APPENDIX 1

The Police and Crime Commissioner for Lincolnshire

CODE OF CORPORATE GOVERNANCE

FOR

POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

1. Introduction

1.1. Governance is about how organisations ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner. It comprises the systems, processes, culture and values by which organisations are directed and controlled, and through which they account to, engage with and, where appropriate, lead their communities.

1.2. This Code of Corporate Governance describes how the Police and Crime Commissioner for Lincolnshire discharges his responsibilities in this respect, and particularly his overarching statutory responsibilities:

PCCs will aim to cut crime and deliver an effective and efficient police service within the force area. They will do this by:

- holding the chief constable to account for the delivery of the force
- setting and updating a police and crime plan
- setting the force budget and precept
- regularly engaging with the public and communities
- appointing, and where necessary dismissing, the chief constable

It will not be for the PCC to tell the professionals how to do their job - the legislation continues to protect the operational independence of the police by making it clear that the chief constables retain direction and control of the forces officers and staff.

1.3. The CIPFA/SOLACE Framework *Delivering Good Governance in Local Government*[1] sets out six core principles on which effective governance should be built:-

[1] Guidance Note for Police (2012)

- Focussing on the purpose of the PCC and the Force and on outcomes for the community and creating and implementing a vision for the local area;

- Leaders, officers and partners working together to achieve a common purpose with clearly defined functions and roles;

- Promoting values for the PCC and demonstrating the values of good governance through upholding high standards of conduct and behaviour;

- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;

- Developing the capacity and capability of the PCC, officers of the PCC and the Force to be effective;

- Engaging with local people and other stakeholders to ensure robust public accountability.

1.4. To achieve this, a framework has been formulated locally which ensures that these principles are fully integrated in the conduct of the Commissioner's business as well as establishing a means of demonstrating compliance.

1.5. The Commissioner can also demonstrate that the systems and processes in place are:

- Monitored for their effectiveness in practice;
- Subject to annual review to ensure they remain up-to-date.

2. The Code of Corporate Governance

2.1. Accordingly, the Commissioner has developed a Code of Corporate Governance which incorporates the core good governance principles, develops these in a local context, and sets out the arrangements for reviewing their effectiveness.

2.2. The way in which each of the core principles of good governance is put into practice by the Commissioner is set out below:

2.2.1. Focussing on the purpose of the PCC and the Force and on outcomes for the community and creating and implementing a vision for the local area.

To achieve this, the Commissioner will:

- develop and promote the PCC's purpose and vision
- review on a regular basis the PCC's vision for the local area and its impact on governance arrangements
- ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties

- publish an annual report on a timely basis to communicate the PCC's activities and achievements, the financial position and performance
- decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available
- put in place effective arrangements to identify and deal with failure in service delivery
- decide how value for money is to be measured and make sure that the PCC/CC or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.

2.2.2 Leaders, officers and partners working together to achieve a common purpose with clearly defined functions and roles.

To achieve this, the Commissioner will:-

- set out a clear statement of the roles and responsibilities of the PCC, and the deputy PCC(s) where appointed, and the PCC's approach towards putting this into practice
- set out a clear statement of the respective roles and responsibilities of the senior officers and staff of the office of the PCC and the Force
- Determine a scheme of delegation and consent, including a formal schedule of those matters specifically reserved for decision by the PCC and those delegated to the Chief Constable, taking account of relevant legislation, and ensure that it is monitored and updated when required
- Make a chief executive or equivalent responsible and accountable to the PCC for all aspects of operational management of the PCC
- Develop protocols to ensure that the PCC, PCC chief executive and Chief Constable negotiate their respective roles early in the relationship and that a shared understanding of the roles and objectives is maintained.
- make a senior officer (usually the Section 151 officer) responsible to the PCC for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control
- make a senior officer (usually the monitoring officer) responsible to the PCC for ensuring that agreed procedures are followed and that all applicable statutes, regulations are complied with
- develop protocols to ensure effective communication between the PCC, Deputy PCC(s) where appointed Chief Constable and officers in their respective roles
- set out the terms and conditions for remuneration of the PCC, Chief Constable and officers and an effective structure for managing the process including an effective remuneration panel (if applicable)
- ensure that effective mechanisms exist to monitor service delivery
- Ensure that the PCC's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.

- when working in partnership ensure that the PCC is clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the PCC
- when working in partnership:
    - ensure that there is clarity about the legal status of the partnership
    - ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

2.2.3 Promoting values for the PCC and demonstrating the values of good governance through upholding high standards of conduct and behaviour.

To achieve this, the Commissioner will:-

- ensure that the PCC's and Chief Constable's leadership sets a tone for the organisation by creating a climate of openness, support and respect
- ensure that standards of conduct and personal behaviour expected of those holding public office and their staff are defined and communicated through codes of conduct and protocols
- put in place arrangements to ensure that the PCC, Deputy PCC(s), and officers of the PCC and CC are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice
- develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations, and communicate these between the PCC/CC, staff, the community and partners
- put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice
- develop and maintain an effective standards monitoring process
- use the organisations shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Office of the PCC
- in pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

2.2.4 Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

To achieve this, the Commissioner will:-

- develop and maintain an effective review and scrutiny function which encourages constructive challenge and enhances the PCC's performance overall and of any organisation for which it is responsible
- develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based
- put in place arrangements to safeguard the PCC, Deputy PCC(s), CC and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice
- conjunction with the Chief Constable develop and maintain an effective Audit Committee (or equivalent)
- ensure that effective, transparent and accessible arrangements are in place for dealing with complaints
- ensure that those making decisions whether for the PCC/CC or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications
- ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately
- ensure that risk management is embedded into the culture, with all parties recognising that risk management is part of their job
- ensure that arrangements are in place for whistle blowing to which staff and all those contracting with the PCC have access
- actively recognise the limits of lawful activity, for example the ultra vires doctrine, but also strive to utilise powers to the full benefit of the community
- recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on the PCC/CC by public law
- observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice into the PCC/CC's procedures and decision making processes.

2.2.5 Developing the capacity and capability of the PCC, officers of the PCC and the Force to be effective;

To achieve this, the Commissioner will:-

- provide induction programmes tailored to individual needs and opportunities for the PCC, deputy PCC(s) CC and officers to update their knowledge on a regular basis
- ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood
- assess the skills required by the PCC, deputy PCC(s) CC and officers and make a commitment to develop those skills to enable roles to be carried out effectively

- develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed
- ensure that effective arrangements are in place for reviewing the performance of the PCC, deputy PCC(s), CC and the organisation as a whole, and agreeing an action plan which might for example aim to address any training or development needs
- ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the PCC
- ensure that career structures are in place for officers to encourage participation and development

2.2.6 Engaging with local people and other stakeholders to ensure robust public accountability.

To achieve this, the Commissioner will:-

- define who the PCC is accountable to, and for what
- consider those institutional stakeholders to whom the PCC is accountable and assess the effectiveness of the relationships and any changes required
- produce an annual report on the activities of the PCC in relation to monitoring its own performance and that of the Chief Constable and force
- ensure that clear channels of communication are in place with all sections of the community and other stakeholders and put in place monitoring arrangements to ensure that they operate effectively
- ensure arrangements are in place to enable the PCC to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands
- establish a clear policy on the types of issues that the PCC will meaningfully consult on or engage with the public and service users, including a feedback mechanism for those consultees to demonstrate what has changed as a result.
- on an annual basis, publish a performance plan giving information on the PCC's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period.
- ensure that the PCC and the office of the PCC as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.
- develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making.

3. Arrangements for Review of Governance

3.1. The Commissioner has put in place the following arrangements to review the Code of Corporate Governance and its effectiveness.

3.1.1. PCCs and Chief Constables will regularly test the structure by carrying out a thorough and wide ranging self-assessment.

3.1.2. The PCC will charge the Independent Audit Committees to scrutinise decisions of the Commissioner in accordance with their terms of reference and report any identified or possible weaknesses in the code or failures to comply with it.

3.1.3. The Commissioner will conduct an annual review of this code and the practices, policies, procedures and guidance which give effect to it through its Audit Committee.

3.1.4. The Commissioner will prepare an annual governance statement in compliance with the audit regulations having regard to the recommendations of its audit committee.

3.1.5. The Commissioner will respond to and where appropriate implement any recommendations of its internal and external auditors relating to governance.

Final Version 1.0
April 2013