



**DECISION MAKING POLICY**

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## Context

- 1.1 The introduction of directly elected Police and Crime Commissioners under the Police Reform and Social Responsibility Act 2011 was intended to make good the perceived democratic deficit in the previous arrangements whereby chief constables were held to account by indirectly elected police authorities. Under the Act, Commissioners are charged with holding chief constables to account, and in turn are accountable to their electorates.
- 1.2 Clearly, the ability of the electorate to hold their Commissioner to account is heavily dependent on the extent to which the electorate is informed as to the Commissioner's actions and decisions. Whereas police authorities were (subject to certain exceptions) required to hold meetings in public, and to publish their agendas and minutes, Commissioners generally act in private, except when holding public consultations. Even here, any decisions resulting from those consultations are likely to be taken in private.

## Decision Making as a Principle of Good Governance

- 1.3 One of the six core principles of the Good Governance Standards for Public Service<sup>1</sup> is "*taking informed, transparent decisions and managing risk.*" A 2011 review of decision making in Government and Business concluded that "*decision making is a process and not an event*". It is therefore important to set the right climate in which good decisions are more likely to emerge than not, which comes from good governance, good processes and good awareness of what matters<sup>2</sup>.
- 1.4 In order to underline both the necessity and importance of good decision making and to assist incoming Commissioners and their officers in this area, the Association of Police Authority Chief Executives, in consultation with the Home Office, have produced interim guidance and practice advice. This follows many of the principles already embedded by the Mayor's Office for Policing and Crime. These approaches also form the basis of decision making in the Office of the Police and Crime Commissioner (OPCC) for Lincolnshire.

## Local Controls and Mechanisms

- 1.5 Part of the arrangements for ensuring good governance in relation to decision making in the OPCC includes the Scheme of Arrangements for the Discharge of Functions covering delegations, consents, financial and contract regulations.
- 1.6 The Scheme sets out the parameters for decisions delegated to the Chief Constable and staff, along with any conditions that the Commissioner wishes to impose and also those areas reserved for the OPCC. The Commissioner's Financial Regulations prescribe the procedural arrangements and financial limits for decisions taken by the Chief

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<sup>1</sup> The Good Governance Standards for Public services, 2005

<sup>2</sup> Searching for the X Factors, a review of decision making in Government and Business, Whitehall and Industry Group/Ashbridge Business School, October 2011

Constable and staff including any general provision such as a requirement for any novel, contentious or repercussive expenditure to be approved by the Commissioner in advance.

### Decisions of Significant Public Interest

- 1.7 There is a sliding scale of decisions which are required of the Commissioner. These range from single, internally focussed, low impact decisions, through to those of significant public interest such as:
- developing the Police and Crime Plan
  - commissioning
  - setting the budget and proposed precept
  - procurement
  - regional collaboration
- 1.8 Paragraph 6(b) of the Elected Local Policing Bodies (Specified Information) Order 2011 (“the Order”) requires the publication of “*a statement of the policy of the [the Commissioner] in relation to the making of decisions of significant public interest arising from the exercise of [the Commissioner’s functions].*”
- 1.9 Neither the Act nor the Order defines what is meant by *significant public interest*. Therefore any decision as to whether a matter is of significant public interest is a matter solely for determination by the Commissioner, whose decision can only be challenged by judicial review.
- 1.10 With a view to complying with the requirements of the Order, the Commissioner has adopted the Policy Statement at Appendix 1.

### Forward Plan

- 1.11 A Forward Plan is published on a monthly basis giving advance notice of decisions of significant public interest that are scheduled to be taken by the Commissioner over the following three month period.
- 1.12 An electronic version of the current Forward Plan is published on the Commissioner’s website. The document gives the public and other interested parties the opportunity to know what decisions are to be taken and to comment if they wish.

### Decision Making

- 1.13 Access to high quality information and professional advice underpinned by effective risk management is at the heart of good decision making within the OPCC.
- 1.14 However there are a number of other factors likely to influence the final decision, all or some of which will include:
- links to the Police and Crime Plan
  - Commissioner’s strategies/priorities

- financial implications
- legal and human rights considerations
- impact on performance
- personnel, equal opportunities and diversity issues
- ethical considerations
- environmental impact
- risk management, and
- consultation with the public and other stakeholders

### Records Management

- 1.15 For all decisions requested of the Commissioner, a 'Request for PCC Decision' template report (attached at Appendix 2) is completed summarising the request and the rationale for the decision(s) being sought. Reports will include the rationale for discounting other options, where applicable.
- 1.16 Information (such as briefing papers, consultative documents and other material) on which the Commissioner and other decision makers have relied upon both in their preparation for, and the taking of, any final decisions will be properly recorded and retained in accordance with the OPCC Records Management Policy and supporting procedures.

### Publishing Decisions

- 1.17 Paragraph 5(d) of the Order requires that a record be published of *“each decision of significant public interest arising from the exercise of the Commissioner’s functions whether made by the body at, or as a result of, a meeting or otherwise.”*
- 1.18 A Register of Decisions is kept of all decisions that are considered to be of significant public interest. Each decision along with a copy of the relevant 'Request for PCC Decision' report will be published on the Commissioner’s website within one full working day of the decision being approved.

### Publishing Information in Support of Decisions

- 1.19 The statutory requirement<sup>3</sup> for the publishing of information surrounding decisions requires specific elements to achieve transparency and ensure integrity of those making the decisions. These include:
- a statement of the Commissioner’s policy in relation to the making of decisions of significant public interest (see Appendix 1)
  - details of public meetings relating to decisions
  - details of decisions of significant public interest
- 1.20 In addition, the Commissioner is required by law to publish the outcomes of specific decisions. These include:

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<sup>3</sup> The Elected Local Policing Bodies (Specified Information) Order 2011

- total budget and level of precept
- proposed expenditure
- annual investment strategy
- information relating to crime and disorder reduction grants
- items of expenditure over £500, and
- details relating to property, rights and liabilities

1.21 In addition to the above, the Commissioner is also committed to making certain other classes of information routinely available such as policies, procedures and inspection reports. These are set out in the OPCC's Publication Scheme published on the Commissioner's website.

1.22 The Freedom of Information Act 2000 provides a further level of access to information as members of the public are entitled to request information from the Commissioner, subject to the application of any specific exemptions.

#### Confidential Information

1.23 Whilst the principle of openness and transparency is uppermost in maintaining confidence of local people, there will always remain some information that the Commissioner is obliged to keep confidential.

Examples include information the disclosure of which may:

- be against the interests of national security
- jeopardise the safety of someone
- prejudice the prevention or detection of crime, the apprehension of offenders or administration of justice
- be prohibited by any enactment

1.24 The Commissioner is also mindful of security restrictions placed on decision-related information held by the OPCC. The key method of restriction is the Government Security Classifications (GSC) where anything classified as 'Protect' or above will not normally be published.

1.25 The classification of information under the GSC is undertaken in accordance with the OPCC's Governance Classification Scheme and Management Rules published on the Commissioner's website.

#### Local Accountability

1.26 A local accountability model (attached at Appendix 3) has been developed to articulate how the PCC will hold the Chief Constable to account. Through regular business meetings with senior officers from the Force, the Commissioner can independently scrutinise issues around policing in-depth and be constructively critical where necessary and appropriate. Such meetings also play a complementary, supportive role to the development of Force policies and help to inform decision-making.

## Business Meetings

1.27 Meetings are focussed on the following key areas of business:

**Police and Crime Strategic Board** (including long term strategy development, significant and emerging issues and risks)

Attendance: Police and Crime Commissioner, Chief Constable, Deputy Chief Constable, OPCC Chief Executive, OPCC Chief Finance Officer, Force Chief Finance Officer, Deputy Chief Finance Officer, Assistant Chief Constable, Assistant Chief Officer

Frequency: Monthly

**Executive Board** (including ownership of the vision for the strategic partnership with G4S and strategic planning to deliver the vision)

Attendance: Police and Crime Commissioner, OPCC Chief Executive, OPCC Chief Finance Officer, Chief Constable, Deputy Chief Constable, Assistant Chief Officer, G4S Managing Director PSS, Commercial Partnership Team (CPT) Manager

Frequency: Six Monthly

**Performance and Delivery Board** (including assuring compliance with service performance standards, overseeing the transformation programme and benefits realisation)

Attendance: OPCC Chief Executive, OPCC Chief Finance Officer, Deputy Chief Constable, Assistant Chief Officer, G4S Managing Director PSS, G4S Service Delivery Director PSS, CPT Manager

Frequency: Quarterly

**Performance Governance** (including crime, anti-social behaviour and detections)

Attendance: Police and Crime Commissioner, OPCC Chief Executive, OPCC Research and Performance Officer, Chief Constable, Deputy Chief Constable (supported as required by Force and G4S representatives)

Frequency: Monthly

**Resources Governance** (including finance, human resources, information communications technology, procurement and asset management)

Attendance: Police and Crime Commissioner, OPCC Chief Finance Officer, Force Chief Finance Officer, Deputy Chief Finance Officer, OPCC Research and Performance Officer, Chief Constable, Deputy Chief Constable (supported as required by Force and G4S representatives)

Frequency: Monthly

**Professional Standards Governance** (including complaints, integrity issues and standards of professional behaviour)

Attendance: Police and Crime Commissioner, OPCC Chief Executive, OPCC Corporate Administration Officer, Deputy Chief Constable, Head of Force Professional Standards

Frequency: Six Monthly

- 1.28 The relevant portfolio holder within the OPCC will support the Commissioner in preparing agendas and coordinating the submission of supporting papers and other material for circulation to all parties within agreed timescales.
- 1.29 Pre-meeting briefings are held as required to assist the Commissioner in conducting business meetings more efficiently and effectively. They enable the Commissioner to be briefed on key matters; brought up to date with the very latest information; and advised on issues of particular concern or that require further explanation.
- 1.30 A log of actions agreed at each business meeting will be maintained and updated by the relevant portfolio holder.

#### Briefings

- 1.31 The Commissioner will receive briefing papers on a range of operational policing activities and statutory duties. Briefings are prepared by the Force periodically to highlight current risks, issues and exceptions.
- 1.32 The relevant portfolio holder within the OPCC is responsible for coordinating the preparation and submission of briefing papers to the Commissioner within agreed timescales.

#### Consultation and Engagement

- 1.33 To ensure that the Commissioner is kept well informed and able to make defensible decisions, it is essential that proper consideration is given to 'relevant parties'. Failure to do so could make a decision subject to challenge.

- 1.34 For some decisions, engagement is a statutory requirement, for example, the duty to obtain the views of local people, partners and other stake holders to enable the proper understanding of need, resources and priorities used to inform the Police and Crime Plan. An Engagement Strategy has been developed (published on the Commissioner's website) to explain how the OPCC will engage with local communities on specific issues. Details of public meetings are publicised through a variety of means including the Commissioner's website, media releases and social media.

Review

- 1.35 This document may be revised at any time and will be subject to formal review bi-annually.