

A policy statement on decision making by the Police and Crime Commissioners for Bedfordshire, Cambridgeshire and Hertfordshire

Introduction

The statutory framework for decision making by police and crime commissioners (PCCs) consists of:

- Police Reform and Social Responsibility Act 2011 – creates the PCC as a corporation sole, assigning functions, giving ancillary powers to facilitate the principal functions and requiring that their decisions and actions be reviewed and scrutinised by a police and crime panel. It also enables the Local Government Ombudsman to investigate any allegations of apparent maladministration by the PCC,
- The Policing Protocol Order 2011 highlights that the PCC will be responsible for the totality of policing and that their conduct must abide by the seven Nolan principles of good governance in public life,
- The Elected Local Policing Bodies (Specified Information) Order 2011 sets out the information which must be published relating to decision making,
- The Financial Management Code of Practice for the police service provides clarity around financial governance arrangements,
- Various general social and organisational legislation e.g. Human Rights Act 1998, employment law, local Government Acts.

The quality of a decision is usually judged on its outcome after the event. However, a robust decision making process is likely to produce more consistent, reliable and objectively sustainable decisions than a weak one. This policy and associated guidance seeks to set the right framework to facilitate good decisions, which will inevitably range from routine administrative, technical or professional decisions to those of significant public interest.

Decision making culture

Policing in this country is by consent of the public. If the public are to trust the PCC to use their powers wisely and fairly, and to continue to grant their consent, it is critical that clear ethical standards and the highest levels of integrity underpin the PCC's decision making process.

The principles set out below will help to ensure that the decisions of the PCC will comply with those aspirations and expectations.

Principles

The overarching principles for decision making to be adopted by the PCCs for Bedfordshire, Cambridgeshire and Hertfordshire are that all decisions will be in accordance with the:

- powers and duties established within the statutory framework,
- good governance principles¹,
- Nolan principles²,
- good administrative practice³.

Good governance principles

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.

The fundamental function of good governance in the public sector is to ensure that entities achieve their intended outcomes while acting in the public interest at all times.

Nolan principles

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. 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.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. 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.

5. 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.

6. Honesty

Holders of public office should be truthful.

7. 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.

¹ The Good Governance Standard for Public Services, (OPM and CIPFA) 2005

² Standards in Public Life: First Report of the Committee on Standards in Public Life, 2004

³ Commission for Local Administration, Good Administrative Practice, 2001

Decision making process

Through adopting the above principles the PCC will ensure that the right climate is set for decision making. These principles are all of critical importance, but require the consistent application of good process. Although some of the decisions to be taken by the PCC will be of significant public interest, complex and costly, the basic process to be followed prior to each decision will be:

- all relevant material, information and facts will be assembled,
- consultation with all those who could be interested or significantly affected parties,
- consideration of all available courses of action,
- specialist / significant advice sought,
- information presented which focuses on the core issues, and is consistent with the police and crime commissioner's aims and objectives
- consider risk
- consider financial implications
- consider performance measures
- consider value for money
- consider equalities issues.

The scale of each of the above elements will depend upon a number of factors such as the level of public interest, the risk, impact, complexity and cost.

A plan of forthcoming business to be considered by the PCC will be maintained.

The PCC will make significant decisions at the PCC's board meeting. The name of this board is different in the three offices but all can be seen on the respective websites of the PCC and will include agendas, reports and minutes subject to exemptions as detailed below. Urgent decisions that cannot wait until the next scheduled board meeting because the public interest requires them to be made before such a meeting will be reported to the next board so that the decision can be seen as soon as practicable afterwards. The ability of PCCs to make decisions quickly and in an agile way is a benefit of the system so board meetings need not consider routine decisions and those that follow a policy approved previously. They must however, be recorded and follow the process above in a way that is proportionate to the importance of the decision.

Recording, transparency and publication

The above policy principles require good record keeping, not only of the decisions taken by the PCC, but also the accompanying information and challenge, which supports each decision.

Therefore the Chief Executive will ensure that a record of each decision is made and all associated information retained in accordance with the record management policy.

In addition the Chief Executive will ensure that once decisions are taken by the police and crime commissioner, they are effectively communicated both internally and externally and, in particular, to ensure that any implementation and accountability arrangements are initiated.

The statutory requirements for transparency⁴ set out the minimum standards for access, publication and availability of information. However, the Offices of the PCCs (OPCCs) will ensure that all information used in coming to a decision will be made accessible to local people through a variety of means. The means will be determined by where the decision lies on the sliding scale of public interest including:

- Office of the PCC web site – decision records and associated papers,
- Media releases,
- Leaflets,
- Social media e.g. twitter, blogs,
- Web casts,
- Annual reports.

Statutory Officers

The Chief Executive/Chief of Staff (monitoring officer) and Chief Finance Officer are part of the legal framework to report contraventions of the law, financial requirements or maladministration. They have statutory responsibility for identifying contraventions and any deviation from the core principles of good governance and to report anything which gives rise to concern over a proposal, decision or omission.

These post holders will therefore ensure that this policy and its principles are implemented.

Local Controls and Mechanisms

In order to ensure good governance in relation to decision making the PCC will have arrangements in place which will cover the way the Office of the PCC will work. These will include the Scheme of Governance, Financial Regulations, Contract Standing Orders, a Joint Audit Committee, a risk register as well as a register of interests, gifts and hospitality.

The Scheme of Governance sets out the delegations by the Commissioner to a Deputy Police and Crime Commissioner (Deputy PCC) (if appointed), the Chief Executive/Chief of Staff and the police via the Chief Constable and the Chief Constable's Chief Finance Officer. It forms part of the overall corporate governance framework of the two corporations sole.

The Financial Regulations and Contract Standing Orders form a part of the Scheme of Governance and prescribe the procedural arrangements and financial limits for decisions taken by the PCC's and Chief Constable's officers and staff.

The Joint Audit Committee provides independent oversight of governance and financial management of the Corporations Sole. It has a relationship with the internal and external auditors and looks also at Internal Controls, financial reporting and corporate governance.

⁴ Elected local Policing Body (Specified Information) Order 2011 (as amended) Freedom of Information Act 2000 and Data Protection Act 1998

The approach to risk set out in the Scheme of Governance the risk registers maintained by the Corporations Sole will provide assurance that the decisions made take account of the organisational risks.

Public Interest and Transparency

In assessing the public interest in decisions made the OPCC will consider all the circumstances, including local ones. The OPCC will use guidance from the Information Commissioner's office in assessing the public interest. The public interest means the public good, not what might interest the public. There is a general public interest in transparency and accountability. There is therefore a presumption that all decisions should be accessible to the public. However, in some cases there is also a public interest in not disclosing information behind decision making. The OPCC will consider the exemptions in the Freedom of Information Act 2000 in deciding whether information may be exempt from disclosure and then go on to consider if it is also in the public interest not to disclose it or not to disclose it in its entirety. In addition, it may become appropriate to disclose information after a period of time. For example a financial negotiation may mean that information that can be disclosed after the transaction has completed when it would not have been in the public interest to disclose it before that happens.

Exemptions are set out in the Freedom of Information Act 2000 with the general ones being:

- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.

In addition there are specific exemptions:

- Information accessible by other means;
- Information supplied by or relating to bodies dealing with security matters;
- Court records and information relating to court proceedings,
- Prejudice to the conduct of public affairs
- Personal Information;
- Information provided in confidence;
- Information where disclosure is prohibited by an enactment or would constitute contempt of court;
- And if the public interest in confidentiality outweighs the public interest of disclosure:
 - Information intended for future publication;
 - Investigations and proceedings conducted by public authorities;
 - Law enforcement;
 - Health and Safety;
 - Environmental Information;
 - Personal Information relating to a third party;
 - Legal professional privilege;
 - Commercial Interests.

Publication Scheme.

The OPCCs have a Publication Scheme which is approved by the Information Commissioner's office. This sets out the information routinely published by the offices which is available to the public. The scheme also sets out the information publication requirements of The Elected Local Policing Bodies (Specified Information) Order 2011 (as amended).

Summary

The Police and Crime Commissioners for Bedfordshire, Cambridgeshire and Hertfordshire have robust and transparent decision making processes that comply with the law and allow the public to see easily what the respective PCCs are doing to fulfil their role.