

## Section 4b

# Joint Scheme of Delegation and Consent Staffordshire Commissioner and Chief Constable

---

### 1 Purpose

- 1.1 The Joint Scheme of Delegation and Consent details the key roles of the Staffordshire Commissioner, and those functions designated by the Staffordshire Commissioner to the Deputy Staffordshire Commissioner, Chief Executive, and Director of Finance. They also detail the key role of the Chief Constable and the powers that are delegated by the Chief Constable to the Deputy Chief Constable, the Chief Constable's Chief Financial Officer, the Chief Constable's Director of People and Resources, and the Chief Constable's Director of Legal Services.
- 1.2 The Joint Scheme of Delegation and Consent forms part of the Staffordshire Commissioner's and Chief Constable's governance framework to ensure that business is carried out efficiently without unnecessarily delaying decisions. They should be read in the context of the Statement of Corporate Governance and the Code of Corporate Governance.
- 1.3 The Scheme includes, but is not limited to, formal delegations by the Staffordshire Commissioner and Chief Constable. It also includes activities where the Chief Constable when acting in their own right and/or exercising their power of directing or controlling; in such a way that is reasonable to assist the Staffordshire Commissioner to perform their functions.
- 1.4 The powers set out in the Joint Scheme of Delegation and Consent should be exercised in accordance with the Staffordshire Commissioner's consent, the law, standing orders and financial regulations, and also policies, procedures, plans, strategies and budgets. It does not identify all the statutory duties which are contained in specific legislation and regulation.
- 1.5 In summary, the Joint Scheme of Delegation and Consent will:
  - a. Define the key role of the Staffordshire Commissioner, the Chief Constable and other Chief Officers
  - b. Set out the functions the Staffordshire Commissioner and the Chief Constable cannot delegate
  - c. Set out the powers and activities delegated by the Staffordshire Commissioner and the Chief Constable to others to undertake on their behalf and in their name

- d. Set out the powers and activities given consent by the Staffordshire Commissioner to the Chief Constable.

## 2 Definitions

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

“ The Act” The Police Reform and Social Responsibility Act 2011

### **Staffordshire Commissioners Office (SCO)**

“Staffordshire Commissioner (SC)” The person occupying the office of Police, Fire and Rescue and Crime Commissioner for Staffordshire

“Deputy Staffordshire Commissioner (Deputy SC)” A member of the SC’s officials who may exercise the functions of the SC where delegated and in accordance with the Act

“Staffordshire Commissioner’s Chief Executive ” The head of the SC’s officials appointed under paragraph 6 (1)(a) of Schedule 1 to the Act

“Staffordshire Commissioner’s Director of Finance and S151 Officer” referred to as “Staffordshire Commissioner’s Chief Finance Officer” (CFO) The S151 officer with responsibility for the proper administration of the SC’s financial affairs appointed under paragraph 6(1)(b) of Schedule 1 to the Act. Section 151 of the Local Government Act 1972 requires the SC and CC to make arrangements for the proper administration of their financial affairs and to appoint a CFO to have responsibility for those arrangements Note – the same officer cannot hold s151 and Monitoring Officer posts.

“Staffordshire Commissioner’s Monitoring Officer” This function is performed by the “SC’s Chief Executive “under s5 of the Local Government and Housing Act 1989

“Staffordshire Commissioner’s Deputy Monitoring Officer” This function can be performed by an official of the SC other than the SC’s Chief Finance Officer s5 (1)b of the Local Government and Housing Act 1989.

“Director of Joint Legal Services” The person designated as such and who has been appointed as legal advisor to the CC and where appropriate to the SC.

“Official (s) of the SC” Person(s) employed by the SC

## The Chief Constable

“Chief Constable (CC)”	The person appointed under s2 of the Act
“Deputy Chief Constable (Deputy CC)”	The person appointed in accordance with Section 39(1) of the Police Reform and Social Responsibility Act 2011 and whose powers are defined under Section 41 of that Act
“Chief Constable’s Chief Finance Officer” and “S151 Officer”	The person responsible for the proper administration of the Police Force’s financial affairs under paragraph 4(2)(1) of Schedule 2 to the Act
“Chief Constable’s Director of People and Resources”	The person responsible for the strategic direction of the force’s enabling services and force’s organisational culture.
“Director of Joint Legal Services”	The person designated as such and who has been appointed as legal advisor to the CC and where appropriate to the SC.
“Chief Constable’s Staff or Police Staff employed by the Chief Constable”	Persons employed by the CC

### 3 Public Accountability

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

# Part 1: Scheme of Delegation

---

## 1 General Principles of Delegation

- 1.1 The SC and CC have the discretion to limit and/or withdraw the powers delegated by them at any time, provided that the reasons for doing so are documented in writing. They may ask that a specific matter is referred to them for a decision and not dealt with under powers/function of delegation.
- 1.2 Any person to whom powers/functions have been delegated under the Scheme may refer the matter back to the SC or CC for a decision, if that person thinks this is appropriate, for example, due to reputationally sensitive issues or decisions with novel, contentious, or repercussive implications.
- 1.3 All significant decisions made under delegations from the SC or CC must be recorded and available for inspection.
- 1.4 When a person is considering a matter that impacts upon another person's area of responsibility, they should consult that person before proceeding with any decision.
- 1.5 This Scheme does not attempt to list all matters which form part of everyday management responsibilities.
- 1.6 This Scheme of Delegation provides named post holders with the authority to undertake the duties of the SC or CC. Whilst undertaking these duties the named post holders must comply with all other relevant statutory and regulatory requirements as follows:
  - a. The Act and other relevant legislation issued under the Act
  - b. Financial Regulations
  - c. Home Office Financial Management Code of Practice (2013) for the police service
  - d. CIPFA Statement on the role of the Chief Finance Officer of the SCO and CC
  - e. Contracts Regulations and Contract Standing Orders
  - f. SC and Staffordshire Police employment policies and procedures
  - g. Joint Governance Framework
  - h. Data Protection Act 1998, General Data Protection Regulation (UK GDPR) 2018 and the Freedom of Information Act 2000
  - i. Health and Safety at Work legislation and codes
  - j. The Equality Act 2010 and The Equality Act (Amendment) Regulations 2023 and related equality and diversity regulation and guidance
  - k. Code of Practice for Ethical Policing 2014 and the College of Policing Code of Ethics
  - l. The Police Conduct Regulations 2020.

- 1.7 Individuals are responsible for ensuring that officials they supervise are aware of the provisions and obligations of this Scheme of Delegation and governance framework.

## **2. Staffordshire Commissioners Office**

### **Role of the Staffordshire Commissioner**

- 2.1 The Police and Crime Commissioner (Staffordshire Commissioner) within each Force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public.
- 2.2 The SC is the recipient of all funding, including the government grant and precept and other sources of income related to policing and crime reduction. All funding for the Force must come via the SC. How this money is allocated is a matter for the SC in consultation with the CC, or in accordance with any grant terms. The CC will provide professional advice and recommendations.

### **Function of the Staffordshire Commissioner**

- 2.3 The SC has the legal duty to:
- a. Set the strategic direction and priorities of the Force through the Police and Crime Plan (“the Plan”), which must have regard to the Strategic Policing Requirement set by the Home Office, Secretary of State;<sup>1</sup>
  - b. Scrutinise, support and challenge the overall performance of the Force including against the priorities agreed within the Plan;
  - c. Hold the CC to account for the performance of the Force’s officers and staff;
  - d. Decide the budget, allocating assets and funds to the CC; and set the precept for the Force area,
  - e. Appoint the CC;
  - f. Remove the CC subject to following the process set out in part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996(a);
  - g. Maintain an efficient and effective police Force for the police area;
  - h. Enter into collaboration agreements with other Police and Crime Commissioners, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police Forces in consultation with the CC (where it relates to the functions of the police Force, then it must be with the agreement of the CC);
  - i. Provide the local link between the police and communities, (working towards translating the legitimate desires and aspirations of the public into action);
  - j. Hold the CC to account for the exercise of the functions of the office of CC and the functions of the persons under the direction and control of the CC;

---

<sup>1</sup> PCCs and chief constables are expected to plan and prepare, together or in support of national arrangements, to address threats and are expected to work collaboratively across force boundaries to determine the most effective and cost-efficient manner of implementation in order to maintain sufficient levels of appropriate resource to meet operational needs. PCCs should hold chief constables to account and must have regard to the requirement for each national threat when setting their local police and crime plans (Home Office, Strategic Policing requirement, 2015).

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

## Application

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

### **Urgent provisions**

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

- 2.18 Urgent decisions taken must be reported to the SC as soon as practicably possible.
- 2.19 This applies to periods of leave and short periods of absence, in longer term absence, the Police & Crime Panel will seek to appoint a temporary SC. Until that appointment, the Chief Executive will continue to exercise the functions of the SC.

## **Functions delegated to the Staffordshire Commissioner's Chief Executive,**

### **General**

- 2.20 The Chief Executive is a statutory role whose primary function is to act as the head of the SC paid service under Section 4 of the Local Government and Housing Act 1989.
- 2.21 To act as a Monitoring Officer under Section 5(1) Local Government and Housing Act 1989 and to act as SIRO for the SCO.
- 2.22 To prepare the Police and Crime Plan in consultation with Staffordshire Police for submission to the SC.
- 2.23 To ensure, in consultation with the CC, appropriate arrangements are made to gather the community's views on the policing of Staffordshire and Stoke-on-Trent and preventing crime.
- 2.24 To prepare an Annual Report for submission by the SC to the Panel on the SC's delivery against the priorities set out in the Police and Crime Plan.
- 2.25 To provide information to the Panel to carry out its functions.
- 2.26 To execute all contracts on behalf of the SC and Deputy SC in accordance with any decisions made by them.
- 2.27 To consider and approve, in consultation with the Director of Finance the indemnity to the SC and Deputy SC in accordance with the Local Authorities (Indemnities for Member and Officers) Order 2004.
- 2.28 To affix the common seal of the SC in line with Contract Standing Orders to:
- a. All contracts, agreements or transactions; in respect of which there is no consideration;
  - b. All contracts that are at or above the value set out in Annex 6 & 7 of the Contract Standing Orders over the life of the contract;
  - c. All deeds which grant or convey an interest in land;
  - d. All documents where it is determined by the SC that there is a particular need for the seal to be attached.
- 2.29 To monitor all complaints made against officials of the SC on behalf of the SC.

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

### **Financial**

- 2.33 The financial management responsibilities of the Chief Executive are set out in the financial regulations.
- 2.34 To manage the SC budget, along with the Director of Finance, particularly with regard to:
  - a. Ordering goods and services and paying for them if provided for the revenue budget;
  - b. Seeking and accepting quotations and tenders for goods and services provided for in the revenue budget.
- 2.35 To fix fees for copies of documents and extracts of documents requested by members of the public from the SC under the Freedom of Information Act 2000 and Data Protection Act 2018 alongside the General Data Protection Act (GDPR).
- 2.36 To sign all contracts on behalf of the SC in accordance with decisions made and the Contract Standing Orders. The SC has through Standing Orders authorised the CC Chief Finance Officer to sign all contracts under the value of £1 million or otherwise determined by Standing Orders.
- 2.37 Further authority has been delegated to the Director of Commissioning and Partnerships to sign any contract up to the value of £500,000.

### **Human Resources**

- 2.38 To appoint, dismiss and undertake the management of officials employed by the SC, in consultation with the SC and in line with agreed policies and procedures operated by Staffordshire Police.
- 2.39 To make recommendations to the SC, in consultation with the Director of Finance, with regard to additional payments made to SC officials in accordance with their terms and conditions of service as set in the Police Staff Council Handbook and any local collective agreements operated by Staffordshire Police. This includes the approval of payments under any bonus or performance-related payment schemes for officials employed by the SC, honoraria payments made for additional duties and responsibilities and the granting of essential or casual car user allowances.

- 2.40 To implement national and local collective agreements on salaries, terms and conditions for officials employed by the SC in line with those operated by Staffordshire Police, providing that any issues which are sensitive or have major financial implications will be referred to the SC for a decision. This includes negotiating with recognised trade unions and staff associations on any matters in relation to officials employed by the SC that can be decided locally. All agreements reached must be reported to the SC.
- 2.41 To approve the retirement of officials employed by the SC 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 SC before implementation.
- 2.42 To ensure settlement of employment tribunal cases and grievances of officials employed by the SC with the exception of those cases felt to be exceptional because: they involve a high profile claimant; there is a particular public interest in the case; or there is a real risk that the SC or CC will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- 2.43 To appoint, and terminate if necessary, Independent Custody Visitors.
- 2.44 To authorise, after consultation with the SC, in line with staff conditions of service, the suspension of any official employed by the SC.
- 2.45 To consider, with the SC, any complaint made against the CC, and where appropriate, to make arrangements for appointing an officer to investigate the complaint or an independent third party to undertake an investigation.

To deliver through the SCO Independent Review Manager a complaints review function with appropriate procedures commensurate with The Police Conduct Regulations 2020 and the requirement for increased independent oversight of the police by the SC.

- 2.46 To issue exemption certificates to officials employed by the SC whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 2.47 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.
- 2.48 Support and advice may be commissioned from the Force's People Services department in relation to the above points and / or other human resource related matters as appropriate.

## Legal

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

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

- 2.51 To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on the SC's behalf, in consultation with the CC, legal adviser (and the SC Director of Finance and CC Chief Finance Officer if there are novel, contentious, or repercussive financial implications).
- 2.52 To make arrangements to institute, defend or participate in any legal proceedings in any case where such action is necessary.
- 2.53 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the SC.

#### **Other**

- 2.54 To consider whether, in consultation with the Director of Finance, to provide indemnity to the SC (and Deputy SC) in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004 and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- 2.55 To consider and approve, in consultation with the Director of Finance, provision of indemnity and/or insurance to officials of the SC in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.
- 2.56 To respond to consultations on proposals that affect the SC, following consultation with the SC, the Director of Finance and the CC where appropriate.
- 2.57 To exercise at the request of the CC power of the SC under the Police (Property) Regulations 1997 to approve the keeping of unclaimed property if it can be used for police purposes.

- 2.58 To approve payment to Officers in respect of unpaid Compensation Orders awarded to any officer by an appropriate Court, subject to provisions in the Contract Standing Orders.

### **Functions delegated to the Staffordshire Commissioners Director of Finance**

The Director of Finance is the financial advisor to the SC and has statutory responsibility to manage their financial affairs as detailed in Sections 112 and 114 of the Local Government Finance Act 1988, and the Account and Audit Regulations (England) 2011. They must ensure that the financial affairs of the SC are properly administered having regard to their probity, legality and relevant standards.

- 2.59 To approve the arrangements for the Treasury management function including the day to day management, production of Treasury management strategy and supporting policies and procedures.
- 2.60 To approve the arrangement for securing and preparing the SC's accounts, and seek assurances that there are appropriate arrangements in place for the force's accounts.
- 2.61 To approve the opening of all bank accounts.
- 2.62 To undertake the day to day management of the SC's budget.
- 2.63 To commit expenditure within the SC's approved budget to meet the policies and objectives agreed with the SC and reflected in the Policing Plan.
- 2.64 To manage grants awarded to the SC or Deputy SC.
- 2.65 To prepare from time to time, draft financial and contract regulations, in consultation with, and having due regard to the view of the Force, for approval by the SC.
- 2.66 To act as money laundering reporting officer under the Proceeds of Crime Act 2002, and Money Laundering Regulations 2003 or other appropriate legislation from time to time in force.
- 2.67 To prepare and annually review a draft expenses and benefits framework for approval by the SC.
- 2.68 To prepare and annually review financial and contract regulations, in consultation with the Force, for approval by the SC or the Deputy SC.
- 2.69 To determine when any goods are surplus to requirements or obsolete and arrange for disposal in line with financial requirements.
- 2.70 To report to the SC and the external any unlawful or potentially unlawful spending by their, or the Force's officers.
- 2.71 To provide for an effective internal audit service.
- 2.72 The SC's Director of Finance is also the SC's nominated section 151 officer.

## Role of the Staffordshire Commissioners Director of Legal Services

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

## 3. Chief Constable

### Role of the Chief Constable

- 3.1 The CC is responsible for maintaining the King's peace and for the direction and control of the Force's police officers and police staff.
- 3.2 The CC is accountable to the law for the exercise of police powers, and to the SC for the delivery of efficient and effective policing, and management of resources and expenditure by the Police Force.
- 3.3 In addition to keeping the peace and enforcing the law, the CC also has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of their functions<sup>2</sup>. This scheme deals with the ways in which certain of the CC's functions will be exercised in a way as is reasonable to assist the SC to exercise their functions.

### Functions of the Chief Constable

- 3.4 The CC is responsible to the public and accountable to the SC for:
- a. Leading the Force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality;
  - b. Appointing the Force's officers and staff (after consultation with the SC, in the case of officers above the rank of Chief Superintendent and police staff equivalents);
  - c. Supporting the SC in the delivery of the strategy and objectives set out in the Plan;
  - d. Assisting the SC in planning the Force's budget; Providing the SC with access to information, officers and staff as required (in line with the SC function as set out in 2.5 above);
  - e. Having regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their Force's national and international policing responsibilities;<sup>3</sup>

---

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

<sup>3</sup> PCCs and chief constables are expected to plan and prepare, together or in support of national arrangements, to address threats and are expected to work collaboratively across force boundaries to determine the most effective and cost-efficient manner

- f. Notifying and briefing the SC of any matter or investigation on which the SC may need to provide public assurance either alone or in company with the CC (all PCCs will be designated as Crown Servants under the Official Secrets Act 1989(a), making them subject to the same duties in relation to sensitive material as Government Ministers);
- g. Being the operational voice of policing in the Force area and regularly explaining to the public the operational actions of officers and staff under their command;
- h. Entering into collaboration agreements with other CC's, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective Policing Bodies Remaining politically independent of the SC;
- i. Remaining politically independent;
- j. Managing all complaints against the Force, its officers and staff, except in relation to the CC, and ensuring that the SC is kept informed in such a way as to enable the SC to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission in line with legislation;
- k. Exercising the power of direction and control in such a way as is reasonable to enable the SC to have access to all necessary information and staff within the Force;
- l. Having day to day responsibility for financial management of the Force within the framework of the agreed budget allocation and levels of authorisation issued by the SC.

### 3.5 Complying with the requirements of the Independent Office for Police Conduct.

#### **Financial**

- 3.6 To ensure that the financial affairs of Staffordshire Police are properly administered having regard to probity, legality, Financial Regulations, and appropriate standards (see sections 3.24 to 3.38 for CC's delegations to the CC's Chief Finance Officer).

---

*of implementation in order to maintain sufficient levels of appropriate resource to meet operational needs. PCCs should hold chief constables to account and must have regard to the requirement for each national threat when setting their local police and crime plans (Home Office, Strategic Policing requirement, 2015).*

## Human Resources

- 3.7 To approve, as far as is allowed by government directives, the numbers, locations, ranks and grading of police staff and police officers within the overall workforce budget provided by the SC This will include the appointment, suspension / dismissal, secondment and retirement of officers above the rank of Chief Superintendent and police staff equivalent as appropriate - the SCO should be consulted on appointment of Assistant Chief Constable and above including police staff equivalents (see sections 3.40 to 3.52 for CC's delegations to the Director of People and Resources).
- 3.8 To ensure that local and national arrangements around terms and conditions are brought in to effect as appropriate.
- 3.9 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme and Police Pension Scheme, in accordance with Internal Dispute Resolution Procedures (IDRP).

## Legal

- 3.10 To ensure that Legal Services are delivered in accordance with the relevant legislation, policies and procedures (see sections 3.54 to 3.57 for CC's delegations to the Director of Joint Legal Services).
- 3.11 The CC is responsible in their own right for settling claims against Police Officers and staff under their direction and control. The CC will report on a regular basis to the SC on claims deemed to be novel, contentious, or repercussive.

## Urgent matters

- 3.12 If any matter which would normally be referred to the CC (or Deputy CC) for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer, i.e. any member of the CC's Executive Management Team (ACC or above) or for financial urgencies, the CC's Chief Finance Officer.
- 3.13 Urgent decisions taken must be reported to the CC as soon as practicably possible.

## Chief Constable Delegation

- 3.14 Senior Managers have powers of delegation to undertake the management of staff employed by the CC in line with agreed policies and procedures (senior managers are Executive Managers, Chief Superintendents and police staff equivalents, and Heads of Department).
- 3.15 All matters properly delegated by the CC to identified individuals may be further delegated where appropriate to roles and responsibilities of the delegate.

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

- 3.16 The Deputy Chief Constable supports the Chief Constable to lead the Force. They assist in creating a vision, direction and culture for the Force that builds public and organisational confidence and trust and enables the delivery of an effective policing service.
- 3.17 The Deputy Chief Constable holds direct operational accountability for the policing response to crime and major and critical incidents and its effective command and leadership.
- 3.18 The Deputy Chief Constable is responsible for the implementation and delivery of the Force's Delivery Plan and the day to day running of the Force in line with the agreed direction and vision, to provide a professional, effective and efficient policing service. The Deputy Chief Constable contributes to the development of regional and national policing within a specific area of expertise and may be accountable for national operations or standard setting.

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

- 3.19 The Deputy CC may exercise or perform any or all of the functions of the CC during any period when the CC is unable to exercise the functions, or otherwise with the approval of the CC.

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

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

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

- 3.24 To ensure that the financial affairs of Staffordshire Police are properly administered having regard to probity, legality, Financial Regulations, and appropriate standards.
- 3.25 To plan the Force's budget in conjunction with the SC.
- 3.26 To approve arrangements for securing and preparing the financial accounts for the Force.
- 3.27 To be responsible for the day to day management of the budget delegated to Staffordshire Police in accordance with financial regulations.
- 3.28 To approve expenditure in line with Financial Regulations unless novel, contentious, or repercussive, to meet policies and objectives agreed with the SC and reflected in the Police and Crime Plan.
- 3.29 In accordance with financial regulations, to vire between budget headings and to notify the SC of the virement through the budget monitoring process.
- 3.30 To approve all agreements for the provision of non-policing services to other organisations within the Force area in line with Financial Regulations. This does not apply to the provision of mutual aid by the CC to another Force under section 24 of the Police Act 1996, or the provision of advice or assistance to international organisations under the Police Act 1996, which are operational matters. However these are subject to consultation with the SC.
- 3.31 To be responsible for financial management of the approved capital programme.
- 3.32 To determine when all other goods are surplus to requirements or obsolete and arrange for their disposal in line with financial regulations and Contract Standing Orders.
- 3.33 To approve the provision of policing services to external bodies, subject to the service provision not being novel, contentious or repercussive, with reports being provided to the SC through the regular quarterly budget monitoring reports.
- 3.34 To approve non exceptional cases in the provision of police advice and assistance to international agencies.

### **Contracts**

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

- 3.37 To approve all unforeseen variations and extensions for contracts in line with Financial Regulations unless novel, contentious, or repercussive.
- 3.38 To approve the early termination of all contracts in line with Financial Regulations, unless novel, contentious, or repercussive, in consultation with the SC.

### **Role of the Chief Constable's Director of Resources**

- 3.39 To determine the strategic direction of the Force for the enabling services, representing the forces interests and those of the communities it serves. To contribute to meeting the priorities of the force through effective people management and day to day management of the force's physical assets, including estates and facilities, fleet, and IT.

### **Chief Constable's Delegations to the Director of Resources**

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

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

### **Role of the Chief Constables Director of Joint Legal Services**

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

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

- 3.54 Settlement of claims against Police Officers and Police Staff under the direction and control of the CC. Claims deemed to be contentious will be reported to the CC on a regular basis.
- 3.55 Institute, defend or participate in legal actions to protect the interests of Staffordshire Police.
- 3.56 Provide advice, institute and defend legal proceedings when requested to do so.
- 3.57 Settlement of employment tribunal cases and grievances of staff under the direction and control of the CC, in consultation with the Director of Resources, with the exception of those cases felt to be novel, contentious, or repercussive because:
- a. They involve a high profile claimant;
  - b. There is a particular public interest in the case;
  - c. There is a real risk that the SC or Staffordshire Police will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed;

- d. They involve Chief Officers.

## Part 2: Scheme of Consent between the Staffordshire Commissioner (SC) and the Chief Constable (CC)

---

### 1 General

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

### Consents

#### Assets and Property

- 2.1 The role of the SC outlined in Part 1 paragraph 2.3 including the specific responsibility to raise revenues, particularly through the precept which cannot be delegated, reinforce the position of retaining ownership of all assets and contracts for the benefit of the public of Staffordshire.

#### VAT

- 2.2 The SC gives consent to the CC to administer the SC's VAT.

#### Legal

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

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