

## Section 4a

# Decision Making Policy

## Staffordshire Commissioner's Office

### Introduction

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#### 1. Purpose

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

#### 2. Decision Making Framework

- 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.
- 2.2. Decisions taken by the Staffordshire Commissioner arise from the statutory duties. The statutory framework for decision making by the Staffordshire Commissioner consists of:
  - a. Police Reform and Social Responsibility Act 2011 which sets out the functions of the Staffordshire Commissioner and provides the legal framework for decision making.<sup>1</sup>
  - b. Police and Crime Commissioner Elections (Declaration of Acceptance of Office) requires the Staffordshire Commissioner to swear an oath of operational impartiality. It commits the Staffordshire Commissioner to serve local people without fear or favour and set out publicly the commitment to tackling the role with integrity, impartiality and fairness.<sup>2</sup>
  - c. The Police Reform and Social Responsibility Act 2011 sets out the functions of Staffordshire's Police, Fire and Crime Panel which is required to review and scrutinise decisions made by the Staffordshire Commissioner.<sup>3</sup>

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<sup>1</sup> s5-10 Police Reform and Social Responsibility Act 2011,

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

<sup>3</sup> s28 Police Reform and Social Responsibility Act 2011

- d. The Policing Protocol sets out the framework within which the Staffordshire Commissioner and the Chief Constable should work. The Protocol requires all parties, including the Staffordshire Commissioner and Office Staff to abide by the Nolan Principles.<sup>4</sup>
- e. The Financial Management Code of Practice for the Police Service provides clarity around the financial governance arrangements and specifies the need to embed the principles of good governance into the way the Staffordshire Commissioner operates. The Code requires the Staffordshire Commissioner and the Chief Constable to establish a Joint Audit Committee, with the Committee recommended to consider internal and external audit reports and advice according to good governance principles and appropriate risk management arrangements.<sup>5</sup>
- f. The Elected Local Policing Bodies (Specified Information) Order 2011, the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 and The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 specify the information that must be published by the Staffordshire Commissioner<sup>6</sup> and includes specific reference to decisions.<sup>7</sup> It sets out both the time scales and requirements for recording and publication of decisions and related policies.<sup>8</sup>

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

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<sup>4</sup> Para 10 The Policing Protocol Order 2011

<sup>5</sup> Financial Management Code of Practice for the Police Forces of England and Wales October 2013

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

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

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

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

## Approach to Decision Making

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### 3. Approach to Decision Making

- 3.1. The decision making by the 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.
- 3.2. The key to achieving well informed decisions is through a sound process, good management and effective leadership.
- 3.3. The following checklist will be used in advance of making key strategic decisions:
- a. **Understanding local needs**, resources and priorities and consider the views of partners and stakeholders
  - b. Based on the knowledge **agree outcomes** and how they can be delivered effectively, efficiently, equitably and sustainably
  - c. Establish all the **relevant and material facts**
  - d. **Consult** those who might reasonably consider they would be adversely or significantly affected
  - e. Seek appropriate **specialist advice**
  - f. Consider **all reasonable courses of action** open to the Staffordshire Commissioner
  - g. Ensuring **value for money** is obtained
  - h. Consider **risk, performance and financial information**
- 3.4. Proposed decisions of significant public interest, will be made by the Staffordshire Commissioner's Office Senior Management and Executive Officers of the Force. The full details of all these decisions will be recorded on the Staffordshire Commissioner's decision form template.
- 3.5. Decisions forms will only be ratified and published on the Staffordshire Commissioner's website once :-
- Completed by the Originating Officer, S151 Officer and Monitoring Officer including the declaration section (page 7)
  - Approved and signed by the Staffordshire Commissioner's Chief Executive (page 2)

- Approved and signed by the Staffordshire Commissioner (page 7)
- Accompanied by a completed Equality Impact Assessment form

#### 4. Urgent Key Decisions

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

#### 5. Contentious Issues/Decisions

5.1. Occasions will arise when the 'line' between strategic and operational will be ambiguous. These issues/decisions will be classified as 'contentious'. To avoid possible conflict in who should take the decision the principle of 'due regard' will be employed.

5.2. Contentious decisions can be defined as those of a political nature, matters of a high public/media interest, matters likely to impact on a community/communities, high risk issues (e.g. Upon Significant financial risk, reputation, public confidence) and could include the following:-

5.3. Actions that conflict with priorities set out in the Staffordshire Commissioners Police and Crime Plan that will impact on the delivery of the plans outcomes.

5.4. Policy changes – A decision that has a direct impact on local communities, for example the re-organisation of local policing.

5.5. Political issues – These could be any number of areas and a checklist could be derived from the Police and Crime Plan.

## Principles of Decision Making

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### 6. The principles of decision making are:

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

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

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

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

## **6.3. Decisions will make use of risk management information**

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

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

The Staffordshire Commissioner will make use of 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.

## **6.5. 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.

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

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

## **8. Decisions of Significant Public Interest**

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

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

- a. Any decisions with any impact on the community, expenditure in excess of £1 million per contract, or any decision that would be of obvious interest to the media or the general public;

- b. Any decisions leading to a requirement to publish any item of specified information by the Elected Local Policing bodies (specified information) Order 2011 (“the Order”);<sup>10</sup>
- c. Any decisions to issue or vary a Police and Crime Plan under Section 5 of the Act,<sup>11</sup> or to consult the Chief Constable regarding the draft of such a plan, to submit a draft to the Police, Fire and Crime Panel for Staffordshire or respond to any report or recommendation from the Panel;<sup>12</sup>
- d. Any decision to submit an Annual Report to the Police, Fire and Crime Panel as required by Section 12 of the Act,<sup>13</sup> or to respond to any report or recommendation of the Panel regarding an Annual Report;<sup>14</sup>
- e. Any decision to supply or withhold any information requested by the Police, Fire and Crime Panel under Section 13 of the Act,<sup>15</sup> but if the decision is to withhold information neither the information nor the reasons for withholding it will be disclosed;<sup>16</sup>
- f. Any decision regarding arrangements for obtaining the views of the community under Section 96 of the Police Act 1996 as amended; <sup>17</sup>
- g. Any decision to appoint any person (Whether or not employed by the Staffordshire Commissioner or any other body) or to designate any person as having specific duties or responsibilities under Section 16 of the Act;<sup>18</sup>
- h. Any decision to appoint any person as Deputy Police and Crime Commissioner under Section 18 of the Act;<sup>19</sup>
- i. Any decision to approve or amend the Corporate Governance framework, scheme of Delegation/Consent, Financial Regulations or Contract Standing Order, and the Governance Arrangements (i.e. the scrutiny and Decision Framework);
- j. Any decision to appoint,<sup>20</sup> remove<sup>21</sup> or suspend <sup>22</sup>the Chief Constable under Section 38 of the Act, save that in case of suspension, reasons for the decision may not be published or at all;
- k. Any response to a consultation initiated by the Chief Constable under Section 39 or 40 of the Act regarding the number of Deputy Chief Constables<sup>23</sup> and Assistant Chief Constables<sup>24</sup> to be appointed or the appointment of any person to such office;
- l. Any decision to enter into<sup>25</sup>, withdraw from<sup>26</sup>, or vary any collaboration agreement <sup>27</sup>entered into under Section 22A of the Police Act 1996;
- m. Any decision relating to complaints and conduct matters concerning the Chief Constable and any decision to direct the Chief Constable to comply with obligations in regard to complaints (schedule 14, para 7 of the Act); and<sup>28</sup>
- n. Any decision to enter into,<sup>29</sup> withdraw from, or vary any combination agreement under the Crime and Disorder Act 1998 (schedule 11 of the Act).<sup>30</sup>

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- <sup>10</sup> Para 5 The Elected Local Policing bodies (specified information) Order 2011
  - <sup>11</sup> s5(4) Police Reform and Social Responsibility Act 2011
  - <sup>12</sup> s5 (6) Police Reform and Social Responsibility Act 2011
  - <sup>13</sup> s12(1) Police Reform and Social Responsibility Act 2011
  - <sup>14</sup> s12(4) Police Reform and Social Responsibility Act 2011
  - <sup>15</sup> s13 (1) Police Reform and Social Responsibility Act 2011
  - <sup>16</sup> s13 (2) Police Reform and Social Responsibility Act 2011
  - <sup>17</sup> s96(1) Police Act 1996 as amended by S14 Police Reform and Social Responsibility Act 2011
  - <sup>18</sup> s16 (1) Police Reform and Social Responsibility Act 2011
  - <sup>19</sup> s18 (1)(a) Police Reform and Social Responsibility Act 2011
  - <sup>20</sup> s38 (1) Police Reform and Social Responsibility Act 2011
  - <sup>21</sup> s38 (3) Police Reform and Social Responsibility Act 2011
  - <sup>22</sup> s38 (2) Police Reform and Social Responsibility Act 2011
  - <sup>23</sup> s39 (2) Police Reform and Social Responsibility Act 2011
  - <sup>24</sup> s40 (2) Police Reform and Social Responsibility Act 2011
  - <sup>25</sup> s22A(1) Police Act 1996
  - <sup>26</sup> s23C(4) Police Reform and Social Responsibility Act 2011
  - <sup>27</sup> s23C(5) Police Reform and Social Responsibility Act 2011
  - <sup>28</sup> Schedule 14 Para 7 Police Reform and Social Responsibility Act 2011
  - <sup>29</sup> Schedule 11 Para 2 Police Reform and Social Responsibility Act 2011
  - <sup>30</sup> Schedule 11 Para 3 Police Reform and Social Responsibility Act 2011

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

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

**3: Publication of Decisions**

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**10. Publication of decisions**

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

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

**11. Forward Plan**

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

**12. Exclusions**

There will be occasions when some information has to remain confidential, for example issues of national security, safety of individuals or where this could prejudice the administration of justice.

Decision related information may also be restricted where security restrictions are placed on the information held by the Police. Upon occasion, where deemed appropriate:-

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

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

**13. Review**

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

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

## Appendix A: Relevant Legislation

1. [Police Reform and Social Responsibility Act 2011](#)
2. [The Police and Crime Commissioner Elections \(Declaration of Acceptance of Office\) Order 2012](#)
3. [The Policing Protocol Order 2011](#)
4. [Financial Management Code of Practice for the Police Forces of England and Wales October 2013](#)
5. [The Elected Local Policing Bodies \(Specified Information\) Order 2011](#)
6. [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2012](#)
7. [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2021](#)
7. [Local Government Act 1974](#)
8. [Police Act 1996](#)

Appendix B: Decision Template

**Decision Note – [INSERT TITLE]**

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**REQUEST FOR DECISION BY THE STAFFORDSHIRE COMMISSIONER**

	<b>Policing:</b>	<b>Crime:</b>	<b>Fire &amp; Rescue:</b>
<b>This decision relates to:</b>			

**APPROVAL (for completion by Staffordshire Commissioner only)**

**Rationale for approval**

**STAFFORDSHIRE COMMISSIONER**

**Signature**

**Date**

Date decision required by:

If an urgent approval is required, please state reasons:

**For completion by Staffordshire Commissioner's Office only:-**

Decision Number:

Date Received:

	Yes	No
Has the required decision been considered under the guidance of the Staffordshire Commissioner's Decision Making Policy?		
Has the required decision been deemed to be a Key Decision as defined within the Staffordshire Commissioner's Decision Making Policy?		
Who is empowered to make the required decision?		

Title	
<b>Summary:</b>	
<b>Recommendation:</b>	

**Chief Executive**

I hereby approve the recommendation for consideration.

Signature

Date

**REPORT AND ADVICE TO THE STAFFORDSHIRE COMMISSIONER**

**2. Introduction and background**

**3. Issues for consideration**

**4. What other options have been considered?**

**5. Consultation and Engagement undertaken**

**Report Implications**

**6. Monitoring Officer comments:**

Signature	Date
<b>7. Section 151 Officer comments:</b>	
Signature	Date

	Yes	No
Has legal advice (outside of that provided by the Monitoring Officer) been sought on the content of this report?		
<b>8. Legal Comments:</b>		
<b>9. Equality Comments – please attach the completed EIA</b>		
<b>10. Background/supporting paper</b>		
<b>Please answer the following questions</b>		
<b>11. Public access to information?</b>		
<b>12. Does this decision involve the processing of personal data? (If yes please attach a completed Data Impact Assessment)</b>		
<b>13. Is the publication of this form to be deferred? (If yes approx. how long?)</b>		
<b>14. Does this form contain commercial or operationally sensitive information which is to be redacted? (If yes, please provide details with the submission of this note)</b>		

**15. ORIGINATING OFFICER DECLARATION:**

<b>Author</b>	
<b>Signed</b>	
<b>Date</b>	