



Cumbria Office of the Police and Crime Commissioner

**Decision Making Policy
2017-2020**

Document control

This policy applies to the Office of the Police and Crime Commissioner for Cumbria.

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Contents

Page

- 3.** Introduction
- 4.** Statutory Framework
- 5.** Approach to Decision Making
- 6.** Principles of Decision Making
- 7.** Decision Making Process
- 8.** Recording Decisions
- 9.** Statutory Officers

Introduction

Policy Objective

To establish the parameters, approach and principles for decision making by the Police & Crime Commissioner for Cumbria

To outline the decision-making process for the Police & Crime Commissioner.

To outline the recording and publication of decisions made by the Police & Crime Commissioner.

Policy Statement

Decisions taken by the Police & Crime Commissioner (PCC) will primarily arise from discharging their statutory functions: moreover, a statutory duty has been placed on the Police & Crime Commissioner to record and publish decisions of significant public interest arising from the exercise of those statutory functions, whether made by the PCC or as a result of a meeting or otherwise.

The implementation of a robust decision-making process will ensure that the right decisions are taken for the right reason at the right time. The PCC will adopt rigorous standards of probity, regularity and transparency in their decision-making and all decisions will be taken solely in the public interest.

Statutory Framework

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

The Police Reform and Social Responsibility Act 2011 (PR&SR) sets out the functions of the PCC and provides the legal framework for the Police & Crime Commissioners decision-making.

The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 requires the PCC to swear an oath of impartiality. It commits them to serve local people without fear or favour and to set out publicly their commitment to tackling their role with integrity, impartiality and fairness.

The PR & SR Act sets out the functions of the Police & Crime Panel and requires it to review and scrutinise decisions made by the PCC.

The Policing Protocol sets out the framework within which the PCC & CC should work.

The Policing Protocol also requires all parties (including the PCC and their staff) to abide by the Nolan Principles.

The Financial Management Codes 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 office of the PCC operates.

The Elected Local Policing Bodies (Specified Information) Order 2011 and The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 specify the information that must be published by the PCC and includes specific reference to decisions. It sets out both the time scales and requirements for recording and publications of decision and related policies.

The Freedom of Information Act 2000 provides a further level of public access to information. Public authorities must publish information about their activities including decision making, and members of the public are entitled to request information from public authorities, subject to specific exemptions.

Local Controls and Mechanisms

In order to ensure good governance in relation to decision making the Commissioner will have arrangements in place which will cover delegations, consents, financial regulations, contract standing orders, as well as registers of interests.

The Commissioner's governance arrangements will set out the parameters for decisions delegated to the Chief Constable and staff, along with any conditions that the Commissioner has imposed.

Approach to Decision Making

The PCC will 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 adhere to the ***Good Governance Standard for Public Services*** and the ***Good Administrative Practice 2***.

The decisions of PCCs will fall along a sliding scale of interest to their communities, complexity and impact (e.g. from local to national). This sliding scale of decision-making will usually demand a related and proportionate scale in the amount of information, advice, support, challenge, scrutiny and consultation given in advance of, and following the decision.

Decisions will range from single, internally focussed, low impact decisions through to those of significant public interest, consequences and cost. For those decisions which sit towards the upper end of the sliding scale, in the category of complexity and significant interest there is likely to be existing guidance, practice or procedure to guide the action prior to making the decision.

Principles of Decision Making

- ***Decision-making will be well informed***

Decisions will be taken based on good quality information and clear objective advice in order to reduce the risk of taking decisions that fail to achieve the PCCs objectives or have unintended consequences.

- ***The decision-making process will be open and transparent***

In order to make well informed decisions the PCC will give proper consideration to all relevant parties and for some decisions consultation and engagement will be a statutory requirement.

- ***To have 'due regard' within the decision making process***

The Police Reform and Social Responsibility Act places a duty on the Police & Crime Commissioner, the Chief Constable, community safety and criminal justice partners to consider the plans and priorities of each organisation, satisfy themselves that plans and priorities have been interpreted correctly and making clear the reasons for departing from those plans if appropriate.

- ***Be rigorous and transparent about how the decisions are taken***

The decision making process will have regard to the principles as set out in The Good Administrative Practice.

- ***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 PCC will uphold the highest standards 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; Leadership.

Decision Making Process

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

- **Understand local needs**, resources and priorities and consider the views of 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**
- **Consult** those who might reasonably consider they would be adversely or significantly affected
- Consider **all reasonable courses of action** open to the PCC
- Seek appropriate **specialist advice**
- **Consider risk, performance and financial information**
- Ensuring **value for money** is obtained

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 limit the amount of engagement that could be undertaken. However, all measures will be taken to ensure that urgent decisions are infrequent.

Contentious Issues/Decisions

Occasions will arise when the 'line' between the 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.

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

- Actions that conflict with the priorities set out in the Commissioner's Police & Crime Plan that will impact on the delivery of the Plans outcomes.
- Policy Changes. A decision that has a direct impact on local communities, for example the re-organisation of local policing.
- Political Issues. These could be any number of areas and a checklist could be derived from the Police & Crime Plan.

Recording Decisions

To ensure the Police & Crime 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 officials and the Police & Crime Commissioner. An accurate record of the discussion prior to taking a decision will be recorded and will include the rationale for discounting options.

Exclusions

There will be occasions when some information has to remain confidential, examples include: issues of national security; safety of individuals; prejudice the administration of justice.

Decision related information may also be restricted where security restrictions are placed on the information held by the Police.

Wherever possible 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.

Publications of decisions and information relating to decisions

As an absolute minimum the Police & Crime Commissioner will publish all statutory decisions together with the information relating to the decision.

All available forms of communications will be utilised, including:

- Office of the police and crime commissioner website – decision records and associated papers
- Press/Media releases
- Public Meetings
- Social Media
- Annual Reports

Statutory Officers

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

These roles will therefore provide the gatekeeper for ensuring this policy and its principles are implemented.