



Decision Making Policy

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1. Purpose

- 1.1 To establish the parameters, approach and principles for decision making in the Office of the Police and Crime Commissioner for Cambridgeshire.
- 1.2 To outline the decision-making process for the Police and Crime Commissioner (the Commissioner).
- 1.3 To outline the recording and publication of decisions made by the Commissioner.

2. Policy Statement

- 2.1 Decisions taken by the Commissioner will primarily arise from discharging their statutory functions: moreover, s.11 of the Police Reform and Social Responsibility Act (the Act) places a statutory duty on the Commissioner to record and publish decisions of significant public interest, arising from the exercise of those statutory functions, whether made by the Commissioner or as a result of a meeting or otherwise. The specified decisions are detailed at 9.1.
- 2.2 The implementation of a robust decision-making process will ensure that the right decisions are taken for the right reason at the right time. This policy seeks to ensure that decisions are reached after careful consideration and to produce more consistent, reliable and objectively sustainable decisions. All decisions will be taken solely in the public interest.
- 2.3 This decision making policy is developed from, and will be implemented alongside, other elements of our Scheme of Governance and has been informed by transitional guidance.

3. Parameters within which Decisions will be Taken

The Statutory Framework

- 3.1 ***Section 1(2) of the Police Reform and Social Responsibility Act 2011 (the Act)*** creates the Commissioner as a corporation sole and the functions of the Commissioner are set out in Section 1 (5) – (8). The Chief Constable is also established as a corporation sole. The importance of the corporation sole model in decision making terms is that, as artificial creatures of statute, they can only do the things that the legislation expressly says they can do.

- 3.2 ***The Police and Crime Commissioners Elections (Declaration of Acceptance of Office) Order 2012*** specifies the form of declaration of acceptance of office required to be made by Police and Crime Commissioners under section 70(1)(a) of the Police Reform and Social Responsibility Act 2011. The declaration is an oath of impartiality. It enables them to set out their commitment to serving all local people and acting with integrity and diligence, while recognising the operational independence of the police service. It confirms that decisions will be made transparently and with integrity.
- 3.3 ***The Act also sets out the functions of the Police and Crime Panel*** and requires it to review or scrutinise decisions made by the Commissioner. Some of the decisions have to be considered in a particular way and at specific times such as the proposed precept, although the approach for the general responsibility to review or scrutinise decisions made by the Commissioner in the exercise of their functions will be determined by the Panel.
- 3.4 ***The Policing Protocol Order 2011*** requires all parties to abide by the seven Nolan Principles (see Appendix 1) and these will be central to the conduct and behaviour of all. It also highlights the expectation that the relationship between all parties will be based upon the principles of goodwill, professionalism, openness and trust.
- 3.5 ***The Commissioner must have regard to the Financial Management Code of Practice for the Police Service of England and Wales*** which provides clarity around the financial governance arrangements and specifies the need to embed the principles of good governance into the way the Office of the Commissioner operates.
- 3.6 ***The Financial Management Code of Practice*** states that the Commissioner and Chief Constable should establish an independent Audit Committee. It is recommended that the Committee considers internal and external audit reports and advise according to good governance principles and appropriate risk management arrangements. It should also have regard to the CIPFA guidance on Audit Committees.
- 3.7 ***The Elected Local Policing Bodies (Specified Information) Order 2011*** specifies the information that must be published by the Commissioner, including specific reference to decisions. It sets out both time scales and requirements for recording and publication of decisions and related policies. Further regulations provide detail of the information that both the Commissioner and Chief Constable must make publically available as part of their transparent governance arrangements.
- 3.8 ***Under the Act, the Office of the Police and Crime Commissioner*** can be subject to investigation by the Local Government Ombudsman for any allegations or apparent maladministration in connection with the exercise of its administrative duties.

4. Local Controls and Mechanisms

- 4.1 In order to ensure good governance in relation to decision making the Commissioner will have arrangements in place which will cover the Commissioner's Scheme of Governance, Financial Regulations, Contract Standing Orders, localised Protocol, a joint risk register as well as a register of interests, gifts and hospitality.
- 4.2 The Commissioner's Scheme of Governance sets out the delegations by the Commissioner to a Deputy Police and Crime Commissioner (Deputy Commissioner) (if appointed), the Chief Executive and the Police Force via senior officers such as the Chief Constable's Chief Finance Officer. It forms part of the overall corporate governance framework of the two corporations sole.
- 4.3 The Financial Regulations and Contract Standing Orders will prescribe the procedural arrangements and financial limits for decisions taken by the Chief Constable's staff.
- 4.4 The localised Protocol will set out the Commissioner's, Chief Constable's and Police and Crime Panel's commitment to working co-operatively and effectively and the procedural arrangements for doing so.
- 4.5 The joint Chief Constable and Commissioner approach to risk and the joint risk register will provide assurance that the decisions made take account of the organisational risks.
- 4.6 As a commitment to transparent decision-making, the register of interests, gifts and hospitality will be regularly published on the Commissioner's website.

5. Approach to Decision-Making

- 5.1 The decisions taken by the Commissioner will primarily arise from discharging their statutory functions, as set out in 9.1.
- 5.2 The Commissioner will need to demonstrate probity and regularity in their decision-making, not just as a matter of good governance but also as a matter of law. Therefore, the approach to decision making will be in accordance with to the ***Good Governance Standard for Public Services***.
- 5.3 Decisions will range from single, internally focussed, low impact decisions (e.g. issues relating to governance), through to those of significant public interest, consequences and cost. There are several factors that will be taken into account, in line with the principles of the Freedom of Information Act, when deciding on the potential level of public interest that might be generated.

6. Principles of Decision-Making

6.1 *Taking informed, transparent decisions and managing risk*

In order to make well informed decisions the Commissioner will give proper consideration to all relevant parties. Arrangements shall be made for obtaining the views of people in the area about matters concerning the policing Cambridgeshire, and their co-operation with the police in preventing crime in Cambridgeshire. The degree of involvement will depend on the scale of public interest.

Those arrangements must include obtaining the views of the people in Cambridgeshire and the views of the victims of crime in Cambridgeshire before a Police and Crime Plan is issued.

Forthcoming major decisions will be listed on the Commissioner's website and engagement will be undertaken with relevant stakeholders informed by the engagement matrix as set out below at 11.3. The Scheme of Governance (Delegation) sets out the decisions to be taken by the Commissioner and those to be taken by others.

6.2 *Having and using 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 Commissioner's objectives or have unintended consequences.

6.3 *Making sure that an effective risk management system is in operation*

The risk register and risk matrix will be used to enable effective and transparent decision making, determine the handling of key priorities and identify when additional work is required before a decision is made.

6.4 *Be lawful, reasonable, fair and proportionate*

The Act requires the Commissioner to appoint two key personnel: a Chief Executive who must fulfil the role of monitoring officer and a Chief Finance Officer. Both roles are part of the legal framework for ensuring that it is someone's specific duty to report any contravention of the law or maladministration, including that appertaining to decision making.

6.5 *All decisions of significant public interest will be recorded and published*

The statutory requirement for the recording and publication of information surrounding decisions is set out in the Elected Local Policing Bodies (Specified Information) Order 2011. The Commissioner's website will be used to discharge this duty.

6.6 *The Commissioner will uphold the highest standards of integrity and honesty when taking decisions, as set out in the Nolan Principles*

A Code of Conduct has been developed and informed by the Nolan Principles (see Appendix 1).

6.7 *Have regard to the Strategic Policing Requirement and the Policing Protocol*

The Act imposes a duty on the Commissioner to have regard to the Policing Protocol and to interpret, understand and then apply the Strategic Policing Requirement (SPR), and then rationally justify any departure from it. The Police and Crime Plan will be informed by the SPR and the Code of Conduct will be informed by the Policing Protocol.

6.8 *The statutory role of the Police and Crime Panel*

Decisions taken by the Commissioner are subject to review and scrutiny by the Panel, which also has a reciprocal duty to support the Commissioner. A protocol will be developed which sets out how these duties will be discharged.

7. Decision-Making Process

7.1 The key to achieving well informed decisions is through a sound process, good management and effective leadership. Information that is well presented is also important. The following checklist will be used in advance of making key strategic decisions:

- **Professional advice** covering objectives, evidence, option appraisal and appropriate recommendations
- **Understand local needs**, resources and priorities and consider the views of relevant partners and stakeholders
- Based on this knowledge **agree outcomes** and how they can be delivered effectively, efficiently, equitably and sustainably
- Establish all the **relevant and material facts**
- **Engage or consult** those who might reasonably consider they would be adversely or significantly affected. **Consider all reasonable courses of action** open to the Commissioner
- Seek appropriate **specialist advice (e.g. legal)**
- **Consider risk, performance and financial advice**
- Ensure **value for money** is obtained
- Consider **equality** issues as appropriate.

8. Where Decisions are taken by the Commissioner

- 8.1 A transparent process where the public can hold the Commissioner accountable will be achieved through a combination of reports of formal meetings, at which the Chief Constable will be held to account for operational and budgetary performance, and the exercise of their functions, and the publication of decision notices.
- 8.2 The minutes of formal meetings will be published as soon as practicable, alongside decision making notices.

9. Types of Decisions

- 9.1 The key decisions and actions required; enabling the discharge of the Commissioners functions and responsibilities will include:

- Producing and issuing the Police and Crime Plan
- Setting the police budget requirement and precept
- Producing and publishing an Annual Report
- Appointing, suspending or removing the Chief Constable
- Holding the Chief Constable to account for the performance of the Force
- Allocating grants for crime reduction initiatives in the area
- Obtaining the views of the public and victims and witnesses of crime on service priorities and the level of budget
- Collaboration with others to achieve efficiency and resilience
- Local input into the delivery of the national strategic policing requirement

The Scheme of Governance defines the decisions to be taken by the Commissioner.

9.2 Police and Crime Plan

The Police and Crime Plan will provide the over-arching strategic direction that informs decision-making. Links inputs (i.e. having regard to the views, priorities, issues and strategies of all key partners) to planned outcomes and delivery mechanisms, and describes the associated accountability mechanisms. It is intended that the Police and Crime Plan will be refreshed annually. The Police and Crime Panel will be informed of any changes to the Police and Crime Plan.

9.3 Urgent Decisions

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 affect the amount of engagement that could reasonably be expected.

10. Recording Decisions

- 10.1 To ensure the Commissioner adheres to the principle of openness and transparency the information used to inform the decision making process will be recorded in documents and reports used by members of staff and the Commissioner. An accurate record of the discussion and consideration prior to taking a decision will be recorded and will include the rationale for discounting particular options. Formal papers and minutes will facilitate good governance and provide an audit trail of decisions that may be taken to the Panel, partners and the public.

11. Publications of Decisions and Information Relating to Decisions

- 11.1 The Commissioner will be required to publish specific information to facilitate transparency, scrutiny and accountability. In general, the Commissioner will be expected to publish relevant information and account for their decisions and actions to the public and the Panel. As an absolute minimum the Commissioner will publish all statutory decisions together with the information relating to the decision.
- 11.2 If a formal decision making meeting is not held in public but matters of significant public interest are discussed, a copy of the minutes and a record of the decision made will be published on the Commissioner's website.
- 11.3 An engagement matrix will be used, alongside the joint engagement strategy, to enable effective and transparent decision making. The level and type of engagement required will be determined by the potential impact on the public's confidence. This will ensure proportionate consultation with the public and stakeholders is undertaken, when appropriate, in advance of and following the decision.
- 11.4 If the meeting is held in public, the time, date and place of each meeting will be published on the Commissioner's website. A copy of the agenda, and any report or other document that relating to an item on the agenda, will be published before the meeting takes place.

11.5 Forms of communication which will be utilised to involve local people in advance of major decisions being taken, and raising awareness following their being made, include:

- Web-site
- Press/Media releases
- Public Meetings
- Social Media

12. Exclusions

There will be occasions when some information has to remain confidential, examples include: issues of national security; safety of individuals or which prejudice the administration of justice. Decision related information may also be restricted where security restrictions are placed on the information held by the Police. Careful consideration will be given to the classification of restricted information to ensure that the public has access to the widest range of information possible. The principles of freedom of information will be followed.

BIBLIOGRAPHY

Source Document (s)	Contact Officer	Location
APACE Interim Guidance and Practice Advice – Decision Making in the Office of Police and Crime Commissioners	Katie Russell Policy Officer 01480422667 Katie.Russell1@cambs.pnn.police.uk	Cambridgeshire Police & Crime Commissioner, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.