



Cumbria Office of the Police and Crime Commissioner

**Decision Making Policy
2021-2024**

Document control

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

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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 (Commissioner) 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 OPCC's Executive Team consists of the Chief Executive, Deputy Chief Executive and Joint Chief Finance Officer. With the Commissioner present this is known as Executive Team Gold. Decision-making regarding the Commissioner's strategic business will generally be carried out within these forums. On occasion, decisions will be taken by individual members of the above groups under delegated authority detailed within the Commissioner's Scheme of Delegation.

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 Commissioner and Executive Team/Executive Team Gold 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 2011 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 stipulated in the Funding Arrangement between the Commissioner and Chief Constable.

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 Commissioner's objectives or have unintended consequences.

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

In order to make well-informed decisions the Commissioner 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 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 Commissioner/Chief Executive/Executive Team/Executive Team Gold 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.

Approach to Decision Making

The Commissioner/Chief Executive/Executive Team/Executive Team Gold 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** published by the Independent Commission on Good Governance in Public Services; and the **Good Administrative Practice 2** published by the Local Government & Social Care Ombudsman.

The decisions of Commissioners 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.

The key to achieving well-informed decisions is through sound process, good management and effective leadership. The following will be considered 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

A completed decision template summarising the request and rationale for the decision being sought will be provided to assist in the decision-making process.

Decision Making Process

Flexibility of decision making within the OPCC is essential for the smooth and effective running of the Commissioner's and OPCC's areas of business.

In general terms decisions should be made for areas of significant public interest, strategic business areas and statutory duties.

The Commissioner at his Public Accountability Conference (PAC) will make decisions, using the approved decision template, regarding the approval of such areas of business as:

- The Police & Crime Plan
- Annual Budget, Medium Term Financial Forecasts, Financial Regulations (including revenue and capital budgets)
- The Annual Report

Business decisions regarding the operation of the OPCC will primarily be taken by the OPCC Executive Team and where necessary Executive Team Gold. A record of all decisions retained and for key decisions a decision form should be completed for example the following areas of business:

- OPCC Staffing Establishment
- Commissioning Strategy
- Strategies – such as Constabulary - Estates, Fleet, Digital, Commercial, OPCC Business Continuity and others which relate to the core business of the Constabulary and the OPCC.

The above list is not exhausted.

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 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 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.

Publication of Decisions

The statutory requirement for the recording and publication of decisions are set out in the Elected Local Policing Bodies Specified Information Order 2011. The Commissioner's website will be used to publish the Significant Public Interest decisions made by the Commissioner. Deferment of publication is only applicable where release before that date would compromise the implementation of the decision being approved.

As an absolute minimum, the Commissioner will publish all statutory decisions together with the information relating to the decision. The Part 2 decision template will be as and when appropriate for example in confidential, personnel and business sensitive situations.

All available forms of communications will be utilised, including:

- Office of the police and crime commissioner website – decision records and associated papers
- Public Accountability Conferences
- 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 that gives rise to concern over a proposal, decision or omission.

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

Review

This document may be revised at any time and will be subject to formal cyclical reviews.