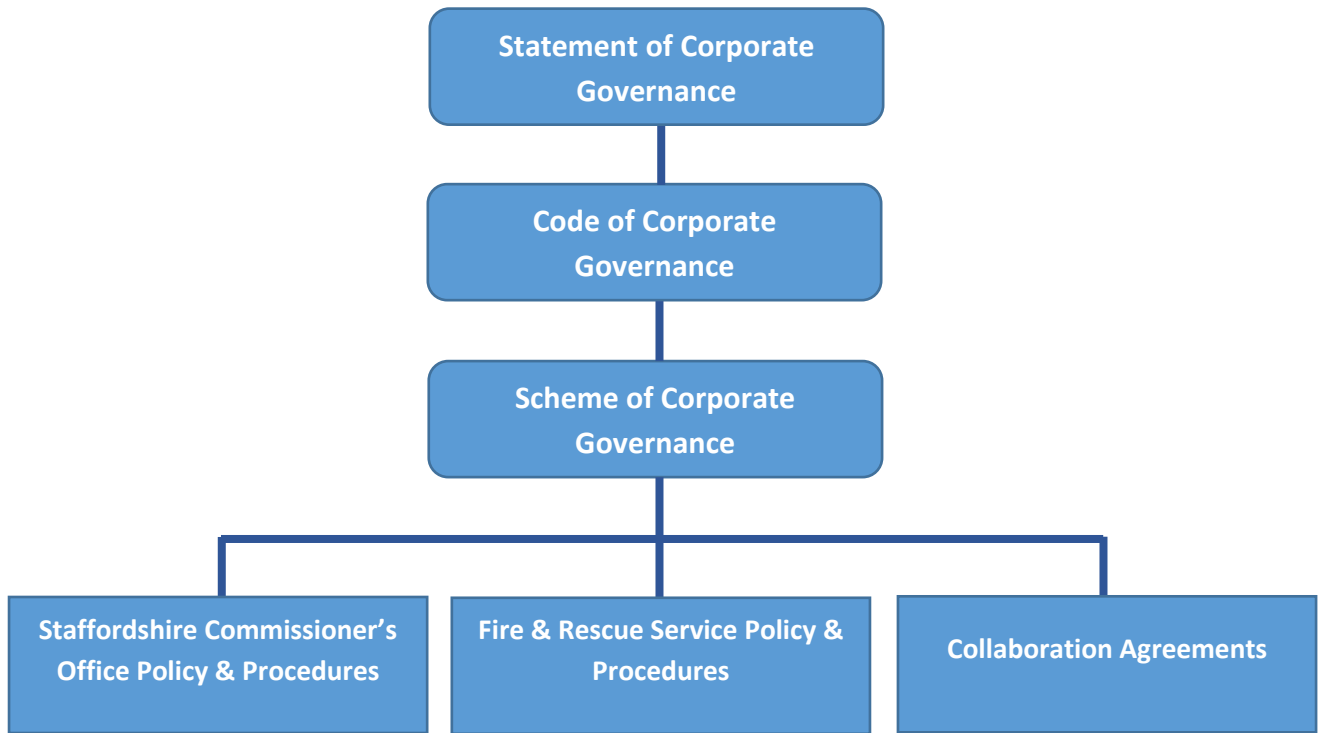
1.3.1 The core principles adopted are those highlighted by the good governance standard for public services:

- 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.

## 1.4 Instruments of governance

1.4.1 The corporate governance framework will consist of:

- **Statement of corporate governance** – statutory framework and local policy,
- **Code of corporate governance** – sets out how the core principles will be implemented,
- **Scheme of corporate governance** – defines the parameters within which the organisations will conduct their business,
- Policy and procedures for the corporation sole, with protocols where they are required,
- Cooperative arrangements are those arrangements by which the separate elements of the Staffordshire Commissioner and the fire and rescue service support the exercise of each other's functions.



**1.5 Leadership**

1.5.1 The Staffordshire Commissioner will review the framework on an annual basis and ensure compliance.

**1.6 Record of Decisions**

1.6.1 Any key decision of the Staffordshire Commissioner or of the Deputy Staffordshire Commissioner shall be set out in a Decision Record and shall be published on the Staffordshire Commissioner's website.

1.6.2 The Staffordshire Commissioner shall also publish a Scheme of Delegation which sets out any delegations of the Staffordshire Commissioner's powers. The scheme may permit the sub-delegation of powers but any such sub-delegation shall be notified to the Staffordshire Commissioner. The Staffordshire Commissioner may prohibit, vary or make any sub-delegation subject to conditions and limitations.

## 2 Code of Corporate Governance

### 2.1 Introduction

- 2.1.1 This code of corporate governance sets out how the Staffordshire Commissioner conducts their organisation in accordance with policy contained within the statement of corporate governance. It will do this by highlighting the key enablers for ensuring good governance.

### 2.2 Context

- 2.2.1 The Staffordshire Commissioner is two separate corporation soles: the Police and Crime Commissioner for Staffordshire and the Staffordshire Commissioner Fire and Rescue Authority (the Fire and Rescue Service). A third corporation sole is the Chief Constable of Staffordshire Police, this role is reflected in the Governance Framework for the Police and Crime Commissioner.
- 2.2.2 Staff of the Staffordshire Commissioner are currently employed by the legal entity of the Office of the Police and Crime Commissioner (OPCC), but as the new role of the Staffordshire Commissioner Fire and Rescue Authority develops, it is expected that office based roles will develop to work across policing and fire and rescue therefore, for the purposes of governance, it should be assumed that the Staffordshire Commissioner is supported by one office (the Staffordshire Commissioners Office (SCO) and two services (Staffordshire Police and Staffordshire Fire and Rescue Service).
- 2.2.3 This code sets out how the organisation is 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 Code of corporate governance

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

The Act, the Order and other legislation sets out the ***functions of the Staffordshire Commissioner.***

The PRSRA11 and Local Government and Housing Act 1989 requires the Staffordshire Commissioner to have a Head of Paid Service, Monitoring Officer and Chief Finance Officer for the Fire and Rescue Authority (FRA) role. The Chief Executive will be the head of paid service for the SCO and will also undertake the responsibilities of monitoring officer for the SCO<sup>2</sup>. The Chief Finance Officer for the Commissioner FRA is the Director of Finance; there is a secondary position held by the post holder who also operates as the Section 151 Chief Finance Officer for the SCO, this being the role established statutorily within the Staffordshire Commissioners Office. The Chief Fire Officer and Head of Paid Service is the head of paid service for the Fire and Rescue Services.

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

<sup>2</sup> LGHA89 s5

The **financial management code of practice** and **statements of roles**<sup>3</sup> set out the responsibilities of Chief Finance Officers, and of the Chief Executive and Chief Fire Officer and Head of Paid Service as head of paid service.

The **scheme of corporate governance** highlights the parameters for key roles in the organisations including delegations or consents from the Staffordshire Commissioner, financial regulations and contracts.

Staff of the SCO will operate within:

- Staffordshire Commissioner's Office and Fire and Rescue Service policy and procedures,
- Corporate governance framework,
- Conduct regulations and codes of conduct.

The Staffordshire Commissioner has committed to abide by the seven principles of public life<sup>4</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 Financial Management Code of Practice requires the Staffordshire Commissioner 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 SCO Engagement Strategy (to be developed) will set out how the Staffordshire Commissioner will ensure that local people are involved in decision making.

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<sup>3</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

<sup>4</sup> Standards in Public Life, 2005 as amended by the 14th report of the Committee on Standards in Public Life

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.

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

The Staffordshire Commissioner will issue a **Fire and Rescue Plan**. It will outline the fire and rescue objectives (outcomes) and the strategic direction for the area. The Staffordshire Commissioner can issue a Police, Fire and Rescue, and Crime Plan that outlines the fire and rescue objectives and the police and crime objectives in the same document.

The Integrated Risk Management Plans (IRMP) prepared by the Chief Fire Officer and Head of Paid Service will inform and be informed by the Fire and Rescue Plan.

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

**Medium Term Financial Plans (MTFP)** have been developed to support delivery of the Fire and Rescue Plan.

A **Commissioning framework** has been developed by the Staffordshire Commissioner.

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

The Staffordshire Commissioner's **Fire and Rescue Plan** will outline the fire and rescue objectives (outcomes) and the strategic direction for the fire and rescue service and supporting services.

The Fire and Rescue Plan and the **IRMP** will operate in tandem and inform each other.

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

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

This principle will also be included within the **Fire and Rescue Plan**.

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

An independent audit committee (The Ethics Transparency and Audit Panel) 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>5</sup>. The audit committee will operate jointly to cover the statutory audit functions of both Fire and Rescue and Police.

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

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<sup>5</sup> Financial Management Code of Practice for the Police, s11.1.3



The **risk management strategies** establish 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 Staffordshire Commissioner is accountable to local people and draws on this mandate to set and shape the strategic objectives for the area in consultation with the Chief Fire Officer and Head of Paid Service.

The **Fire and Rescue Plan** will set out what the strategic direction and priorities are and how they will be delivered.

To complement this the aforementioned Engagement Strategy will set out how local people will be involved with the Staffordshire Commissioner to ensure they are part of decision making, accountability and future direction.

The Staffordshire Commissioner and Chief Fire Officer and Head of Paid Service will develop arrangements for effective engagement with key stakeholders, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction.



## 3 Scheme of Corporate Governance

### 3.1 Introduction

This Scheme of Corporate Governance details the key roles of the Staffordshire Commissioner, Deputy Staffordshire Commissioner, Chief Executive, the Treasurer, Chief Fire Officer and Head of Paid Service, the Director of Finance (Chief Finance Officer), Monitoring Officer and of those who support them. It is useful to note at this point individual post holders may perform more than one function i.e. the Chief Executive also undertakes the responsibility as the Monitoring Officer for the SCO.

The Code of Corporate Governance describes the strategies, arrangements, instruments and controls adopted to ensure good governance in the organisations.

This Scheme of Corporate Governance provides a framework which ensures the business is carried out efficiently, ensuring that decisions are not unnecessarily delayed. It forms part of the overall corporate governance framework of the organisations. It should be read in the context of the Statement and Code.

This Scheme of Corporate Governance sets out the delegations by the Staffordshire Commissioner to the Chief Executive, other members of their staff and Fire and Rescues Services' staff. It includes other instruments such as the financial regulations.

This Scheme of Corporate Governance aims to clarify those powers which, for the benefit of good business practice, are given to the statutory officers. The Staffordshire Commissioner may limit these powers and/or withdraw delegation. This does not refer to the discharging of statutory powers provided by legislation to that position.

The Staffordshire Commissioner may impose reporting arrangements on any authorised powers.

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 Corporate Governance does not identify all the statutory duties which are contained in specific laws and regulations.

### 3.2 Key Role of the Staffordshire Commissioner (Fire and Rescue Authority)

3.2.1 The Staffordshire Commissioner has all the responsibilities provided to them by section 4A, of the Fire and Rescue Services Act 2004 and the Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018.

3.2.2 The Staffordshire Commissioner must put in place arrangements to deliver an efficient and effective fire and rescue service and perform the following key functions:

- Promote fire safety (section 6 of the FRS Act 2004),



- Provision for the purpose of extinguishing fires and protecting life and property in the event of fires (section 7 of the FRS Act 2004),
- Rescue people and protect people from serious harm in the event of road traffic accidents (section 8 of the FRS Act 2004),
- Duty to assess plan and advise on civil emergencies (section 2 of the Civil Contingencies Act 2004),
- Enforce the Regulatory Reform (Fire Safety) Order 2005.

- 3.2.3 The Staffordshire Commissioner is the legal contracting body who owns all the assets and liabilities, and has responsibility for the financial administration of their office and the Fire and Rescue Fund, including all borrowing.
- 3.2.4 The Staffordshire Commissioner will receive all funding, including the government grant, and other sources of income related to fire and rescue service.
- 3.2.5 The Staffordshire Commissioner will set the precept in consultation with the Chief Fire Officer and Head of Paid Service, or in accordance with any grant terms.
- 3.2.6 The Staffordshire Commissioner is responsible for delivering the strategic vision and holding the Chief Fire Officer and Head of Paid Service to account in delivering that vision.
- 3.2.7 The Staffordshire Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Fire Officer and Head of Paid Service and monitoring complaints against the fire and rescue service.
- 3.2.8 The Police, Fire and Crime Panel is a check and balance on the Staffordshire Commissioner across policing, fire & rescue and crime through reviewing or scrutinising their decisions.

### **3.3 General Principles of Delegation**

- 3.3.1 This document details the key responsibilities of the Staffordshire Commissioner and those functions which are designated to officers in SCO and in Staffordshire Fire and Rescue Service. It replaces all previous policy documents, Service Management and Administration Orders and forms relating to this subject and its content is based on legislation, nationally agreed terms and conditions and good practice.
- 3.3.2 The Scheme of Delegation and Consent forms part of the Staffordshire Commissioner's governance framework to ensure that business is carried out effectively and efficiently without unnecessarily delaying decisions. It should be read in the context of the Statement of Corporate Governance and the principles of Corporate Governance.
- 3.3.3 The powers set out in the Scheme of Delegation and Consent should be exercised in accordance with the Commissioners consent, the law, standing orders and financial regulations, and also relevant policies, procedures, plans, strategies and budgets. It does not identify all the statutory duties which are contained in specific legislation and regulation.
- 3.3.4 In summary the Scheme of Delegation and Consent will:



- a) Define the role of the Staffordshire Commissioner, Chief Fire Officer and Head of Paid Service, Chief Executive of the SCO, and other Chief Officers.
- b) Set out the functions that the Staffordshire Commissioner cannot delegate.
- c) Set out the powers and activities delegated by the Staffordshire Commissioner to others to undertake in their name.

3.3.5 Definitions:

In this document the following specific expressions shall have the following meanings unless otherwise stated

“ The Act”	Fire and Rescue Services Act 2004
“The Order”	Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018
Staffordshire Commissioner	The person occupying the office of Staffordshire Commissioner (Fire & Rescue Authority), also known as the Police, Fire and Crime Commissioner for Staffordshire (PFCC)
Deputy Staffordshire Commissioner	A member of the Police, Fire and Crime Commissioner's officials who may exercise the functions of the Staffordshire Commissioner where delegated and in accordance with the Act and Order if appointed.
Chief Executive of the Staffordshire Commissioners Office	The person occupying the position of Chief Executive of the Staffordshire Commissioners Office who may exercise the functions of the Staffordshire Commissioner where delegated and in accordance with the Act and Order.
Director of Finance	The person occupying the position of Section 151 for the Staffordshire Commissioner FRA who may exercise the statutory functions of the S151 Officer and the functions of the Staffordshire Commissioner where delegated and in accordance with the Act and Order.  This post is also the Chief Finance Officer (Section 151) for the SCO.



Monitoring Officer of the Staffordshire Commissioner	The person occupying the position of Monitoring Officer of the Staffordshire Commissioner who may exercise the statutory functions of the Monitoring Officer and the functions of the Staffordshire Commissioner where delegated and in accordance with the Act and Order.
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- 3.3.6 **The Staffordshire Commissioner expects anyone proposing to exercise a delegation or an authorisation under this scheme to draw to the attention of the Staffordshire Commissioner any issue which is likely to be regarded by the Staffordshire Commissioner as unique, exceptional, contentious, repercussive or likely to be politically sensitive before exercising such powers.** In assessing whether any issue is likely to fall within those descriptions, the public facing impact of such issues should be taken into account.
- 3.3.7 In addition, the Staffordshire Commissioner is ultimately accountable for the Fire and Rescue Fund. Before any financial or legal liability affecting the Fund that the Staffordshire Commissioner might reasonably regard as novel, contentious, repercussive or politically sensitive is incurred, prior written approval must be obtained from the Staffordshire Commissioner.
- 3.3.8 The Staffordshire Commissioner has wider responsibilities than those solely relating to fire and rescue, and these are referred to in the Code of Corporate Governance.
- 3.3.9 Delegations are set out in this scheme. The Staffordshire Commissioner may require at any time that a specific matter is referred to them for a decision and not dealt with under powers of delegation.
- 3.3.10 Delegations may only be exercised subject to:-
- Compliance with the corporate governance framework.
  - Provision for any relevant expenditure being included in the approved budget.
- 3.3.11 These arrangements delegate powers and duties within broad functional descriptions. They include powers and duties under all legislation present and future within those descriptions, and all powers and duties incidental to that legislation. The scheme does not attempt to list all matters which form part of everyday management responsibilities.
- 3.3.12 Giving delegation under this scheme does not prevent an officer or member of staff from referring the matter to the Staffordshire Commissioner for a decision or guidance if the member of staff thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication – see paragraph 3.3.1).
- 3.3.13 When a statutory officer is considering a matter that also falls within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action.



- 3.3.14 All decisions statutory officers make under powers given to them by the Staffordshire Commissioner must be recorded and be available for inspection.
- 3.3.15 In this document, references made to the statutory officers include officers authorised by them to act on their behalf.
- 3.3.16 The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme of Governance.
- 3.3.17 The persons appointed as the Chief Executive, Chief Fire Officer and Head of Paid Service, Monitoring Officer and Director of Finance have statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out these statutory powers.
- 3.3.18 The Scheme of Delegation and Consent provides a member of staff with the legal power to carry out functions of the Staffordshire Commissioner. In carrying out these functions the member of staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:
- Fire and Rescue Services Act 2004 and connected legislation under that Act,
  - Police Reform and Social Responsibility Act 2011 and other legislation under that Act,
  - Fire and Rescue National Framework,
  - The Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018,
  - Contract Regulations,
  - Financial Regulations,
  - Financial Management Code of Practice,
  - CIPFA Statement on the role of the Chief Finance Officer in public service organisations,
  - APACE Statement on the role of the Chief Executive,
  - The Staffordshire Commissioner's Corporate Governance framework,
  - The Staffordshire Commissioner's and Fire and Rescue Services' employment policies and procedures,
  - Data Protection and Freedom of Information legislation,
  - Health and safety at work legislation and codes.

This list is not exhaustive.

- 3.3.19 When carrying out any functions, the Staffordshire Commissioner and their staff must have regard to the following:
- The views of the people in their area,
  - Any report or recommendation made by the Police, Fire and Crime Panel on the annual report for the previous financial year,
  - The Fire and Rescue Plan (or where there is a joint plan with police and crime objectives the Police, Fire and Crime Plan) and any connected guidance issued by the Secretary of State.



This list is not exhaustive.

3.3.20 The Corporate Governance Framework, including this Scheme of Governance, 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 Staffordshire Commissioner and comply with any limitation conditions or prohibition issued by the Staffordshire Commissioner. Notification of any sub-delegation shall be given to the Chief Executive.

3.3.21 These arrangements do not delegate any matter which by law cannot be delegated to a member of staff.

### 3.4 Functions of the Staffordshire Commissioner

3.4.1 The following functions are assigned as the responsibility of the Staffordshire Commissioner (Fire and Rescue Authority) by the Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018 and **cannot be delegated**:

- a) The function of calculating a council tax requirement.
- b) The function of approving the Fire and Rescue Plan and the Fire and Rescue Statement (within the meaning of Schedule A2 of the FRS Act 2004).
- c) The function of approving the Integrated Risk Management Plan.
- d) The function of appointing, suspending or dismissing the Chief Fire Officer and Head of Paid Service.
- e) The function of holding the Chief Fire Officer to account for functions which are delegated to them or functions of persons under the direction and control of the chief officer;
- f) The function of approving a pay policy prepared for the purposes of section 38 of the Localism Act 2011.
- g) The function of approving arrangements to enter into a reinforcement scheme under section 13 of the FRS Act 2004.
- h) The function of approving arrangements with other employers of fire fighters under section 15 of the FRS Act 2004.
- i) The function of approving arrangements under section 16 of the FRS Act 2004.
- j) The function of approving plans, modifications to plans and additions to plans for the purpose of ensuring that:
  - i. So far as is reasonably practicable, the Commissioner is able to perform its fire and rescue functions if an emergency occurs; and
  - ii. The Commissioner is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it.



k) The function of approving any arrangements for the co-operation of the Commissioner in relation to its fire and rescue functions and other general Category 1 responders and general Category 2 responders in respect of:

- i. The performance of the Commissioner's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004(d); and
- ii. Any duties under regulations made in exercise of powers under that Act.

3.4.2 The following functions are assigned as the responsibility of the Staffordshire Commissioner (Fire and Rescue Authority) by the Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018 and **can only be delegated to a Deputy Fire & Rescue Commissioner (if one has been appointed)**. These functions have not been delegated at present and therefore remain the responsibility of the Staffordshire Commissioner:

- The function of determining the Authority's priorities and objectives for the purposes of the fire and rescue plan and the fire and rescue statement;
- The function of attendance at a meeting of the relevant Police, Fire and Crime Panel in compliance with a requirement by the Panel to do so (see section 29 of the Police Reform and Social Responsibility Act 2011 as applied with modifications by paragraph 9 of Schedule A2 to the FRS Act 2004);
- The function of appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (appointment of local auditor);
- The function of deciding whether to enter into a liability limitation agreement under section 14 of the Local Audit and Accountability Act 2014 (limitation of local auditor's liability).

3.4.3 The following functions are assigned as the responsibility of the Staffordshire Commissioner (Fire and Rescue Authority) by the Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018 and **can be delegated if the Staffordshire Commissioner decides to**. These functions have not been delegated at present and therefore remain the responsibility of the Staffordshire Commissioner:

- a) The function of approving decisions on permanent savings in the budget to achieve the Commissioner's priorities.
- b) The function of making an order for the compulsory acquisition of land in accordance with the Acquisition of Land Act 1981.
- c) The function of acquisition of land in advance of requirements.
- d) The function of confirmation of any order or the issue or grant of any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised.
- e) The function of approving decisions on the closure or re-location of Fire Stations.
- f) The function of varying the number of fire appliances and the method used to crew the appliances.





g) The function of affixing documents with the common seal of the Commissioner as required by the Financial and Procurement Regulations.

3.4.4 The functions detailed in 3.4.1, as set out in the Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018, may only be exercised by the Commissioner, and not delegated to any other officer.

### **3.5 Functions delegated to a Deputy Fire and Rescue Commissioner**

3.5.1 The Staffordshire Commissioner has the right to appoint a Deputy Fire and Rescue Commissioner who can act in their absence or in accordance with their direction in the exercise of all functions, except for those which cannot be delegated as detailed in 3.4.1. The Staffordshire Commissioner has exercised this right and expanded the portfolio of the Deputy Police and Crime Commissioner, now the Deputy Staffordshire Commissioner to allow for delegations if required and permitted.

### **3.6. Functions delegated to the Chief Executive, of the Staffordshire Commissioner's Office (SCO)**

3.6.1 The Code of Corporate Governance identifies the role of the Chief Executive as the Head of Paid Service of the SCO. The formal delegations listed below, are those given to the Chief Executive in respect of the duties as the Chief Executive, Fire & Rescue Authority.

3.6.2 In their absence the Staffordshire Commissioner delegates all of the functions to the Chief Executive except those prohibited by law<sup>6</sup>, unless otherwise agreed.

3.3.3 In the event of a significant conflict of interest arising which would preclude the Staffordshire Commissioner from exercising a function, the Commissioner delegates to the Chief Executive the exercise of any functions, except those prohibited by law.

#### **General**

3.6.4 To prepare the Fire and Rescue Plan for submission to the Staffordshire Commissioner.

3.6.5 To provide information to the Police Fire and Crime Panel, as reasonably required to enable the panel to carry out its functions.

3.6.6 To sign contracts on behalf of the Staffordshire Commissioner including contracts which are required to be executed under the common seal of the Staffordshire Commissioner.

3.6.7 To consider whether, in consultation with the Chief Fire Officer and Head of Paid Service, to provide indemnity to the Staffordshire Commissioner and to deal with or make provision to deal with other matters arising from any proceedings relating to them.

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<sup>6</sup> s18(3)(d) and (7) PRSRA11; The Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018



- 3.6.8 To consider and approve, in consultation with the Treasurer and Director of Finance, provision of indemnity and/or insurance to individual staff of the Staffordshire Commissioner.
- 3.6.9 To respond to consultations on proposals affecting the Staffordshire Commissioner, if necessary, after first taking the views of the Staffordshire Commissioner, or the Treasurer, as appropriate.
- 3.6.10 To consider, with the Staffordshire Commissioner, any complaint made against the Chief Fire Officer and Head of Paid Service, and where appropriate, to make arrangements for appointing someone to investigate the complaint.
- 3.6.11 To deal with strategic matters in respect of land or buildings and structures thereon, including purchase, sale, redesign and major reconfiguration in conjunction with the Chief Fire Officer and Head of Paid Service and Director of Finance.
- 3.6.12 To make arrangements for the support of public communications and engagement.
- 3.6.13 To make arrangements for the support to the Staffordshire Commissioner in holding the Chief Fire Officer and Head of Paid Service to account.
- 3.6.14 To be the Senior Information Risk Owner (SIRO) for the SCO, SIRO responsibility for the Fire and Rescue Service is contained in delegations as at 3.8.2.

#### **Financial**

- 3.6.15 The financial management responsibilities of the Chief Executive are set out in the financial regulations.
- 3.6.16 To manage the budget of the SCO, along with the Treasurer.

#### **Staff employed or engaged within the Staffordshire Commissioners Office**

- 3.6.17 To appoint and dismiss staff employed in the SCO, in consultation with the Staffordshire Commissioner.
- 3.6.18 To make recommendations to the Staffordshire Commissioner with regard to staff of the SCO terms and conditions of service, in consultation with the Treasurer.
- 3.6.19 To undertake the management of staff employed in the SCO in line with agreed policies and procedures.
- 3.6.20 To authorise, in line with staff conditions of service, the suspension of any member of staff employed or engaged in the SCO.
- 3.6.21 To bring national agreements on salaries, wages and conditions of staff of the SCO into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Staffordshire Commissioner for a decision.
- 3.6.22 To approve payments under any bonus or performance-related payment schemes for staff approved by the Staffordshire Commissioner, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.



- 3.6.23 To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally. All agreements reached must be reported to the Staffordshire Commissioner.
- 3.6.24 To grant essential or casual car-user allowances for staff employed within the SCO.
- 3.6.25 To issue exemption certificates to staff employed within the SCO whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989 commensurate with Monitoring Officer duties.
- 3.6.26 To approve the retirement of staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner. All ill-health retirements must be reported to the Staffordshire Commissioner before implementation.
- 3.6.27 Settlement of employment tribunal cases and grievances of staff employed or engaged within the SCO with the exception of those cases felt to be exceptional because:
- They involve a high-profile claimant,
  - There is a particular public interest in the case,
  - There is a real risk that the Staffordshire Commissioner will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- 3.6.28 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.

### Legal

- 3.6.28 To affix or authorise the affixing of the common seal of the Staffordshire Commissioner to:
- All contracts, agreements or transactions in respect of which there is no consideration,
  - All deeds which grant or convey an interest in land,
  - All documents where it is determined by the Staffordshire Commissioner there is a particular need for the seal to be attached.
- 3.6.29 To consider all requests for financial assistance to staff related or connected to the Fire and Rescue Service involved in legal proceedings or inquests in conjunction with the Chief Fire Officer and Head of Paid Service.
- 3.6.30 To authorise, after consultation with the Chief Fire Officer and Head of Paid Service, the institution, defence, withdrawal or settlement of any claims or legal proceedings on the Staffordshire Commissioner's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the legal adviser (and Treasurer or Director of Finance if there are significant financial implications).



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

### **3.7 Functions delegated to the Chief Fire Officer and Head of Paid Service**

3.7.1 The Code of Corporate Governance identifies the role of the Chief Fire Officer and Head of Paid Service as the Head of Paid Service of the Fire and Rescue Service. The formal delegations listed below, are those given to the Chief Fire Officer and Head of Paid Service.

3.7.2 The Chief Fire Officer and Head of Paid Service must, in exercising functions, which are delegated to them, have regard to the Fire and Rescue Plan.

3.7.3 The Chief Fire Officer and Head of Paid Service will lead and direct the strategic management of the Fire and Rescue Service in line with the Core Code of Ethics for Fire & Rescue Services.

3.7.4 The Chief Fire Officer and Head of Paid Service will exercise all matters of day to day administration of the Fire and Rescue Service (including Emergency Planning and Civil Contingencies).

3.7.5 The Chief Fire Officer and Head of Paid Service will respond to requests made to the Fire and Rescue Service from the Home Office in relation to developing or hosting new capabilities under national resilience.

#### **Staff employed or engaged within the Fire and Rescue Service**

3.7.6 To appoint and dismiss staff employed in the Fire and Rescue Service, in consultation with the Staffordshire Commissioner if required.

3.7.7 To make recommendations to the Staffordshire Commissioner with regard to Fire and Rescue Service staff terms and conditions of service, in consultation with the Director of Finance and other appropriate officers.

3.7.8 To undertake the management of Fire and Rescue Service staff, including disciplinary matters, in line with agreed policies and procedures.

3.7.9 To authorise, in line with staff conditions of service, the suspension of any member of Fire and Rescue Service staff.

3.7.10 To prepare a pay policy statement and gender pay gap report for the purposes of section 38 of the Localism Act 2011 for submission to the Staffordshire Commissioner.

3.7.11 To bring national agreements on salaries, wages and conditions for Fire and Rescue Service staff into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Staffordshire Commissioner for a decision.



- 3.7.12 To approve payments under any payment schemes in line with Service Policy for Fire and Rescue Service staff approved by the Staffordshire Commissioner, such as honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.7.13 To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally. All agreements reached must be reported to the Staffordshire Commissioner.
- 3.7.14 To grant essential or casual car-user allowances for Fire and Rescue Service staff.
- 3.7.15 To approve visits abroad by officers on official business and the expenses thereof, in consultation with the Staffordshire Commissioner.
- 3.7.16 To exercise the various Firefighters' Pension Scheme Discretions except in relation to the Chief Fire Officer and Head of Paid Service, Deputy Chief Fire Officer and Chief Finance Officer.
- 3.7.17 To approve the retirement of Fire and Rescue Service staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from the Independent Qualified Medical Practitioner (IQMP). All ill-health retirements must be reported to the Staffordshire Commissioner before implementation.
- 3.7.18 In consultation with the Chief Executive of the Staffordshire Commissioners Office, to issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 3.7.19 The Chief Fire Officer and Head of Paid Service is responsible for ensuring that the staff of the Fire and Rescue Service are aware of the Corporate Governance Framework and provisions and obligations of the scheme of delegations.

#### **Financial**

- 3.7.20 The financial management responsibilities of the Chief Fire Officer and Head of Paid Service are set out in the financial regulations and the Home Office Financial Management Code of Practice 2018.
- 3.7.21 To undertake the day to day management of procurement in accordance with the financial and contract regulations.
- 3.7.22 To manage the budget of the Fire and Rescue Service, along with the Director of Finance.

#### **Operational Fire and Rescue Services**

- 3.7.23 To prepare the Integrated Risk Management Plan for submission to the Staffordshire Commissioner in accordance with the requirements of the Fire and Rescue National Framework.
- 3.7.24 To prepare the Fire and Rescue Statement of Assurance for submission to the Staffordshire Commissioner.



- 3.7.25 To undertake the day to day management of physical assets, including buildings, subject to the provision of financial regulations.
- 3.7.26 To exercise the functions of the Staffordshire Commissioner under the Regulatory Reform (Fire Safety) Order 2005, together with any future enactment conferring power upon the Fire and Rescue Service to commence criminal proceedings in any Court of competent jurisdiction, to issue, amend and withdraw prohibition notices on behalf of the Staffordshire Commissioner under that legislation.
- 3.7.27 To designate persons as Inspectors under article 26, and to authorise members of staff to exercise statutory powers under article 27 of the Fire Safety Order.
- 3.7.28 To prepare agreements with neighbouring Fire and Rescue Services under Sections 13, 16 and 17 Fire and Rescue Services Act 2004 for submission to the Staffordshire Commissioner.
- 3.7.29 To authorise the exercise of powers of entry, inspection and survey and the carrying out of emergency works by staff of the Service or contractors acting on behalf of the Fire and Rescue Service upon land or buildings.
- 3.7.30 To prepare plans for performing fire and rescue functions in relation to emergencies and arrangements for cooperation with other agencies under the Civil Contingency Act 2004.
- 3.7.31 To submit comments on any town and country planning matter, building regulations, safety of sports grounds and other applications or licences.
- 3.7.32 In consultation with the Director of Finance, to enter into any primary authority partnership arrangements with businesses in relation to fire safety legislation.

### **General**

- 3.7.33 Chief Fire Officers and Head of Paid Services will provide regular reports to the Staffordshire Commissioner in order to demonstrate compliance and good governance.

### **3.8 Functions delegated to the Deputy Chief Fire Officer and Deputy Head of Paid Service**

- 3.8.1 In the absence of or if it is not possible or practical for the Chief fire Officer and Head of Paid Service to exercise their functions then the responsibilities delegated to them may be exercised by the Deputy Chief Fire Officer and Deputy Head of Paid Service.
- 3.8.2 To be the Senior Information Risk Owner for the Fire and Rescue Service as delegated by the Chief Executive, Fire & Rescue Authority (See 3.6.1).
- 3.8.3 To receive and take decisions in relation to staffing requests to undertake 'outside employment' or take up additional appointments in accordance with the relevant Fire and Rescue Authority policy.
- 3.8.4 To consider staffing appeals in line with the Fire and Rescue Service Policy in relation to employment matters (with the exception of Director Positions within the Fire and Rescue Service).



### **3.9 Functions delegated to the Director of Finance of the Staffordshire Commissioner (Fire & Rescue Authority)**

- 3.9.1 The Code of Corporate Governance identifies the role of the Director of Finance (Chief Finance Officer). The detailed financial management responsibilities of the Director of Finance are set out in the financial regulations.
- 3.9.2 The Director of Finance, as the financial adviser to the Staffordshire Commissioner, has a statutory responsibility to manage the Commissioner's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended).
- 3.9.3 To sign contracts on behalf of the Staffordshire Commissioner, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework, except those which are required to be executed under the common seal of the Staffordshire Commissioner. In such cases the Chief Executive is authorised to sign and affix the seal.

### **3.10 Monitoring Officer**

- 3.10.1 To act as the Staffordshire Commissioners Monitoring Officer under the Local Government and Housing Act 1989 and the Local Government Act 2000 and Proper Officer under the Local Government Act 1972.
- 3.10.2 To ensure that the Staffordshire Commissioner carries out their functions lawfully, ensuring lawfulness and fairness within decision-making.
- 3.10.3 To report on matters they believe are, or may be, illegal or amount to maladministration.
- 3.10.4 To be responsible for providing advice and guidance on the conduct of the Staffordshire Commissioner and the Deputy Staffordshire Commissioner.
- 3.10.5 In conjunction with the Head of Governance and Assurance for the SCO be responsible for the operation, review and updating of the Governance Framework.

### **3.11 Statutory Officers**

- 3.11.1 Paragraphs 3.6.17 and 3.7.6 shall not apply to the appointment or dismissal of, or disciplinary action against the Chief Executive, Chief Fire Officer and Head of Paid Service, Deputy Chief Fire Officer and Deputy Head of Paid Service, Treasurer, Director of Finance or Monitoring Officer.
- 3.11.2 No disciplinary action in respect of the Chief Executive or Chief Fire Officer and Head of Paid Service, except suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action, may be taken by the Staffordshire Commissioner without having due regard to a recommendation in a report made by an independent person. Any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 3.11.3 "Disciplinary action" means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Staffordshire Commissioner, be recorded on the member of staff's



personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract; and "designated independent person" must be such person as may be agreed between the Staffordshire Commissioner and the relevant officer.

### **3.12 Urgent Matters**

- 3.12.1 If any matter which would normally be referred to the Staffordshire Commissioner for a decision arises where it is impractical to obtain the decision of the Staffordshire Commissioner and the matter is urgent, the matter may be decided by the appropriate chief officer.
- 3.12.2 Appropriate chief officers authorised to decide urgent matters in consultation with the appropriate professional advice are:
- The SCO Chief Executive (all issues other than operational matters);
  - The Chief Fire Officer and Head of Paid Service (all operational matters);
  - The Treasurer and Director of Finance (financial and related issues relating to their respective organisations)
- 3.12.3 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 SC. Until that appointment, the Chief Executive will continue to exercise the functions of the SC.
- 3.12.4 Urgent decisions taken must be reported to the Staffordshire Commissioner as soon as practicable and published.





## 4 Decision Making Policy

### 4.1 Purpose

This policy establishes the approach and principles for decision making by the Staffordshire Commissioner. It outlines the decision-making process together with providing information on how decisions of Strategic Public Interest will be determined, recorded and published.

### 4.2 Decision Making Framework

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

Decisions taken by the Staffordshire Commissioner arise from the statutory duty as the Fire and Rescue Authority. The statutory framework for decision making by the Staffordshire Commissioner consists of:-

- Fire and Rescue Services Act 2004 (FRSA04, the Act),
- Civil Contingencies Act 2004,
- Police Reform and Social Responsibility Act 2011 (PRSRA11),
- Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017,
- Regulatory Reform (Fire Safety) Order 2005,
- Crime and Disorder Act 1998,
- Financial Management Code of Practice,
- Fire and Rescue National Framework for England,
- The Police, Fire and Crime Commissioner for Staffordshire (Fire and Rescue Authority) Order 2018 (the Order).

4.2.2 The Scheme of Delegation and Consent sets out the discharge of the Staffordshire Commissioners functions and may be subject to amendment, the scheme of Delegation and Consent is detailed in section 3 of the Corporate Governance Framework.

4.2.3 The Staffordshire Commissioner will maintain a record of the person or body having responsibility for a decision or decisions relating to a function or functions of the Staffordshire Commissioner.

4.2.4 The exercise of any delegated authority to take a decision in the discharge of the Staffordshire Commissioners function is subject to the following:

- The person making the decision has first considered a written report prepared by the appropriate officer.
- The person making the decision has given due consideration as to whether or not the decision is a key decision as defined within this policy.



- Any decision taken shall be in accordance with the budget and policy framework, financial and procurement regulations and any condition imposed by the law, the corporate Governance Framework and any relevant statutory guidance.
- Any person may, as they determine appropriate, refer any matter falling within their delegated authority to the Staffordshire Commissioner.
- The fact that a function has been delegated shall not prevent the discharge of that function by the person that delegated the function.

### 4.3 Principles of Decision-Making

4.3.1 The decision making by Staffordshire Commissioner will arise from the discharge of the statutory functions. The Staffordshire Commissioner will need to demonstrate probity and regularity in 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 Staffordshire Commissioner 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 Staffordshire Commissioner's website.

4.3.2 The key to achieving well informed decisions is through a sound process, good management and effective leadership. All decisions being taken whether by the Staffordshire Commissioner or those that have been delegated should include in the supporting report evidence of how consideration and regard has been given to the following:

- **Understanding local needs**, resources and priorities and consider the views of partners and stakeholders,
- Based on the knowledge **agree outcomes** and how they can be delivered effectively, efficiently, equitably and sustainably,
- Establish all the **relevant and material facts**,
- **Consult** those who might reasonably consider they would be adversely or significantly affected,
- Seek appropriate **specialist advice**,
- Consider **all reasonable courses of action** open to the Staffordshire Commissioner,
- Ensuring **value for money** is obtained,
- Consider **risk, performance and financial information**,
- A presumption in favour of **openness and transparency** must exist,
- The need to have due regard to the government Security Classifications when considering disclosure of reports and documents supplied to the Staffordshire Commissioner.

4.3.3 Decisions that are considered to be Key Decisions shall be taken by the Staffordshire Commissioner. Report authors will be required to determine if a decision is a Key Decision in consultation with the Monitoring Officer, Director of Finance and the Chief Executive.

4.3.4 A Key Decision is defined:



- A decision resulting in incurring expenditure or savings outside of the approved budget that is considered contrary to or not wholly in accordance with the Fire & Rescue Plan, the Integrated Risk Management Plan or the budget,
- A decision resulting in incurring expenditure or savings outside of the approved budget where no delegated authority exists to make that decision,
- A decision deemed by the responsible officer to be significant in terms of impact on one or more of the following:
  - Reputation
  - Community Safety
  - Environment
  - Economy
  - Human Rights
  - Equal Opportunities

4.3.5 Key Decisions will be considered by the Staffordshire Commissioner at the Strategic Governance Board Fire or the Strategic Governance Board Collaboration and presented to the Commissioner in a Decision Form submitted within the relevant meeting papers.

4.3.6 Key Decision Forms are required to have been reviewed by and include comments on implications for consideration from the Monitoring Officer, Director of Finance and Chief Executive. The final report must be reviewed by the Chief Executive and then signed off by the responsible officer as being ready for consideration by the Staffordshire Commissioner before it can be sent to a Strategic Governance Board.

4.3.7 A diagram that sets out the process for decision-making is attached at Appendix A of this policy.

4.3.8 The principles of decision-making to be applied to the Corporate Governance Framework are:

- Decision making will be transparent and well informed,
- Decisions will make use of good quality information, advice and support,
- Decisions will utilise risk management information,
- Decisions will be lawful, reasonable, fair and proportionate,
- The Staffordshire Commissioner will uphold the highest standard of integrity and honesty when taking decisions, as set out in the Nolan Principles,
- All Key Decisions will be recorded and published.

Appendix B of this policy further defines the principles of decision-making.

#### **4.4 Urgent Key Decisions**

4.4.1 There may be occasions where the circumstances of a decision dictates that only some elements of the checklist will be employed or that the Staffordshire Commissioner is required to consider and make a Key Decision outside of the programme of Strategic Governance Board meetings, 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 and where urgent Key Decisions are taken before a



report is submitted to the Strategic Governance Board they will be reported to the next meeting of the Strategic Governance Board.

#### 4.5 Written Reports and Decision Records

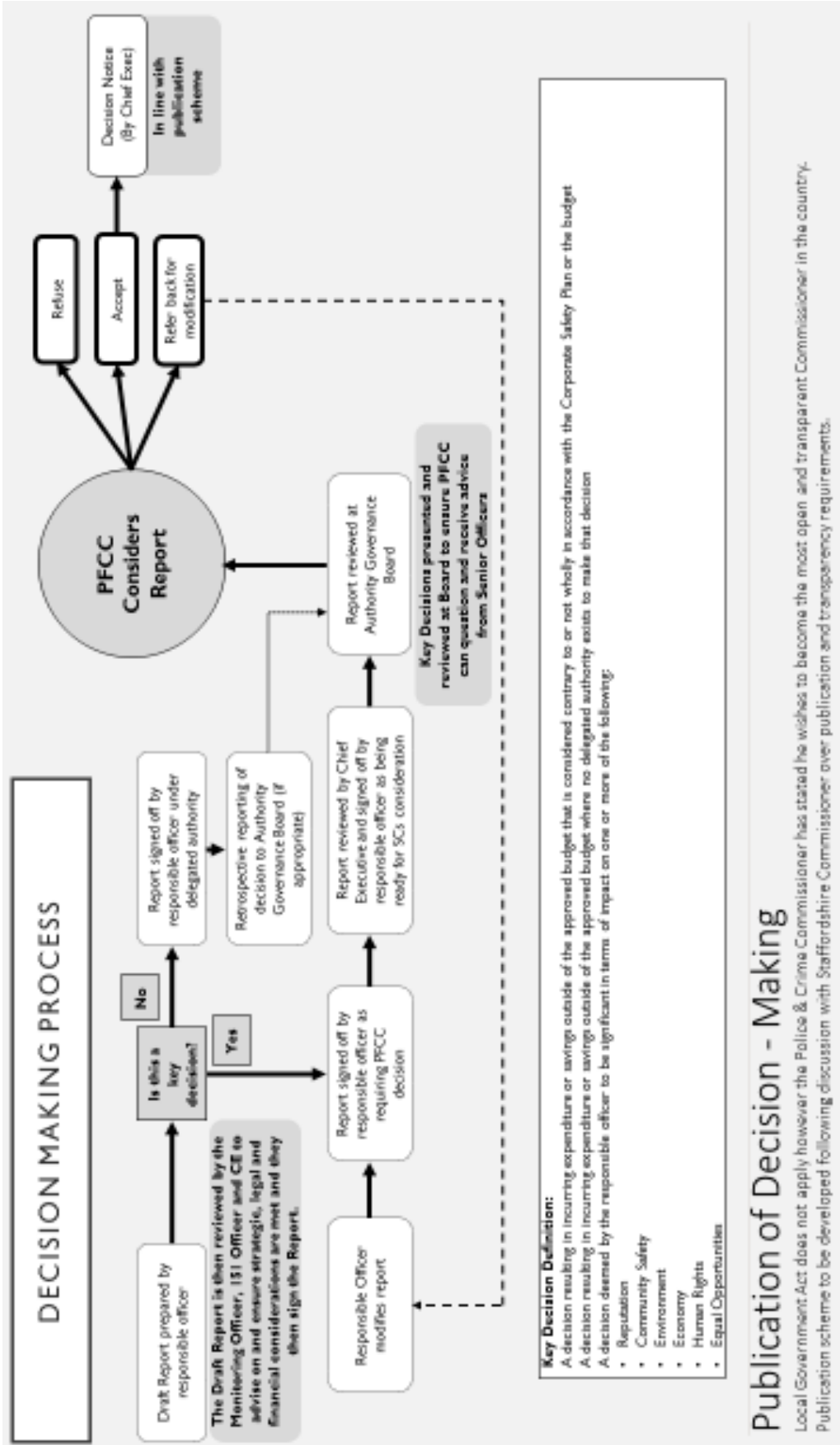
- 4.5.1 The Staffordshire Commissioner shall not take any key decision without first having reviewed and considered a written report on the matter.
- 4.5.2 A decision note shall be signed by the Staffordshire Commissioner once a decision has been taken. Once the decision has been signed it will be published on the Staffordshire Commissioners website as soon as is practicable.
- 4.5.3 In exceptional circumstances and with the prior agreement of the Monitoring Officer the need for a written report may be dispensed with. In such cases all verbal advice and opinion provided to the Staffordshire Commissioner shall be noted and recorded in the minutes of the meeting or in the decision record.
- 4.5.4 Any other person making a decision under powers delegated to them by the Scheme of Delegation shall, where that person believes that it is proportionate and appropriate to do so in exercising those powers, produce a written statement which must include:
- A record of the decision including the date that it was made,
  - A record of the reasons for the decision,
  - Details of any alternative options considered and rejected when making that decision.
- 4.5.5 Where required to do so and where it is deemed appropriate the Staffordshire Commissioner will engage with Unions and Staff Representative Bodies to obtain their views prior to taking a decision.

#### 4.6 Contentious Issues/Decisions

- 4.6.1 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.
- 4.6.2 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:-
- Actions that conflict with priorities set out in the Staffordshire Commissioners Fire and Rescue Plan that will impact on the delivery of the plans outcomes,
  - Policy changes – A decision that has a direct impact on local communicates, for example the re-organisation of local Fire and Rescue Services,
  - Political issues – These could be any number of areas and a checklist could be derived from the Fire and Rescue Plan,



Decision Making Process Appendix A





## Decision Making Principles Appendix B

### Principles of Decision-Making

The principles of decision making are:-

#### Decision making will be transparent and well informed

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

#### 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 Staffordshire Commissioners objectives or have unintended consequences. This will include professional advice from the Chief Fire Officer and Head of Paid Service, who is required to provide information on Fire & Rescue matters to the Staffordshire Commissioner and advice from the Staffordshire Commissioners statutory officers who hold the roles of Chief Executive, Monitoring Officer and Director of Finance.

#### Decisions will make use of risk management information

The Risk Register for the Staffordshire Commissioner 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.

#### Decisions will be lawful, reasonable, fair and proportionate

The Staffordshire Commissioner will make use of the professional advisors in decision making. The Staffordshire Commissioner 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 Staffordshire Commissioner will make decisions with a view to achieving value for money.

The Staffordshire Commissioner 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.



## 5 Financial Regulation

### FINANCIAL REGULATION A – INTRODUCTION

- A.1 These Financial Regulations form part of the governing documents approved by the Staffordshire Commissioner . These regulations should be reviewed at least once every two years to ensure they remain timely and relevant. Subsequent changes will be submitted to the Strategic Governance Board Fire for approval.
- A.2 These regulations apply to all staff of the Staffordshire Commissioner including the Fire and Rescue Service and Civil Contingencies Unit. The s.4A Fire and Rescue Authority was created following the Statutory Instrument 2018 No.696 and came into force on 1 August 2018. The s.4A FRA is a fire and rescue authority under the Fire and Rescue Services Act 2004 and has a statutory duty and electoral mandate to ensure an efficient and effective fire and rescue service. The s.4A FRA is referred to as “Staffordshire Commissioner” as set out within the Scheme of Corporate Governance.
- A.3 **Appendix 1** provides definitions for terms used within these regulations.
- A.4 The Treasurer has a personal fiduciary duty by virtue of their appointment as the person responsible for proper financial administration under the Fire and Rescue Services Act 2004. This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure (section 114 of the Local Government Finance Act 1988, as amended by regulation 6 and the schedule to S.I. 2018/226).

The Treasurer has a fiduciary duty to the local taxpayer as they have a responsibility for securing the efficient use of public funds (which will include revenue derived from the fire precept).

The statutory responsibilities of the Treasurer (S151 Officer of the Staffordshire Commissioner, the Director of Finance) are set out in Part 8 of the Local Government Finance Act 1998. The qualifications set out in section 113 of the Local Government Finance Act 1988 apply to the Director of Finance (Chief Finance Officer). The Accounts and Audit Regulations 2015 impose further responsibilities. Taken together, and considered in the context of the Fire and Rescue Services Act 2004, these mean that the Director of Finance (S151 Officer of the Staffordshire Commissioner) is responsible for:

- ensuring that the financial affairs of the s.4A FRA are properly administered and that financial regulations are observed and kept up to date;
- ensuring regularity, propriety, feasibility and Value for Money in the use of public funds;
- ensuring that the funding required to finance agreed programmes is available from Central Government funding, business rates, precept, other contributions and recharges;
- reporting to the Staffordshire Commissioner, the Police, Fire and Crime Panel, Ethics, the Transparency and Audit Panel (ETAP) and to the external auditor any unlawful, or potentially unlawful, expenditure by the Staffordshire Commissioner or officers of the FRA;
- reporting to the Staffordshire Commissioner, the Police, Fire and Crime Panel, the Ethics, Transparency and Audit Panel (ETAP) and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure;



- advising the Staffordshire Commissioner on the robustness of the budget and adequacy of financial reserves;
- ensuring production of the statements of accounts of the Staffordshire Commissioner and confirming that they present a true and fair view of the financial position of the FRA at the end of the financial year to which it relates and of the FRA's income and expenditure for that financial year;
- Liaising with the external auditors.
- advising the Staffordshire Commissioner on the application of value for money principles by the fire and rescue service to support the Staffordshire Commissioner in delivering efficient and effective financial management; and
- Advising, in consultation with the statutory officers, on the safeguarding of assets, including risk management and insurance.

The Director of Finance has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by Staffordshire Commissioner on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of Staffordshire Commissioner accounts.

#### Director of Finance

- A.5 The Director of Finance is responsible for issuing advice, guidance and training to underpin these financial regulations throughout the Staffordshire Commissioners Office.

#### Directors

- A.6 Directors are responsible for:

- ensuring all staff in their directorate are aware of the existence and content of the financial regulations and additional guidance
- contributing to the preparation of the MTFS and the budget
- ensuring partnership arrangements have the appropriate approvals before they are agreed
- ensuring there is a scheme of delegation for their area that identifies staff authorised to act on the Director's behalf in respect of payments, income collection and placing orders, together with the limits of their authority.
- control of budgets delegated to them

## **FINANCIAL REGULATION B – FINANCIAL PLANNING, BUDGETING & REPORTING**

### Financial Planning

- B.1 The financial planning process should be directed by the approved policy framework, the business planning process, and the need to meet key objectives.





- B.2 The planning process should be continuous and the planning period should cover at least 3 years. The process should include a detailed annual plan - the budget, covering the forthcoming financial year. This allows Staffordshire Commissioner to monitor and manage the way funds are allocated and spent.
- B.3 The Medium Term Financial Strategy explains how Staffordshire Commissioner and Chief Fire Officer & Head of Paid Service will structure and manage their finances to support delivery of the aims and objectives of the service, as set out in the Fire & Rescue Plan & Integrated Risk Management Plan, and to ensure sound financial management and good stewardship of public money.

#### Medium Term Financial Strategy

- B.4 Staffordshire Commissioner is responsible for effective financial and budget planning for the fire and rescue service. Staffordshire Commissioner in consultation with the Chief Fire Officer will identify and agree a medium term financial strategy (MTFS) which includes funding and spending plans for both revenue and capital. The MTFS should have regard to affordability and take into account multiple years, the inter-dependencies of revenue budgets and capital investments, the role of reserves and the consideration of risks. It must also have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities. The MTFS should be aligned with the Integrated Risk Management Plan and the Fire and Rescue Plan.
- B.5 The Treasurer is responsible for submitting to the Strategic Governance Board and the Ethics, Transparency and Audit Panel (ETAP) a Medium Term Financial Strategy, which should:
- be regularly reviewed to ensure its assumptions are appropriate
  - contain relevant sensitivity analysis
  - be reviewed when there are changes in the financial environment, for example changes in inflation and/or a change in the grant regime
- B.6 Following consultation with the Chief Fire Officer and Head of Paid Service and recommendation from the Strategic Governance Board Fire, for Staffordshire Commissioner to agree the Medium Term Financial Strategy.

#### The Budget

- B.7 Staffordshire Commissioner should consult with the Chief Fire Officer and Head of Paid Service in planning the overall budget for the fire and rescue service. The budget will take into consideration funding from government and from other sources, and balance the expenditure needs of the fire and rescue service against the levels of local taxation. This should meet the statutory requirements to achieve a balanced budget (Local Government Finance Act 2003) and be completed in accordance with the statutory timeframe.

The impact of the annual budget on the priorities and funding of future years as set out in the Fire and Rescue Plan and the medium term financial strategy should be clearly identified.

As set out in section 96 of the Police Act 1996, as applied by paragraph 2 of Schedule A2 of the Fire and Rescue Services Act 2004, Staffordshire Commissioner must obtain the views of the local



community on the proposed expenditure (including capital expenditure) in the financial year ahead of the financial year to which the proposed expenditure relates

- B.8 The Chief Fire Officer and Head of Paid Service and the Treasurer are responsible for submitting to the Strategic Governance Board Fire, a budget within the approved resource allocation framework which sets out the proposed revenue budget allocation and capital investment plans for the services within their areas of responsibility. No project will be included in the budget unless it has been through the appropriate approval process.
- B.9 In addition to receiving information detailed at B.5 the Strategic Governance Board Fire will consider summarised reports from the Treasurer and the Chief Fire Officer and Head of Paid Service on the budget.
- B.10 The Strategic Governance Board Fire will make recommendation regarding approval of the revenue budget, the level of precept and allocation of financial resources to services, the provision for contingencies, the use of reserves and balances and the setting of the precept to Staffordshire Commissioner.
- B.11 A reserves Strategy will be prepared and published in line with national requirements as stated in the National Framework.

#### The Precept

- B.11 Part 1 of the Local Government Finance Act 1992 sets out the process for issuing precepts. The Policing and Crime Act 2017 (paragraph 71 (2) of Schedule 1) amended section 39 of the Local Government Finance Act 1992 Act to establish the s.4A FRA as a major precepting authority for the purposes of that Act.

Staffordshire Commissioner will present the proposed level of the fire precept to the Police, Fire and Crime Panel. The remit of the Police and Crime Panel has been extended to include the scrutiny of the s.4A FRA's functions, as set out in the Policing and Crime Act 2017. Staffordshire Commissioner will have regard to any recommendation that is made by the panel in response to the proposed level of precept.

#### Directorate Budgets

- B.12 Directors, in consultation with the Director of Finance, will ensure that individual Directorates produce a Directorate Plan that includes a detailed budget reflecting the budget allocation detailed above. These budgeted service plans should be prepared in line with instructions contained within the Budget Management and Responsibilities Guide.

#### Virement and In-year changes to the Budget

- B.13 The Treasurer will administer the Scheme of Virement set out below. Any change to the Scheme requires the approval of the Strategic Governance Board Fire.
- B.14 Virement that is likely to impact on the budget of another Director requires the written agreement of that Director before it can be implemented.



- B.15 Directors, after consultation with the Director of Finance, may initiate virement between budget heads provided:
- (a) it does not involve a new policy or policy change;
  - (b) it does not involve an increasing commitment in future years which cannot be contained within existing approved budget allocations
  - (c) It does not create additional overall budget liability

- B.16 The Strategic Governance Board Fire is responsible for taking in-year decisions on resources and priorities in order to deliver the corporate strategy within the approved budget and can therefore approve virement between budget heads.

#### Power to Incur Expenditure

- B.18 Directors have power, subject to these Regulations, to incur expenditure provided for in the revenue budget and capital programme approved by the Staffordshire Commissioner.
- B.19 No revenue or capital expenditure can be incurred without the approval of the Staffordshire Commissioner if it is considered a key decision or is contrary to or not wholly in accordance with the Corporate Safety Plan or the budget. In this context contrary to the budget may be through:
- (a) initiating a new policy;
  - (b) committing revenue or capital expenditure in current or future years to above the approved budget levels;
  - (c) transferring revenue resources between budget heads except as provided in the Scheme of Virement;
  - (d) entering into a capital commitment if it involves a material change in the nature of the project as set out in the original project appraisal.
  - (e) entering into a capital commitment if it (i) will affect the Staffordshire Commissioner borrowing limits or (ii) involves a revenue consequence for which no specific provision has been made in the budget for that service.
- B.20 Directors are responsible for ensuring that any increase in a project estimate that occurs during the course of the project is reported to the Director of Finance and can be contained within the overall budget for that Directorate.
- B.21 No expenditure that requires the specific approval of a government department or agency, the European Union or any other external funding organisation may be incurred until the Staffordshire Commissioner has received such approval or written assurance that such approval will be forthcoming in due course. Expenditure funded from these sources should not be incurred without the specific approval of Performance and Assurance Board where the funding organisation may refuse to pay the grant or contribution.
- B.22 No lease, hire, rental or arrangements of a similar nature that may affect the Staffordshire Commissioner borrowing limits may be entered into without seeking the prior approval of the Director of Finance.



### Partnerships

- B.23 Directors are responsible for ensuring that partnership arrangements are approved, carried out, monitored and evaluated in a satisfactory way and in accordance with guidance from the Director of Finance.
- B.24 Directors must consider the overall corporate governance arrangements and legal issues and take appropriate action when arranging contracts with external bodies. These arrangements must be made in accordance with the requirements set out in the Contract Standing Orders.
- B.25 Directors must ensure the risks have been fully appraised before arrangements are formalised. They must prepare a clear and feasible exit strategy before entering into the arrangement.

### Monitoring and Reporting

- B.26 Directors are responsible for ensuring the regular monitoring of revenue budget and the capital programme in their directorate; and for ensuring that significant variations are investigated and appropriate action taken to bring any forecast overspend back into line with the budget.
- B.27 Directors, in consultation with the Director of Finance must, as soon as is practicable, report to Strategic Governance Board Fire where they are unable to balance expenditure and resources within the approved budget allocation. The Strategic Governance Board Fire will consider such reports and, where appropriate, make recommendations to Staffordshire Commissioner which address the shortfall.
- B.28 Unless determined otherwise by the Staffordshire Commissioner, any under spend will initially be used as a direct contribution to capital. Any surplus underspends post the capital contribution, or over spending, will be incorporated into the carry forward reserves for future consideration.
- B.29 The Treasurer is responsible for co-ordinating production of the Annual Statement of Accounts, ensuring they are prepared in accordance with statutory requirements and proper practice, and for submitting it for consideration by the Ethics, Transparency and Audit Panel (ETAP), and approval by the Staffordshire Commissioner.

### Disposal of Capital and Fixed Assets

- B.30 All disposals of capital and fixed assets with a carrying value of £1,000 or more must be approved by the Director of Finance. The disposal will be recorded in the register of disposals updated by the Finance Department.

### Major Projects

- B.31 Directors shall be responsible for preparing the Business Plan for new projects. This plan shall include a business case, a cost benefit analysis, an affordability test and an implementation plan. The plan shall identify and quantify all elements of cost, including quotations and/or tenders as necessary. The Director shall liaise with other officers as appropriate.



- B.32 The Director of Finance, in consultation with Directors, shall establish and review on a regular basis as circumstances require, a set of financial and other criteria in accordance with the Medium Term Strategic Plan and the Corporate Safety Plan against which projects shall be judged.
- B.33 From time to time as it shall decide, these criteria shall be presented to Strategic Governance Board as required.
- B.34 The Capital Review Group will monitor progress of approved capital projects in line with the terms of reference for the group. Approval for amendments to the approved capital programme are delegated to Service Management Board and Service Delivery Board in line with approved terms of reference.
- B.35 Major projects shall be monitored by the project manager in accordance with the Budget Management and Responsibilities Guide.
- B.36 Virements must comply with the Scheme of Virement as set out in these Regulations. Any decisions to vire must be timely and consider the pace of project work.

## **FINANCIAL REGULATION C – FINANCIAL SYSTEMS AND STANDARDS**

### Financial Management Standards

- C.1 The Treasurer is responsible for setting the Staffordshire Commissioner's financial management standards and for monitoring their compliance.
- C.2 The Treasurer is responsible for ensuring proper professional practices and accounting policies are adhered to and to act as head of profession in relation to standards, performance and development of finance staff throughout the Staffordshire Commissioner (FRA).

### Systems and Procedures

- C.3 The Director of Finance is responsible for keeping the principal accounting records. Such records will be maintained on the Staffordshire Commissioner's central financial system. No other system will be used for the keeping of accounting or other records relating to the Staffordshire Commissioner's finances without the prior written permission of the Director of Finance.
- C.4 The Director of Finance, in conjunction with Directors', will ensure that all feeder systems and processes to the principal accounting records of the Staffordshire Commissioner are fully documented with staff trained in their operation. Such systems and processes will incorporate the necessary controls to ensure that the data used to update the principal accounting records is complete, accurate, timely and not previously processed.
- C.5 Directors must consult with the Director of Finance before introducing or amending any book, form, record, administrative procedure or system used for the keeping of accounting or other records relating to the finances of the Staffordshire Commissioner and should act on any advice given.



- C.6 The Director of Finance and Directors will jointly ensure that all accounting records are properly maintained and held securely. Further information can be found via the record retention and disposal policy.
- C.7 Directors must ensure that all information assets are handled in accordance with the appropriate data protection legislation. This will include assurance that all systems holding personal and financial information provide the relevant technical assurance. Information Asset Owners will ensure that staff are aware of their information security responsibilities and how to process such queries as a Freedom of Information request appropriately.

#### **FINANCIAL REGULATION D - AUDIT, CONTROL AND IRREGULARITIES**

- D.1 The Joint Independent Audit Committee (ETAP) will review the effectiveness of external and internal audit. It will be the responsibility of ETAP itself to recruit and appoint members of the Committee. These members should be independent of both the Staffordshire Commissioners Office and the Fire and Rescue Service.
- D.2 Public Sector Audit Appointments LTD (PSAA) is responsible for appointing external auditors for the Staffordshire Commissioner (FRA). Grant Thornton (UK) LLP have appointed to audit the accounts for 2018/19 and notification of continued opt-in will be issued to PSAA for the Staffordshire Commissioner (Fire and Rescue Authority) to continue with the existing arrangements. PSAA should be informed immediately should this position change in the future.
- D.3 It is the responsibility of the Ethics, Transparency and Audit Panel (ETAP) to:
- Approve annual Audit Fees
  - To receive and respond to the ISA 260 Audit Finding Report of the financial statements and value for money
  - To receive the annual audit letter
- D.4 The Treasurer is responsible for reporting to ETAP the internal control systems and the internal audit function.
- D.5 The internal audit function will be under the independent control and direction of the Treasurer which shall be arranged to carry out a continuous examination of financial and other operations. An annual programme of work will be set by the Treasurer in consultation with other Directors, and approved or otherwise amended by the Ethics, Transparency and Audit Panel (ETAP) .
- D.6 Directors will co-operate with, and provide all necessary information for, Internal Audit and the Staffordshire Commissioner's External Auditor.
- D.7 It is the responsibility of Directors to establish effective and efficient arrangements for internal control. Directors will seek the advice of the Director of Finance in those instances of a material nature where the principles of internal control prove difficult to implement or maintain.
- D.8 The Treasurer must be notified immediately of all instances of potential and actual irregularity affecting the finances of the Staffordshire Commissioner.



- D.9 The Monitoring Officer to the Staffordshire Commissioner is responsible for the development and maintenance of anti-fraud and anti-corruption policies which will identify who is responsible for ensuring compliance and for receiving reports of potential breaches.

## **FINANCIAL REGULATION E - EXPENDITURE**

### General

- E.1 All payments made on behalf of the Staffordshire Commissioner will be delegated to and made by the Finance team on behalf of the Treasurer.
- E.2 In making such payments, the Treasurer will, where necessary, rely on the certification of authorised employees.

### Procurement of Works, Supplies and Services

- E.3 Each order will conform to the Staffordshire Commissioner's Contract Standing Orders.
- E.4 Every employee involved in the procurement process will comply with the Code of Conduct Policy.

### Payments of Creditors

- E.5 Payments will be made in accordance with the standard payment policy, any proposed changes to policy must be reported to the Performance and Assurance Board for approval.

### Advance Accounts

- E.6 The Treasurer will provide such accounts as is considered appropriate for authorised employees to defray petty cash and other expenses.

## **FINANCIAL REGULATION F – INCOME**

- F.1 Subject to Regulation F.2, Directors are responsible for
- (a) reviewing and making recommendations to the Staffordshire Commissioner about charges that may be made for services provided by the FRA on a nonprofit making basis, in accordance with the FRA's powers to charge set out in relevant legislation.
  - (b) reviewing and implementing all external fees and charges, to be approved by the Strategic Governance Board Fire on an annual basis.
- F.2 The establishment or variation of any such fee or charge that involves a policy change requires the approval of the Staffordshire Commissioner.
- F.3 Directors are responsible for ensuring that all cash and cheques received on behalf of the Staffordshire Commissioner are banked promptly and intact and receipted.



- F.4 Directors are responsible for the prompt raising of Staffordshire Commissioner's debtors accounts and for the subsequent collection of the amounts due in accordance with corporate policies on credit management as determined by Strategic Governance Board Fire.
- F.5 Director of Finance /Treasurer may write-off debtors' accounts up to an individual account limit of £5,000. Bad debts exceeding this figure require the approval of Strategic Governance Board Fire.

## FINANCIAL REGULATION G - TREASURY MANAGEMENT

### Banking

- G.1 The Treasurer is responsible for arranging the Staffordshire Commissioner banking arrangements, including the opening and closing of bank accounts. The s.4A FRA is a separate corporation sole with precept raising and borrowing powers. As such, the s.4A FRA should have separate banking arrangements from the PCC and Chief Constable.
- G.2 Payments from the Staffordshire Commissioner's bank accounts will be authorised in accordance with the appropriate bank account mandates.

### Treasury Management

- G.3 The Strategic Governance Board Fire is responsible for recommending approval to Staffordshire Commissioner's for the Treasury Management Policy Statement, in line with CIPFA's Code of Practice for Treasury Management in Local Authorities and Prudential Code, and the annual treasury management strategy.
- G.4 The Treasurer is responsible for carrying out all Treasury Management activities within the Staffordshire Commissioner's Treasury Management Policy Statement and Annual Treasury Management Strategy. More specifically, such responsibilities will be carried out in accordance with CIPFA's Code of Practice for Treasury Management in the public services and CIPFA's Prudential Code and will include:
- To keep under review and to update as required, the Treasury Management Policy Statement for approval by Staffordshire Commissioner
  - To prepare and maintain suitable Treasury Management Practices setting out the manner in which treasury management policies and objectives will be achieved and presenting how those activities are managed and controlled;
  - To prepare the Annual Treasury Management Strategy at or before the start of each financial year for presentation to the Strategic Governance Board Fire and approval by Staffordshire Commissioner
  - To regularly monitor performance against Borrowing Limits and Prudential Indicators and to seek approval for changes to those limits if applicable;
  - To report the outcome of all Treasury Management activities at least once a year including an annual report for the preceding financial year to the Strategic Governance Board Fire.



**FINANCIAL REGULATION H -ASSETS**

- H.1 All Members and staff have a general responsibility for taking reasonable action to provide for the security of assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- H.2 Directors are responsible for keeping records and assets properly maintained and securely held.
- H.3 Directors are responsible for ensuring that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- H.4 The Director of Finance may write-off assets with an individual item value of £10,000. Amounts exceeding this figure may not be written off without the approval of Performance and Assurance Board.

**FINANCIAL REGULATION I - INSURANCE AND RISK MANAGEMENT**

- I.1 The Staffordshire Commissioner's is responsible for approving the risk management policy strategy and for reviewing the effectiveness of risk management.
- I.2 The Chief Fire Officer and Head of Paid Service is responsible for co-ordinating risk management activity across the Service including the allocation of the annual dedicated risk management budget.
- I.3 A nominated director is responsible for arranging appropriate insurance cover for risks which are not self-insured. Where appropriate, this director will consult with other Directors prior to arranging cover.
- I.4 Except where otherwise provided for in agency agreements, the Deputy Chief Fire Officer and Head of Paid Service will negotiate the settlement of claims with insurers.

**FINANCIAL REGULATION J – OTHER FUNDS**

- J.1 Directors will maintain records detailing the purpose and nature of all voluntary funds maintained by their staff in the course of their duties within the Staffordshire Commissioner.
- J.2 Directors will ensure that such funds are operated in accordance with these regulations and any guidance issued by the Director of Finance.
- J.3 Staffordshire Commissioner's acting as trustees by virtue of their official position will ensure that accounts are audited as required by law and submitted annually to the appropriate body.



## Financial Regulation Appendix 1 - Definitions

Unless the context requires otherwise the following words, abbreviations and expressions

shall have the meaning stated:

- (a) “Staffordshire Commissioner (Fire and Rescue Authority) (also referred to as the Police, Fire & Crime Commissioner”, shall mean the person occupying the office of Staffordshire Commissioner, also known as the Police, Fire and Crime Commissioner (PFCC)
- (b) “Secretary” shall mean the Monitoring Officer and solicitor as defined in the Authority’s Scheme of Delegation.
- (c) “Treasurer” shall mean the Director of Finance (Section 151 Officer of the Staffordshire Commissioner) as set out in the Local Government Act 1972.
- (d) “Directors” shall mean collectively the Director of Prevent and Protect, the Director of Response and the Director of Finance, and such other appropriate persons authorised to undertake the duties specified in the Regulations in accordance with the delegations made by the Director pursuant to a scheme of delegation approved by the Strategic Governance Board.
- (e) “Budget” shall mean the revenue budget and capital programme for the 12 months from April to March.
- (f) “MTFS” shall mean the Medium Term Financial Strategy
- (g) “Revenue” is defined as expenditure on resource which is consumed in a period of one year or less.
- (h) “Capital” is defined as expenditure on the acquisition, creation or enhancement of a fixed asset provided it yields benefit to the Staffordshire Commissioner for more than one year. Capital expenditure enhances the value, usage or life of an asset.
- (i) “Major projects” are defined in the Staffordshire Commissioner’s Project Management Handbook.
- (j) “Budget heads” shall mean categories of revenue spend specified in schedules presented for approval by Members.
- (l) “Budget Management and Responsibilities Guide” shall mean additional and more detailed guidance on financial administration issued by the Director of Finance.
- (m) “Virement” shall mean the transfer of funds from one budget to another, in order to use surplus funds in one area to prevent a potential overspend in another area, or accommodate a change in policy or changes in the levels of activity.



## 6 Contract Standing Orders

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2. [How We Procure](#)
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## 1. INTRODUCTION

The main aims of these Contract Standing Orders are to :-

- a) Outline the manner in which contracts are handled and managed to ensure compliance with all relevant legislation;
- b) Outline the relative responsibilities of the Staffordshire Commissioner and the Chief Fire Officer in this process

1.2 Procurement is the process through which all goods, works and services are acquired. The procedures in these Contract Standing Orders apply to all spend with third parties and to all sub-contracts (where a specific sub-contractor is specified). These Contract Standing Orders are mandatory and apply to all staff and officers of and Staffordshire Fire and Rescue Service.

1.3 These Contract Standing Orders should be read in conjunction with the Financial Regulations, Financial Procedures, Scheme of Delegation and Procurement Delivery Plan which provide the framework for managing the organisation's financial affairs when dealing with the setting up of contracts for works or services, or the purchasing of goods.

1.4 For Staffordshire Fire and Rescue Service, all orders and contracts must be in the name of the Staffordshire Commissioner Fire and Rescue Authority ('the Commissioner') and made in accordance with these Contract Standing Orders. Any dispute regarding the interpretation of these orders shall be referred to Head of Governance for the Staffordshire Commissioner's Office, whose decision shall be final.

1.5 Subject to these Contract Standing Orders, the Commissioner has the power to delegate authority to contract to the Chief Fire Officer to enter into contracts on behalf of the Commissioner.

1.6 The financial limits specified within these Contract Standing Orders are subject to variation from time to time by the Commissioner.

## 2. HOW WE PROCURE

2.1 The appropriate procurement procedures are based on the total estimated value of the contract (this is the total cost over the full contract term – not just the initial purchase cost).

All contracts for the supply of goods or services under any lease, hire, rental or any other credit arrangement, which has the potential to commit the Commissioner to long term financial commitment longer than four years shall not be entered into without prior approval from (depending on value) – the Contract Review Group or Priority Projects Board (Police), Service Delivery Board (Fire), Strategic Governance Board (Staffordshire Commissioner's Officer), Chief Finance Officer or the Head of Commercial Services.



**For Goods and Services**

For any Contract which requires a signed or sealed agreement (as opposed to just a Purchase Order), regardless of the value Commercial Services must be engaged before any Supplier is approached.

<b>Contract Value *(inclusive of VAT)</b>	<b>Process</b>	<b>Contract to be Published?</b>	<b>Documentation Storage</b>	<b>Budget Holder need to engage Commercial Services</b>
<b>To</b>	Budget Holder to obtain at least one quote in writing	No	The Budget Holder must keep records of the quote	No, if only a Purchase Order is required
£10,000				Yes, if a signed contract is required
£30,000	Commercial Services to obtain at least three quotes in writing	No	Commercial Services must keep records of the procurement	Yes
<£214,904	Budget Holder must engage Commercial Services to run the procurement. Commercial Services will run a formal tender, or call off	Yes, on Contracts Finder and on BLPD / EU Supply	Commercial Services must keep records of the procurement	Yes



	under an available Framework Agreement.			
<£214,904	<p>Budget Holder must engage Commercial Services to run the procurement.</p> <p>Commercial Services will run a full tender process compliant with 2015 Public Contract Regulations, or call off under an available Framework Agreement.</p>	Yes, on Contracts Finder and on BLPD / EU Supply	Commercial Services must keep records of the procurement	Yes

**For Works**

For any Contract which requires a signed or sealed agreement (as opposed to just a Purchase Order), regardless of the value Commercial Services must be engaged before any Supplier is approached. All Works contracts, regardless of value must be agreed by the Head of Estates and Commercial Services.



<b>Contract Value *inclusive of VAT</b>	<b>Process</b>	<b>Contract to be Published?</b>	<b>Documentation Storage</b>	<b>Budget Holder need to engage Commercial Services</b>
<b>To</b>	Budget Holder to obtain at least one quote in writing	No	The Budget Holder must keep records of the quote	Yes
£10,000				
£30,000	Commercial Services to obtain at least three quotes in writing	No	Commercial Services must keep records of the procurement	Yes
<£5,372,609	Budget Holder must engage Commercial Services to run the procurement. Commercial Services will run a formal tender, or call off under an available Framework Agreement.	Yes, on Contracts Finder and on BLPD / EU Supply	Commercial Services must keep records of the procurement	Yes
>£5,372,609	Budget Holder must engage Commercial Services to run the procurement.  Commercial Services will run a full tender process compliant with 2015 Public Contract Regulations, or call off under an available Framework Agreement.	Yes, on Contracts Finder, on BLPD / EU Supply	Commercial Services must keep records of the procurement	Yes



### **For All Goods and Services**

Any requirement for the provision of goods and services that necessitates the setting up of a new Supplier will have to be requested via Commercial Services so that the new Supplier can be vetted. If the vetting process is successful the details will be added to the Finance Supplier Database.

For any Contract which requires a signed or sealed agreement (as opposed to just a Purchase Order), regardless of the value Commercial Services must be engaged before any Supplier is approached.

#### **Under £10,000:**

Require a Purchase Order to be raised via the financial accounting system. If the requirement is a one off purchase from a new Supplier then a Service credit card could be used. It is the Budget Holders responsibility to ensure best value is achieved.

#### **Between £10,001 and £30,000:**

The Budget Holder must engage Commercial Services, who will seek a minimum of three formal quotes, utilising the Request for Quotes or Invitation To Tender procedure. Once the evaluation of the received quotes/tenders is completed and the successful Supplier informed, a Purchase Order must be raised by the Budget Holder via the financial accounting system.

#### **Between £30,001 and £214,904:**

The Budget Holder must engage Commercial Services to initiate a full tendering or framework call off procedure.

To ensure budget availability no Contract for the supply of goods or services under any lease, hire, rental or any other credit arrangement, where the value of the agreement exceeds £30,000 (including VAT) or contracts that cover more than 12 months can be entered into without:

- a. A decision that has been made at the relevant Enabling Board or Service Delivery Board with the approval documentation or relevant minutes being disseminated to Commercial Services.
- b. Authority being given by the Chief Finance Officer
- c. If this is a capital spend, confirmation that the expenditure has been agreed at the Capital Review Group or Enabling Board

#### **Over £214,904:**

The Budget Holder must engage Commercial Services Commercial Services to initiate a full compliant tender or framework call off process through Commercial Services, which is subject to the 2015 Public Contract Regulations





To ensure budget availability no Contract for the supply of goods or services under any lease, hire, rental or any other credit arrangement, where the value of the agreement exceeds £30,000 (including VAT) or contracts that cover more than one financial period can be entered into without:

- a. A decision that has been made at the relevant Enabling Board or Service Delivery Board with the approval documentation or relevant minutes being disseminated to Commercial Services.
- b. Authority being given by the Chief Finance Officer
- c. If this is a capital spend, confirmation that the expenditure has been agreed at the Capital Review Group or Enabling Board

### **For Works**

For any Contract which requires a signed or sealed agreement (as opposed to just a Purchase Order), regardless of the value Commercial Services must be engaged before any Supplier is approached.

All Works contracts, regardless of value must be agreed by the Head of Estates and Commercial Services.

### **Under £10,000:**

Require a Purchase Order to be raised via the financial accounting system. If the requirement is a one off purchase from a new Supplier then a Service credit card could be used.

### **Between £10,001 and £30,000:**

The Budget Holder must engage Commercial Services, who will seek a minimum of three formal quotes, utilising the Request for Quotes or Invitation To Tender procedure. Once the evaluation of the received quotes/tenders is completed and the successful Supplier informed, a Purchase Order must be raised by the Budget Holder via the financial accounting system.

### **Between £30,001 and £5,372,609,:**

The Budget Holder must engage Commercial Services to initiate a full tendering or framework call off procedure.

The Budget Holder and Commercial Services must involve the Head of Estates in the assessing the tender submissions.



To ensure budget availability no Contract for the supply of goods or services under any lease, hire, rental or any other credit arrangement, where the value of the agreement exceeds £30,000 or contracts that cover more than 12 months can be entered into without:

- a. A decision that has been made at the relevant Enabling Board or Service Delivery Board with the approval documentation or relevant minutes being disseminated to Commercial Services.
- b. Authority being given by the Chief Finance Officer
- c. If this is a capital spend, confirmation that the expenditure has been agreed at the Capital Review Group or Enabling Board

#### **Over and £5,372,609:**

The Budget Holder must engage Commercial Services Commercial Services to initiate a full compliant tender or framework call off process through Commercial Services, which is subject to the 2015 Public Contract Regulations

The Budget Holder and Commercial Services must involve the Head of Estates in the assessing the tender submissions.

Approval must be given from The Commissioner to spend.

### **3. THE TENDERING PROCEDURE**

- 3.1 The tendering procedure will require the tender documentation to be up loaded into the EU Supply/Blue Light e-tendering Portal and a notice seeking expressions of interest will be published. This notice will automatically generate where applicable, an advert on the Contacts Finder database and an advert in the Official Journal of the European Union (or successor publication after Brexit), meeting the Commissioner's obligation to the Government's requirements to advertise the procurement of goods, services or works.
- 3.2 No tendering procedure is required in respect of:
  - Contracts for the purchase of goods of which tenders have been obtained from a purchasing consortium or other recognised Government agency (such as Crown Commercial Services) where the Commissioner has been identified in any previous procurement exercise undertaken by the consortium or agency.
  - Use of a Framework Call Off - but further competition by means of a mini competition may be required.
  - Contracts for the supply of goods which the Home Office have specified as the type of goods which should be used for a particular purpose and only one Supplier of such goods exists
  - Charges repaid to the Home Office for national systems and requirements



- Contracts for the supply of goods or services the price of which is fixed by a trade organisation or government department and no reasonably suitable alternative is available
- There being no genuine competition for the goods, works or services that are procured. Examples of this would include the entering into of a joint services venture or a requirement to utilise the services of Suppliers such as United Utilities, Criminal Records Bureau or OFCOM
- With the written authorisation of the Chief Finance Officer, a contract for the engagement of a Counsel
- Subscriptions or fees to Government Departments.
- Requirements for Mutual Aid, Contributions and Grants
- Professional subscriptions
- With the written authorisation of the Chief Finance Officer, for goods and materials purchased at an auction
- Contracts relating solely to the disposal or acquisition of an interest in land.
- Contracts for the lending or borrowing of money
- Appointment of external auditors when an appointing body is used
- Recharges between forces and fire services in relation to Regional Collaborations
- Contracts for the employment of permanent staff
- Good procured through a central supplier e-catalogue/approved purchase list which has been approved by Commercial Services.

#### **4. FRAMEWORK AGREEMENTS**

- 4.1 Where, on the basis of providing quality and value for money, one or more Framework Agreements have been identified by Commercial Services and entered into by or on behalf of the Commissioner, or by or on behalf of a body or consortium of which the Commissioner is a member, for the supply of goods or services, that or those Framework Agreements may be used. The Commissioner may use other frameworks that are generally available, for example, frameworks placed by Crown Commercial Services.
- 4.2 Supplier e-catalogues/approved purchase lists which have been approved by Commercial Services, and are available through the purchasing system, maybe utilised to procure goods and services from that catalogue. Any proposed purchase of goods or services which are not in an approved catalogue must be procured in accordance with these Standing Orders.
- 4.3 Commercial Services must be engaged to utilise any Framework Agreement.

#### **5. EXEMPTIONS TO THE CONTRACT STANDING ORDERS**

- 5.1 Exemptions to these Contract Standing Orders are permitted where it can be proven that it is inefficient or uneconomic to comply with the above requirements. Examples are detailed below:



- The goods, works or services are unique and provided by only one organisation with no reasonably satisfactory alternatives available
- The procurement involves the purchase of proprietary or patented goods or services obtainable from one firm; are sold at a fixed price and no reasonably satisfactory alternative is available
- That goods are required as a partial replacement for, or addition to, existing goods or installations and obtaining them from another source would result in the original warranty being voided
- The goods, works or services are of a sensitive nature (such as covert operations) where publication of the tender documents would constitute a security breach and undermine the effectiveness of the final product.

5.2 No exemptions will be granted which would result in a breach of legislation. The Budget Holder must obtain approval to apply any exemption to the Contract Standing Orders outlined above by completing the Exemption Form (at [Appendix A](#)) and submit it to Commercial Services so that the requirement can be assessed and presented to the relevant officer for approval.

5.3 Notwithstanding the provisions of 5.2, for procurement projects under £600,000 the Chief Finance Officer (or the Commissioner if the expenditure is from the SCO budget) must approve any exemption, prior to any contract being awarded. For procurement projects over £600,000 any exemption must be approved by the Commissioner. Commercial Services will keep a register of exemptions granted detailing the nature and value of the contract, the circumstances justifying the exemption and the name of the Supplier awarded the contract.

## 6. ADVERTISING OF CONTRACTS

6.1 Contracts with a total contract value exceeding £30,000 must be advertised on Contracts Finder, this includes call offs from frameworks.

6.2 All contracts with a total value that exceeds public procurement thresholds must be advertised and awarded in accordance with necessary legislation.

6.3 Thresholds from 01 January 2022 are as follows:

**Supplies            £214,904**



**Services           £214,904**

**Works               £5,372,609**

6.3.1    Contracts also need to be published in line with The Transparency Code.

## **7.    PRE-QUOTATION/TENDER REQUIREMENTS**

7.1    Suppliers may be contacted informally by Commercial Services without obligation on behalf of the Commissioner, before a procurement process is commenced, order to:

- Establish whether the goods, works or services that the Commissioner wishes to purchase are available on the market, and an estimated cost;
- Assess market conditions should the procurement progress require it.

7.2    In making enquiries:

- No information shall be disclosed to one Supplier which is not then disclosed to all those of which enquiries are made, or which are subsequently invited to tender or quote
- No Supplier shall be led to believe that the information they offer will necessarily lead them to be invited to tender or quote, or awarded a contract. All requests for information or quotations either verbal or written must include the words “without obligation” to confirm that the request is for information only
- A record, including notes of any meetings held the responses and the names of all individuals present shall be kept by Commercial Services

7.3    Before obtaining quotations or tenders for a procurement estimated at a value of £30,000 or more (including VAT), a detailed output specification must be prepared by the budget holder or the project manager acting on the budget holder’s behalf. The specification is a description of the goods, services or works that the Commissioner wishes to procure and can be attributed in two ways, attributes related to things – (i.e. the part, component or raw material) and actions (functions, processes, procedures, services, performance).

It should incorporate key performance indicators or criteria for acceptance of the goods, services or works and will be included in the invitation to tender documentation. It must be agreed with the Supplier awarded the Contract and form the major part of the formal Contract agreement made between the Commissioner and the Supplier.



For all procurement exercises the weightings applied between quality, price and social value will be 50:40:10. Approval to set a quality weighting outside these criteria will be required from either the Fire S151 Officer (or Deputy S151 in the absence of the S151 Officer) or the Commissioner's S151 Officer prior to commencement of the procurement process.

## 8. PROCUREMENT PORTAL

- 8.1 If a Supplier wishes to be considered for future contracts they can, at no cost, register on the EU Blue Light e-tendering portal (<https://Blue Light.eu-supply.com/>).
- 8.2 If a Supplier is asked to submit a quotation or tender, this must be done using the EU Blue Light e-tendering portal. In addition, they will be required to provide sufficient information so that a due diligence assessment can be conducted confirming their capacity, capability and financial standing to undertake the work on behalf of the Commissioner. A Standard Selection Questionnaire (SQ) where applicable will be issued to help achieve this.

## 9. OTHER PROCEDURES

Commercial Services must run any procurement which utilises any procedure as outlined below:

- 9.1 The following procedures are also available for procurements over the 2015 Public Contract Regulations thresholds.

The Commissioner may utilise a Competitive Dialogue procedure or Competitive Procedure with Negotiation when:

- The needs of the Commissioner cannot be met without adaptation of readily available solutions
- The procurement requirement includes design or innovative solutions
- The contract cannot be awarded without prior negotiation because of specific circumstances related to the nature, complexity of the legal and financial make up or associated risks
- The technical specification cannot be established with reference to a standard common technical specification, technical reference or European technical assessment
- The outcome of an open or restricted procedure has elicited only irregular or unacceptable tenders.



- 9.2 **Competitive Dialogue Procedure** – A selection is made of those who respond to the contract notice. The Commissioner will then enter into a dialogue with potential tenderers to develop one or more suitable solutions for its requirements and on which chosen tenderers will be invited to tender.
- 9.3 **Competitive Procedure with Negotiation** – Utilising this procedure a selection is made of those who respond to the Contract Notice, and only they are invited to submit an initial tender for the contract. The Commissioner may then open negotiations with the tenderers to seek improved offers.
- 9.4 **Innovation Partnership Procedure** - Utilising this procedure a selection is made of those who respond to the contract notice. The Commissioner will then use a negotiated approach to invite Suppliers to submit ideas to develop innovative works, supplies or services aimed at meeting a need for which there is no suitable existing ‘ product’ on the market. Under this procedure The Commissioner is allowed to award partnerships to more than one Supplier.
- 9.5 **Negotiated Procedure without prior publication** – This procedure can only be used in very specific circumstances (e.g. Where for technical or artistic reasons or because of the protection of exclusive rights, the contract can only be carried out by a particular Supplier). In this instance The Commissioner would approach one or more Suppliers to negotiate the terms of the contract.
- 9.6 **Social Value** – Procurement will use social value within the scoring and weighting of tenders. This will be a 10% weighting for all tenders, unless authorised otherwise by The Chief Finance Officer or Commissioner.

## 10. INVITATION AND SUBMISSION

- 10.1 Instructions must be issued to those organisations invited to submit a quotation or a tender, asking them to complete and return the required documents by a specified date and time. Tenders will be carried out electronically by Commercial Services via (<https://bluelight.eu-supply.com/>) or <https://sell2.in-tend.co.uk/blpd/publictenders>

Invitation to tender documents will usually contain the following information:

- Letter of invitation and instructions about the process.
- Form of tender
- Specification and/or schedule of rates
- Contract terms and conditions
- Any relevant supporting information (drawings, maps etc.)
- Where tenders are to be evaluated on the basis of quality and price, the tender documentation must also specify the criteria for evaluation and the evaluation matrix.



- 10.2 Completed tenders must be submitted on the portal by the date and time specified. Late tenders will not be accepted.
- 10.3 It is important that organisations are given sufficient time to adequately research and compile their tender submissions. This includes enough time to seek accurate estimates from their subcontractors. The Commissioner's minimum time for the return of priced tenders for below the 2015 Public Contract Regulations threshold procurements is fourteen (14) days from date of issue, although best practice suggests that at least twenty one (21) days should be allowed. All procurements which exceed the 2015 Public Contract Regulations thresholds must use the timescales outlined in the Regulations.
- 10.4 The specified time to submit tenders/quotations may be extended in exceptional circumstances provided that all organisations involved in the process are notified of the revised date and time and no potential Supplier is disadvantaged by the deadline extension.

## **11. OPENING OF TENDERS**

- 11.1 Electronic tenders must be delivered to the designated e-tendering system by tenderer's prior to the stated closing date and time set out in the Invitation to Tender. All electronic tender submissions are retained in a virtual 'locked box' until the designated opening time. The system will hold each submission unopened and with no reference to the contents of the response until 'box' is opened. An activity log within the system provides a full audit trail logging any activity, recording the name of the person accessing the box, date, time and any activity undertaken.
- 11.2 Commercial Services will facilitate the tender opening procedure and ensure that an auditable evaluation process is achieved and the evaluation details are recorded and appropriately archived.

## **12. EVALUATION OF TENDERS AND QUOTATIONS**

- 12.1 An evaluation must be made of tenders submitted against the published tender evaluation criteria. Where errors or discrepancies are found that may affect the tender scoring, the tenderer may be notified and afforded an opportunity to confirm the clarification without amendment, amend their tender to correct an error, or withdraw their tender. A written record of any revisions or withdrawals must be maintained.
- 12.2 To ensure fairness the quality criteria (or award criteria) and evaluation method must be clearly defined in the tender documentation. The award criteria will vary depending on the type of contract. Some examples of criteria included are:
- Technical suitability
  - Financial viability and stability
  - Quality systems
  - Customer care and after sales service





- Experience and past performance
- Aesthetic and functional characteristics
- Delivery date and other management factors
- Commitment to Equality & Diversity and Sustainability
- The economic, social and environmental well-being of an area (Social Value).

### 13. POST TENDER CONSIDERATIONS

- 13.1 After the receipt of tenders, Commercial Services may need to contact tenderers to clarify technical and contractual information as part of the evaluation process. Any such communication must be confidential and entered into utilising the, (<https://bluelight.eu-supply.com/>) or <https://sell2.in-tend.co.uk/blpd/publictenders> message system.
- 13.2 Any negotiation with a tenderer to discuss the pricing or any other allowable aspect of the tender submitted should:
- Be undertaken only by Commercial Services and the budget holder, where applicable. All negotiations must be conducted in a manner which provides equal opportunity for all Suppliers who have provided quotes and which maintains the highest levels of probity
  - At the conclusion of negotiations each tenderer must be invited to submit a best and final price, if permitted within the invitation to tender documentation

### 14. CONTRACT AWARD – TENDERS AND QUOTATIONS

- 14.1 Where a contract is required to be signed or sealed by deed, the process must be undertaken as follows:

Value	Signature on behalf of the Commissioner
Up to £100,000	Head of Commercial Services (or the Commissioner or Chief Executive of the SCO, if it is SCO budget)
Up to £1,000,000	Chief Finance Officer (or the Commissioner or Chief Executive of the SCO, if it is SCO budget)
Over £1,000,000	The Commissioner or the Chief Executive of the SCO
Contracts required to be sealed by deed	Sealed by the Chief Executive of the SCO by applying the common seal of the SCO



The successful Supplier should be notified promptly following acceptance of the tender, and the contract must be issued for signature by the Supplier. On receipt, the Commissioner will sign the contract to form the legally binding agreement.

- 14.3 All unsuccessful tenderers should also be notified promptly in writing or via(<https://bluelight.eu-supply.com/>) or <https://sell2.in-tend.co.uk/blpd/publictenders> . There must be a ten day standstill period utilised where it is legislatively required. All submissions and supporting documentation should be retained for seven years by Commercial Services before being destroyed.

## 15. CORRUPT PRACTICES

- 15.1 All staff must comply with the [Counter Fraud and Corruption Policy](#) and the [Gifts and Hospitality Policy](#).

## 16. VARIATION TO CONTRACTS

- 16.1 A modification to an existing pre-tendered contract may be possible, without the need to re-advertise or re-tender. All requirements for contracts modifications and variations must be requested through Commercial Services for further advice. Variations to contracts must be signed as follows:

Cumulative Value of Contract	Signature on behalf of the Commissioner
Up to £100,000	Head of Commercial Services (or the Commissioner or Chief Executive of the SCO, if it is SCO budget)
Up to £1,000,000	Chief Finance Officer (or the Commissioner or Chief Executive of the SCO, if it is SCO budget)
Over £1,000,000	The Commissioner or the Chief Executive of the SCO
Any Contracts which has been sealed by deed, or where any Variation is required to be sealed as a deed	The Commissioner or the Chief Executive of the SCO

Further, confirmation of budgetary approval must be obtained and sent to Commercial Services before any Variation Agreement is signed.

## 17. TERM OF CONTRACT



- 17.1 The term of a contract may be extended with the approval of the relevant body, if there is provision within the contract terms and conditions to extend and if confirmation of budgetary provision has been agreed by the Chief Finance Officer (if the cumulative value less than £1,000,000 or the Chief Executive of the SCO if the budget is SCO, or if the cumulative value of the extension is over £1,000,000). If the contract has already been extended to the full extent within the provisions of the existing contract, it cannot be extended further.
- 17.2 The contract term cannot be extended where this would result in the value of the contract exceeding the European procurement threshold, would make a fundamental change to the contract award previously made or extending the contract period not previously identified in the contract.
- 17.3 Commercial Services must be engaged if a contract needs to be terminated before its expiry.

## 18. DATA PROTECTION

The General Data Protection Regulation (GDPR) is a compliance standard intended to strengthen data protection for individuals across the European Union. All contracts need to be scrutinised to confirm if the GDPR regulation applies to them and if so identify why and how personal data is to be processed. The following will need to be considered before a contract is entered in to.

Any contract that is identified as GDPR compliant must demonstrate accountability and transparency in all decisions regarding personal data processing activities, therefore confirmation of data specific terms and conditions need to be scrutinised by either the Chief Information Officer, Data Protection Officer, Deputy Data Protection Officer, Security Information Officer or Commercial Services before the contract is entered into.

## 19. MODERN SLAVERY

Modern Slavery forms a key part of any contract or tender process. There is now a modern slavery statement of which The Commissioner and Staffordshire Fire & Rescue adhere to. The modern slavery statement is below;



Modern Slavery and  
Human Trafficking Sta

## 20. EXEMPTION FORM

Please find a copy of the Exemption form.



008\_Exemption  
Template\_v1.0.docx

## **Appendix A – Exemption to Contract Standing Orders Form**

Please complete all sections of this form, failure to complete the required sections may result in the form being returned to you.

**Please note:** Completion of this form does not guarantee approval.  
**Please return this form and direct any queries to Commercial Services.**

---

### **1. Requesters Details**

**Name:**

**Job title:**

**Directorate:**

**Tel:**

**Email:**

**Date:**

### **2. Contract Details**

**Contract Title:**

**Contract Reference number:**

**Budget funding Stream:**

**Start Date and Duration:**



**Estimated Annual Value:**

**Estimated Total Contract Value:**

**Supplier Name:**

**Details of Goods / services to be provided:**

### 3. Exemption Details

**3a. Which Orders are you seeking an exemption from (Please check relevant box)?**

- Requirement to seek three (3) quotes for total expenditure between £10,000 and £24,999
- Requirement to formally tender for expenditure £25,000 and above

**3b. Reasons for the request;**

- 12.10.3.1** Where goods, works or services can only be obtained from one source;



**12.10.3.2** Where it is deemed an extreme urgency;

**12.10.3.3** Where the marketplace is limited and/or restricted (e.g. by quality standards);

**Additional Comments:**

**4. Commercial Services Comments:**

(This section is to be completed by the Commercial Business Partner or Procurement Officer, Outlining their views on the request, it does not however, constitute an approval even if it supports the exemption).

**Name:**

**Signature:**

**Date:**



### 5. Approval/ Rejection with Reasons

(Should this 'Exemption to Standing Orders' be approved by the relevant authorised signatory, the provider may be subject to a financial check, any provider failing this check will not be added to the Force procurement system and no order will be placed).

In the event that the exemption is approved and once a formal order has been placed, the relevant Procurement Lead **must** ensure that for all spend exceeding £25,000, an 'award notice' is published through EU Supply/Contracts Finder.

**Name:** John Bloomer

**Title:** Chief Finance Officer

**Signature:** .....

**Date:** .....