THE POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

Scheme of Consent

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SECTION ONE

INTRODUCTION

STATUTORY BACKGROUND

1.1. The Police Reform and Social Responsibility Act 2011 ("the Act") makes provision about the administration and governance of police forces. The Act charges the Police and Crime Commissioner (PCC) for Lincolnshire with securing the maintenance, efficiency and effectiveness of Lincolnshire Police.

1.2. The Policing Protocol Order 2023 sets out how the functions of PCCs, Chief Constables and Police and Crime Panels shall exercise their functions in relation to each other.

1.3. The Financial Management Code of Practice (FMCP), issued under section 17 of the Act, provides clarity around the financial governance arrangements within the police in England and Wales, and reflects the fact that the police has a key statutory duty to secure value for money in the use of public funds. The FMCP is one element of a comprehensive framework for financial governance within the police which includes primary legislation, secondary legislation (including the Policing Protocol) and guidance.

1.4. Each Police and Crime Commissioner and their respective Chief Constable is established in law as a corporation sole by the Act. As such, both are enabled by law to employ staff and hold funds in their official capacity. Chief Constables are charged with the impartial direction and control of all constables and staff within the Force and within the Chief Constable's employ. Those staff employed by the PCC are accountable to the directly elected holder of that office.

1.5. The relationship between the PCC and Chief Constable is defined by the PCC's democratic mandate to hold the Chief Constable to account, and by the law itself.

PURPOSE

1.6. This Scheme of Consent details the key roles of the Police and Crime Commissioner and, *inter alia*, those functions/powers which they consent to the Chief Constable, and if appointed, a Deputy Police and Crime Commissioner exercising. The Commissioner may limit these powers and/or remove consent at any time.

1.7. A number of powers given to the Chief Constable within this scheme are consented. Instances where the Chief Constable is authorised to act as the agent of the Commissioner are also included. For completeness, a number of functions and/or duties placed upon the Commissioner and Chief Constable by Law are also included where relevant. However, this Scheme does not provide an exhaustive list of all legislative requirements (see also 1.10 below).

1.8. This scheme, together with the other elements of the Integrated Scheme of Governance, provides a framework which makes sure business is carried out efficiently, ensuring that decisions are not unnecessarily delayed.

1.9. The Commissioner may set out reporting arrangements on any consented powers or instances where the Chief Constable is acting as agent for the Commissioner.

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1.10. Powers are also given to the Chief Constable by laws, orders, rules or regulations. In addition, national conditions of employment give powers to the Commissioner and the Chief Constable and, as in the case of police regulations, the Secretary of State for the Home Department. This scheme does not identify all the statutory duties which are contained in specific laws and regulations.

1.11. All powers should be exercised in line with the Commissioner's consent, the law, and also policies, procedures, plans, strategies and budgets.

1.12. This Scheme of Consent forms part of an Integrated Scheme of Governance operated by the Commissioner and Chief Constable which also includes:

- Chief Constable's Scheme of Delegation
- Commissioner's Scheme of Delegation
- Financial, Contract and Procurement Regulations

KEY ROLES OF THE POLICE AND CRIME COMMISSIONER

1.13. The key roles of the Commissioner are to:

- provide an efficient and effective police service for the area;
- set the budget, and the precept, and allocate funds and assets to the Chief Constable;
- appoint and, if necessary dismiss the Chief Constable;
- hold the Chief Constable, and those under their direction and control to account on behalf of the people of Lincolnshire, ensuring they have regard to the Police and Crime Plan and the Strategic Policing Requirement;
- set the strategic direction and objectives of Lincolnshire Police through the Police and Crime Plan, monitoring the performance of the force against the agreed priorities;
- scrutinise, support and challenge overall performance of the force;
- make crime and disorder reduction grants;
- produce an annual report;
- have regard to statutory responsibilities e.g. Freedom of Information Act 2000, and all human rights and equality laws;
- maintain an effective 'independent custody visiting scheme' for monitoring facilities for people being held in custody;
- provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
- commission Victims' Services.

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1.14. The Police and Crime Commissioner will receive all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction, including income generated by the Chief Constable. All funding for the force must come via the Commissioner. How this money is allocated is for the Commissioner to decide in consultation with the Chief Constable, or in accordance with any grant terms.

1.15. The Police and Crime Panel provides checks and balances in relation to the performance of the Commissioner. The Panel does not scrutinise the Chief Constable, it scrutinises the Commissioner's exercise of their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions.

1.16. The Police and Crime Commissioner may appoint a deputy to exercise their functions, with the exception of those which cannot be delegated.

1.17. The Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Constable, monitoring complaints against all other police officers and police staff, and complying with the requirements of the Independent Police Complaints Commission.

1.18. The Commissioner is the legal contracting body, owning all the assets and liabilities, with the responsibility for the financial administration of their office, including all borrowing limits. They are ultimately accountable to the public for the management of the Police Fund.

1.19. For the avoidance of doubt, the Commissioner does NOT consent to the Chief Constable entering into contracts or acquiring or disposing of property in their own right. Under paragraph 7 (3) of Schedule 2 to the Act, the Chief Constable may NOT borrow money.

1.20. The Chief Constable has day to day responsibility for managing their allocated budgets after these have been approved by the PCC. Under paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to The Act, the Chief Constable is required to appoint a person to be responsible for the proper administration of the Chief Constable's financial affairs, referred to as the Director of Finance & Corporate Services (S151).

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SECTION TWO

DEFINITIONS

1.21. "**The Budget**" means the Annual Revenue Budget and capital programmes prepared and approved in accordance with Section FR11 of this Scheme

1.22. "**Budget Head**" means the lowest level of the budget approved by the Commissioner in the annual budget report or any revisions subsequently made to the budget by the Commissioner.

1.23. "**Budget Holder**" means the person to whom budget management responsibility is delegated.

1.24. "**Capital Expenditure"** means the acquisition or improvement of Non-current Assets which will have a long term value to the Commissioner or Force. Non-current assets include land, new or existing buildings, ICT systems, furniture, equipment and vehicles.

1.25. "**CCM**" means Commercial and Contract Management Department

1.26. **"CFO"** means Chief Finance Officer

1.27. "**Chief Constable**" means the person appointed under Section 2 of the Police Reform and Social Responsibility Act 2011 with responsibility for the direction and control of Lincolnshire Police Force

1.28. "**Chief Executive**" means the person appointed as head of the PCC's staff with responsibility for its general administration and as defined by the Police Reform and Social Responsibility Act 2011

1.29. "**Chief Officer**" means the Chief Constable, the Deputy Chief Constable, Assistant Chief Constable, Assistant Chief Officer or Force Chief Finance Officer.

1.30. **"Commissioner**" means the police and crime commissioner for Lincolnshire.

1.31. **"Commissioner's Chief Finance Officer"** means the person responsible to the Commissioner for financial management within the Office of the Commissioner and who is charged with the duties of a chief finance officer as set out in Sections 111 to 116 of the Local Government Finance Act 1988 and paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011

1.32. **"Contract"** means an agreement entered into by two or more willing parties for the provision of goods, works or services in return for some form of consideration, normally money, which is intended to be legally enforceable. In principle, an oral agreement is as valid and effective as a written agreement; consequently great care should be taken when discussing requirements with contractors/suppliers.

1.33. **"Contract Manager"** means the police officer or police staff who is responsible for the day to day management of a Contract.

1.34. "**Director of Finance & Corporate Services (Section 151 Officer)**" (DFCS S151) means the person responsible to the Chief Constable for financial management within the Force and who is charged with the duties of a chief finance officer as set out in Sections 111 to 116 of the Local Government Finance Act

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1988 and paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to the Police Reform and Social Responsibility Act 2011

1.35. **"Estimated value"** means the value of the Contract estimated under these Contract and Procurement Regulations.

1.36. **"EU"** means the European Union

1.37. "**Framework agreement**" means a negotiated enabling arrangement. A Framework Arrangement in itself is not a binding Contract on the Commissioner but each and every order placed by the Commissioner against the Framework Arrangement contractor(s)/suppliers(s) are deemed to form a binding Contract(s) between the two parties.

1.38. **The "Financial Management Code of Practice**" means the Financial Management Code of Practice for the police service of England and Wales issued by the Secretary of State for the Home Department under s.17 of the Police Reform and Social Responsibility Act and s. 39a of the Police Act 1996. It applies to the discharge of functions by all police and crime commissioners and applies to every Chief Constable of a police force maintained by a police and crime commissioner.

1.39. "**Force**" means those working under the direction and control of the Chief Constable as set out in Section 15 of the Police Act 1996. It includes both Police Officers and Police Staff, which goes beyond the legal definition of a Force but is used for the sake of brevity and simplicity.

1.40. "**Head of Finance**" means the deputy to the Chief Finance Officer, Section 151 Officers. Commissioner's Deputy Chief Finance Officer and the Chief Constable's Deputy Director of Finance & Corporate Services (S151).

1.41. "**Head of Paid Service**" means the Chief Executive who is designated as Monitoring Officer by Schedule 16 of the Police Reform and Social Responsibility Act 2011 and in accordance with Section 4(1)(a) of the Local Government & Housing Act 1989.

1.42. "**Monitoring Officer**" means the Chief Executive who is designated as Monitoring Officer by Schedule 16 of the Police Reform and Social Responsibility Act 2011 and in accordance with Section 5(1)(c) of the Local Government & Housing Act 1989.

1.43. "**Office of the Police and Crime Commissioner**" means the staff employed directly by the Commissioner to carry out managerial, administrative and support work on their behalf and managed by the Chief Executive.

1.44. "**Police and Crime Panel**" means the panel established by Section 28 of the Police Reform & Social Responsibility Act 2011 to support the effective exercise of the functions of the Police & Crime Commissioner.

1.45. "**Police Officers**" means all police officers appointed in accordance with the Police Regulations.

1.46. "**Police Staff**" means all civilian support staff appointed on the terms and conditions agreed by the Police Support Staff Council.

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1.47. "**Policy Framework**" means

- The Police and Crime Plan;
- the Financial Strategy incorporating the Reserves Strategy and Medium Term Financial Plan;
- the People Strategy;
- the Procurement Strategy;
- the ICT Strategy;
- the Asset Strategy;
- the Treasury Management Strategy;
- the Capital Strategy;
- Any other plans and strategies which are expressed to form part of the Policy Framework.

1.48. "**Quotation**" means a quotation of price and any other relevant matter without the formal issue of a Tender.

1.49. "**Procuring Officer**" means the police officer or police staff responsible for a particular procurement.

1.50. "**Strategic Partner**" means the third party organisation that provides services to the Commissioner and/or the Chief Constable under a long term partnership contract

1.51. "**Tender**" means a suite of formal documents sent to contractors/suppliers from among either: those responding to advertisement of the Contract inviting proposals; or those included on a select or approved list in respect of the type of purchase which is the subject of the Tender

1.52. "**Virement"** means the transfer of amounts from one Budget Head to another.

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SECTION THREE

GENERAL PRINCIPLES OF CONSENT

GPC1 The powers designated to the Chief Constable shall be exercised in accordance with:

- All relevant legislation;
- The Budget;
- The Policy Framework;
- All relevant provisions of the Integrated Scheme of Governance;
- All other policies, principles, procedures, precedents, plans, strategies and budgets of the Commissioner as may be current from time to time.

GPC2 The Commissioner may require that a specific matter be referred to him/her for decision and not dealt with under powers of consent.

GPC3 The Scheme does not attempt to list all matters which form part of everyday management responsibilities.

GPC4 The consent of powers under this Scheme does not prevent the referral of a matter to the Commissioner for decision if the Chief Constable wishes or considers it appropriate. In particular the Commissioner requires the Chief Constable to draw to their attention sensitive issues or any matter which may have a significant financial implication.

GPC5 Where the Chief Constable is acting as agent for the Commissioner or acting in accordance with consented powers, the Chief Constable will comply with statutory and other publication requirements such as the Elected Local Policing Bodies (Specified Information) Order 2011 as amended.

GPC6 The Chief Constable, when considering a significant professional or technical matter that is also within the sphere of competence of the Director of Finance & Corporate Services (S151), must consult with that officer before authorising the action.

GPC7 The Commissioner will want to be involved in any projects/areas of work which may have a significant impact on the people of Lincolnshire. They will want to be involved in the scope, tendering process and evaluation of any business case where this is not consented under this Scheme.

GPC8 Matters that are of a novel, repercussive or contentious nature must always be referred to the Commissioner for decision.

GPC9 The Commissioner is the legal contracting body, owning all the assets and liabilities, with the responsibility for the financial administration of their office, including all borrowing limits.

GPC10 For the avoidance of doubt, the Commissioner does NOT consent to the Chief Constable entering into contracts or acquiring or disposing of property. Under paragraph 7 (3) of Schedule 2 to the Act, the Chief Constable may NOT borrow money. Where the contract and procurement regulations authorise the Chief Constable, members of their staff or the strategic partner to enter into contracts, they do so acting as agent of the Commissioner.

GPC11 Any reference in this Scheme to any Statute or Statutory Instrument or any Section or Regulation thereof shall also be to the same as at any time amended

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or where such Act, Instrument, Section or Regulation has been replaced, consolidated or re-enacted, with or without amendment, such reference shall be to the provisions of the replacing, consolidating or re-enacting Statute or Instrument.

GPC12 Decisions made by the Chief Constable under powers consented to him/her by the Commissioner that have a significant public interest will be published. In deciding what constitutes significant public interest, regard will be made to the public interest test under the Freedom of Information Act 2000 and the guidance relating to that test issued by the Information Commissioner's Office. All other decisions made by Chief Officers under delegated powers will be recorded in the minutes of the relevant meeting and be available for inspection.

GPC13 Except where the context otherwise requires, references in this document to the Chief Constable, Chief Executive, Commissioner's Chief Finance Officer and Director of Finance & Corporate Services (S151) shall include such other officers as may be authorised by them to act on their behalf.

GPC14 The Chief Constable, Chief Executive, Commissioner's Chief Finance Officer and Director of Finance & Corporate Services (S151) shall maintain a record of those officers authorised to act on their behalf and ensure those officers fully understand the extent of their authority.

GPC15 The Chief Constable is responsible for making sure that members of their staff, including officers, know about the provisions and obligations of this scheme. The Chief Executive and Commissioner's Chief Finance Officer are responsible for making sure that members of staff they supervise know about the provisions and obligations of this scheme.

GPC16 The person appointed as the Chief Executive (who is the Head of Paid Service and the Monitoring Officer), the Commissioner's Chief Finance Officer and the Director of Finance & Corporate Services (S151) have statutory powers and duties relating to their positions, and therefore do not rely on matters being consented or delegated to them to carry these out.

GPC17 Any individual carrying out duties, functions or actions under powers given to them by this scheme must ensure that in doing so they comply with all other statutory and regulatory requirements and relevant professional guidance including:

- The Police and Social Responsibility Act 2011 and other relevant legislation issued under this Act.
- The Financial Management Code of Practice for the Police Forces of England and Wales
- Financial Regulations
- CIPFA statement on the role of the CFO of the Police and Crime Commissioner and the CFO of the Chief Constable
- Contract and procurement regulations
- The Commissioner's governance framework
- The Commissioner's and Lincolnshire Police's employment policies and procedures.
- The Data Protection Act 2018 and the Freedom of Information Act 2000

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- Health and Safety at Work legislation and codes

GPC18 When carrying out any duties, the Commissioner must have regard to the following (this list is a summary and is not exhaustive):

- The views of the people in Lincolnshire
- Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.
- The Police and Crime Plan and any guidance issued by the Secretary of State.

GPC19 Pursuant to Section 18 of the Police Reform and Social Responsibility Act 2011, the Commissioner may arrange for any of their statutory officers to exercise any function of the Commissioner with the exception of those listed below:

- Issuing the Police and Crime Plan;
- Determining objectives in the Police and Crime Plan;
- Calculation of budget requirements;
- Being consulted in relation to the appointment or removal of Chief Officer posts;
- Suspension of the Chief Constable, or asking him or her to resign or retire
- Attendance at the Police and Crime Panel for specified duties;
- Preparing the annual report

GPC20 Functions preparatory to holding the Chief Constable to account, the development of strategy (including the Police and Crime Plan), budget development and access to information that could be reasonably required by the Commissioner in the discharge of their duties are designated to the Chief Executive and Chief Finance Officer. For the avoidance of any doubt, the Commissioner reserves to themself all formal decision making within the meaning of their policy statement on making and the publication of decisions of significant public interest.

GPC21 The Commissioner may give additional consent under section 18 of the Act. This scheme is a record of the formal consents that are in effect at the time of its publication. The Commissioner's governance framework, including this scheme will be reviewed annually. With the exception, of those matters listed in paragraph GPC18, the scheme allows any person, with appropriate authority, to delegate that power further.

GPC22 The Commissioner must not restrict the operational independence of the police force and the Chief Constable who leads it. The Chief Constable is responsible for maintaining the King's Peace and has direction and control over the Force's officers and those staff they employ. The Chief Constable holds office under the Crown but is appointed by the Commissioner. The Chief Constable is accountable to the law for the exercise of police powers and to the Commissioner for the delivery of efficient and effective policing, management of resources and expenditure by Lincolnshire Police. At all times, the Chief Constable, their constables and staff, remain operationally independent in the service of the public.

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GPC23 To enable the Commissioner to exercise the functions of their office effectively they will need access to information, and officers and staff within their force area. This access must not be unreasonably withheld or obstructed by the Chief Constable, or restrict the Chief Constable's direction and control of the force. Section 36 of the Act sets out that a Chief Constable must give the relevant PCC such information on policing matters that the body may require. As a result, the Chief Finance Officer of the PCC must have full access to all relevant financial information. The details of these arrangements are set out in an Information Sharing Protocol (ISP) agreed by the two CFOs in consultation with the Chief Executive. A copy of the ISP is included in the Commissioner's Scheme of Delegation.

GPC24 The Commissioner and Chief Constable have established a joint independent Audit Committee. In addition to considering the internal and external audit reports of both corporations sole, the Committee advises the Commissioner and Chief Constable on good governance and risk management in accordance with proper practices.

GPC25 The Commissioner has a wider responsibility than those solely relating to the police force, namely:

- the delivery of community safety and crime reduction;
- the ability to bring together Community Safety Partnerships at a force level;
- the ability to make crime and disorder reduction grants for their force area.
- a duty to ensure that where collaboration would provide the best outcome for another local policing body or force in delivering better value for money and enhance the effectiveness of policing capabilities and resilience this should be pursued;
- the enhancement of the delivery of criminal justice in their area.

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SECTION FOUR

DEVELOPMENT AND REVIEW OF THE POLICY FRAMEWORK

PF1 APPROVAL

PF1.1 The Commissioner will approve all strategies and plans comprising the Policy Framework.

PF2 CONSULTATION

PF2.1 In formulating or amending or updating any policy or document forming part of the Policy Framework the Commissioner and the Chief Constable shall have regard to any views expressed by the people within the Policing Area about matters concerning the policing of the Area.

PF2.2 In accordance with Section 96 of the Police Act 1996 and Section 14 of the Police Reform and Social Responsibility Act 2011 the Commissioner shall make and from time to time review arrangements for obtaining the views of people in the Policing Area having consulted with the Chief Constable as to the arrangements that would be appropriate.

PF3 POLICE AND CRIME PLAN

PF3.1 In accordance with Section 5 of the Police Reform and Social Responsibility Act 2011, the Commissioner must issue a police and crime plan within the financial year in which each ordinary election is held.

PF3.2 Before issuing such a plan the Commissioner must

- prepare a draft of the plan,
- consult with the Chief Constable in preparing the draft,
- send the draft to the police and crime panel,
- have regard to any report or recommendations made by the panel,
- give the panel a response to any such report or recommendations, and
- publish any such response.

PF3.3 A police and crime plan must set out, in relation to the planning period

- the Commissioner's police and crime objectives,
- the policing of the area which the Chief Constable is to provide,
- the financial and other resources the Commissioner is to provide to the Chief Constable for them to exercise their functions,
- the means by which the chief constable will report to the Commissioner on the chief constable's provision of policing,
- the means by which the chief constable's performance in providing policing will be measured;
- the crime and disorder grants which the Commissioner is to make and any conditions of these.

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PF3.4 The planning period begins with the day on which the plan is issued or takes effect and ends with the last day of the financial year in which the next ordinary election is expected to take place.

PF4 OTHER PLANS AND STRATEGIES COMPRISING THE POLICY FRAMEWORK

PF4.1 The Commissioner shall adopt the following non-statutory plans and strategies, namely:

- the Financial Strategy incorporating the Reserves Strategy and Medium Term Financial Plan;
- the People Strategy;
- the Procurement Strategy;
- the ICT Strategy;
- the Asset Strategy;
- the Treasury Management Strategy;
- the Capital Strategy;
- any other plans and strategies which are expressed to form part of the Policy Framework.

PF4.2 Before adopting any of the plans and strategies listed in paragraph PF4.1, the Commissioner shall consult with the Chief Constable.

PF4.3 The contents of any non-statutory plan shall not purport to derogate from the Chief Constable's statutory powers and responsibilities for the direction and control of the Force.

PF4.4 The PCC and the Chief Constable share a responsibility to provide effective financial and budget planning for the short, medium and longer term. The financial regulations include the requirement for the PCC, in consultation with the Chief Constable, to identify and agree a medium term financial strategy which includes funding and spending plans for both revenue and capital. As set out at section 8 of the FMCP, the strategy should take into account multiple years, the interdependencies of revenue budgets and capital investments, the role of reserves and consideration of risks. The strategy should be aligned with the police and crime plan.

PF4.5 The PCC should consult with the Chief Constable in planning the overall annual budget which will include a separate force budget. This will take into consideration funding from local government and from other sources, and balance the expenditure needs of the policing service against the level of local taxation. This should meet the statutory requirements to achieve a balanced budget (Local Government Act 2003) and be completed in accordance with the statutory timeframe.

PF4.6 The impact of the annual budget on the priorities and funding of future years are set out in the Police and Crime Plan and the medium term financial strategy. As set out in section 96 of the Police Act 1996, as amended by section 14 of the Act, the PCC must obtain the views of the local community on the proposed expenditure (including capital expenditure) in the financial year ahead of the financial year to which the proposed expenditure relates.

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PF5 ACTION AND DELIVERY PLANS

PF5.1 The Chief Constable will prepare action and delivery plans which will underpin the plans and strategies comprising the Policy Framework.

PF5.2 Action and delivery plans will be approved by the Commissioner annually or in accordance with a timetable agreed between the Chief Constable and the Chief Executive (or in default of agreement determined by the Commissioner).

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SECTION FIVE

MANAGEMENT OF HUMAN RESOURCES AND DESIGNATED FUNCTIONS (INCL FINANCIAL)

POLICE & CRIME COMMISSIONER

HR1 APPOINTMENT OF SENIOR POLICE OFFICERS

HR1.1 In accordance with Section 38 of the Police Reform and Social Responsibility Act 2011, the Commissioner will appoint the Chief Constable.

HR1.2 In accordance with Sections 39 and 40 of the Police Reform and Social Responsibility Act 2011, the Chief Constable will consult the Commissioner before appointing a person as Deputy Chief Constable or Assistant Chief Constable**.**

HR1.3 The Commissioner may suspend from duty the Chief Constable in accordance with the prevailing statutory framework (primary and secondary legislation, regulations and guidance).

HR1.4 The Chief Constable may suspend from duty a Deputy or Assistant Chief Constable in accordance with the prevailing statutory framework (primary and secondary legislation, regulations and guidance).

CHIEF CONSTABLE

HR2 FUNCTIONS DESIGNATED TO THE CHIEF CONSTABLE

HR2.1 The Chief Constable is responsible for maintaining the King's peace and has direction and control over the force's officers and staff.

HR2.2 The Chief Constable is accountable for the exercise of police powers, and to the Police and Crime Commissioner for the delivery of efficient and effective policing, and management of resources and expenditure by the police force.

HR2.3 The formal functions, listed below, are those given to the Chief Constable, either by law or the consent of the Commissioner which are in effect at the time of the publication of this scheme.

HR2.4 It is a condition of this Scheme that for any consents/authorities to act as agent given by the Commissioner to the Chief Constable, they will operate an appropriate Scheme of Delegation, approved by the Chief Constable.

HR3 GENERAL

HR3.1 To lead the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts impartially.

HR3.2 To support the Police and Crime Commissioner in the delivery of the strategy and objectives set out in the Police and Crime Plan.

HR3.3 To provide the Commissioner with access to information, officers and staff as required.

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HR3.4 To have regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their force's national and international policing responsibilities.

HR3.5 To notify and brief the Commissioner of any matter or investigation on which they may need to provide public assurance either alone or with the Commissioner (all Police and Crime Commissioners will be designated as Crown Servants under the Official Secrets Act 1989(a) making them subject to the same provisions in relation to sensitive material as Government Ministers).

HR3.6 Being the operational voice of policing in the force area, and regularly explaining to the public the operational actions of officers and staff under their command.

HR3.7 To remain politically independent of the Police and Crime Commissioner.

HR3.8 To manage all complaints against the force, its officers and staff, except in relation to the Chief Constable, and to ensure that the Commissioner is kept informed to enable him/her to discharge their statutory obligations in relation to complaints in a regular meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission.

HR3.9 To exercise the power of direction and control in such a way that the Commissioner will be able to access all necessary information and staff within the force.

FINANCIAL

HR3.10 To ensure that the financial affairs of Lincolnshire Police are properly administered having regard to probity, legality, and appropriate standards.

HR3.11 To assist the Police and Crime Commissioner in planning the force's budget.

HR3.12 To undertake the day to day management of the budget allocated to Lincolnshire Police in accordance with financial regulations.

HR3.13 To approve business cases for revenue and capital expenditure below £75,000 (FR14.3 and FR44), provided there is sufficient funding within the approved Budget or Capital Programme, and with the exception of expenditure proposals of an exceptional nature.

HR3.14 Commit expenditure within the approved budget to meet policies and objectives agreed with the Commissioner and reflected in the Police and Crime Plan.

HR3.15 Approve all agreements for the provision of services to other organisations within the force area with a value below £25,000. (FR42/44) (This does not apply to the provision of mutual aid by the Chief Constable to another force under section 24 of the Police Act 1996, or the provision of advice or assistance to international organisations under the Police Act 1996, which are operational matters. However these are subject to consultation with the Commissioner). All such contracts will be in the name of the Police & Crime Commissioner for Lincolnshire to whom all income will accrue.

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HR3.16 Approve the provision of policing services to external bodies where the contract is less than £25,000. All such contracts will be in the name of the Police & Crime Commissioner for Lincolnshire to whom income will accrue.

HR3.17 Undertake the day to day management of the insurance function in line with the strategy approved by the Commissioner on an annual basis.

HR3.18 To approve non exceptional cases in the provision of police advice and assistance to international agencies.

HR3.19 To provide regular monitoring information to the Commissioner in respect of the approved capital programme.

HR3.20 The above list is not exhaustive and reference should be made to the financial regulations, which form part of this Scheme, in order to view all delegations that are in place.

HR3.21 In addition, the Contract and procurement regulations set clear regulations for the procurement of goods, works and services for the Commissioner and the Force, which must be followed. The Commissioner is the legal contracting body. The Commissioner does NOT consent to the Chief Constable entering into contracts in their own right. Where the contract and procurement regulations authorise the Chief Constable, members of their staff or the strategic partner to enter into contracts on behalf of the Police and Crime Commissioner, they do so acting as agent of the Commissioner.

HR4 PROPERTY

HR4.1 Asset management functions designated to the Chief Constable are detailed in section six.

HR5 LEGAL

HR5.1 Legal functions designated to the Chief Constable are detailed at section seven.

HR6 OTHER

HR6.1 To exercise the powers and duties of the Police (Property) Regulations 1997 by:

- authorising, where appropriate, requests to donate unclaimed lost property to charity; and
- approving the keeping of unclaimed lost property if it can be put to good use for police purposes.

HR6.2 To make necessary arrangements to involve and work with communities and partner organisations in order to solve local policing problems

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APPOINTMENT OF CIVILIAN STAFF

HR7 INTRODUCTION

HR7.1 The Commissioner must appoint a person to be head of their staff (the Commissioner's Chief Executive) and a person to be responsible for the proper administration of the Commissioner's financial affairs (the Commissioner's Chief Finance Officer). The Commissioner may appoint such other staff as they think appropriate to enable them to exercise the functions of the Commissioner. The appointment and dismissal of such staff is delegated to the Chief Executive.

HR7.2 All civilian staff appointments shall be made on the terms and conditions agreed by the Police Staff Support Council or on terms and conditions agreed by the Commissioner.

HR7.3 The Chief Constable is enabled by law to employ staff in their official capacity.

HR7.4 The Chief Constable must appoint a person to be responsible for the proper administration of the Force's financial affairs (the Force's Chief Finance Officer).

HR7.5 The Stage Two transfer plan approved by the Home Secretary and effective on 1 April 2014 specifies which staff and officers are employed by the Chief Constable and Commissioner respectively.

HR7.6 Except where discrete arrangements are required, a single set of Human Resources policies will apply to the employees of both the Commissioner and Chief Constable.

HR8 POWERS OF THE CHIEF CONSTABLE IN RELATION TO POLICE OFFICERS AND CIVILIAN STAFF IN THEIR EMPLOY AND UNDER THEIR DIRECTION AND CONTROL

HR8.1 To adjust the police staff and police officer establishment in numbers, locations, ranks and gradings within the overall workforce budget approved by the Commissioner, (except for posts at chief-officer level, which require consultation with the Commissioner) Details of all variations made to establishment are to be reported to the Commissioner.

HR8.2 To appoint all Lincolnshire Police officers and staff (after consultation with the Commissioner on posts above the rank of Chief Superintendent)

HR8.3 To appoint the Director of Finance & Corporate Services (S151) and any other civilian officers of equivalent seniority having taken into account the advice of the Commissioner's Chief Finance Officer who will participate in the selection process.

HR8.4 To authorise, in accordance with Police Staff Conditions of Service, the suspension of their staff and/or the termination of their employment.

HR8.5 To approve the appointment or secondment of police officers for central services or overseas duty.

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HR8.6 In accordance with the terms of any approval given by the Secretary of State, to grant leave with pay and the payment of appropriate fees and charges in respect of police officers selected to take degree courses at University.

HR8.7 To implement national agreements on salaries, wages and conditions for which provision has been made in the Budget. For the avoidance of any doubt all awards resulting in expenditure in excess of the Budget shall require prior approval by the Commissioner and all those relating to the Chief Constable shall require prior approval by the Commissioner's Chief Finance Officer.

HR8.8 To approve payments under any bonus, productivity or performance related payment schemes, honoraria payments in recognition of additional duties and responsibilities and similar special payments provided such payments are to be made in accordance with a scheme approved by the Commissioner. However all payments relating to the Chief Constable's Review/Bonus Scheme can only be approved by the Commissioner.

HR8.9 Notwithstanding the provisions of HR8.8 above, to undertake negotiations and reach agreements with recognised Trade Unions and Staff Associations on any matters suitable for local determination. This shall be done in consultation with the Commissioner or their Chief Executive.

HR8.10 To approve, within Police Regulations and any Police Staff Council guidelines, requests from police officers and police staff to undertake additional outside work. Any appeals from officers (both police officers and police staff) against decisions arrived at by the Chief Constable in determining whether a business interest is compatible with an officer's duties will be considered in line with the Force policy.

HR8.11 Within any Commissioner approved policy, to designate a police officer or police staff post as an authorised essential or casual car user for official business and the payment of the relevant allowances within approved budgets.

HR8.12 To make awards under any Commissioner approved staff suggestion scheme provided that details of all such awards made are contained within an annual report to the Commissioner.

HR8.13 To make appointments of medical examiners in accordance with the terms and conditions agreed by the JNC for the Fees of Doctors Assisting Local Authorities, or any alternative scheme approved by the Authority provided that it is within budgetary provision.

HR8.14 To implement changes in rates of motor vehicle and subsistence allowances following national agreement.

HR8.15 To make arrangements for the administration of any car loan or leasing scheme in accordance with conditions to be approved by the Commissioner.

HR8.16 To approve the payment of gratuities for the fingerprinting of decomposed bodies in accordance with rates prescribed by the Home Office.

HR8.17 To approve the payment of standard rate transitional rent/housing allowances in accordance with Police Regulations.

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HR8.18 To approve claims for reimbursement of removal expenses in accordance with Police Regulations.

HR8.19 To reimburse expenses in respect of voluntary transfers between Forces below Chief Officer level in accordance with Police Regulations.

HR8.20 To approve the number of designated first aiders and the payment of appropriate First Aid allowances.

HR8.21 Subject to agreement with the Chief Executive, to issue certificates sought by staff seeking exemption from political restriction under the Local Government and Housing Act 1989, in those cases where it is considered that the duties of the post do not fall within Sub-section 3 of Section 2 of the Act.

HR8.22 To approve the retirement of Police officers and Police staff of the Force on the grounds of ill health and the payment of ordinary and ill health pensions and gratuities as appropriate, with due regard to the advice of the Force Medical Examiner or selected medical practitioner. This power to be restricted to officers up to and including the rank of Chief Superintendent. However the Commissioner must be consulted on the retirement of Assistant Chief Constables and the Deputy Chief Constable. This provision includes the Director of Finance & Corporate Services (S151). In exercising this power details of all ill health retirements approved are to be reported to the Commissioner.

HR8.23 To authorise, in the circumstance of the death of an officer, special constable or member of the support staff in service, the payment of either a donation to charity or a floral tribute on behalf of the Force/Commissioner up to a limit of £50.

HR9 BUDGET AND POLICY FRAMEWORK

HR9.1 Without derogating from the respective statutory powers and duties of the Commissioner and the Chief Constable all aspects of the management of human resources for both corporations sole will be undertaken in accordance with the Budget and Policy Framework and having particular regard to the People Strategy.

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SECTION SIX

ASSET MANAGEMENT

AM1 BUDGET & POLICY FRAMEWORK

AM1.1 Without derogating from the respective statutory powers and duties of the Commissioner and the Chief Constable all aspects of the management of assets will be undertaken in accordance with the Budget and Policy Framework and having particular regard to the Asset Strategy.

AM2 PROPERTY

AM2.1 Having regard to the recommendations of the Financial Management Code of Practice relating to property management the following functions are designated to the Chief Constable.

AM2.2 The Chief Constable shall make arrangements for the day to day management, furnishing and equipping of Lincolnshire Police premises, subject to the provisions of the financial regulations, and shall make arrangements for its proper security and maintenance.

AM2.3 The Chief Constable shall ensure that assets are properly maintained and securely held, and that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place. Assets include stocks, stores, equipment, records, and intangible items such as intellectual property that are expected to be used for longer than one year and have a value of over £5,000.

AM2.4 The Chief Constable will arrange for all attractive and portable items belonging to the Commissioner such as computers, cameras and video recorders to be identified with security markings as belonging to the Commissioner.

AM2.5 The Chief Constable shall establish and maintain a register of all property and major assets owned by or leased to the Commissioner, including vehicle and intellectual property, which shall include a current valuation of assets valued at and above the delegated limit.

AM2.6 The Chief Constable shall make such arrangements, as he deems necessary in line with current recognised practices to ensure the safe custody of all documents of title to land owned or leased by the Commissioner.

AM2.7 The Chief Constable shall take the role of Employer in civil engineering contracts where the Commissioner is the employer in respect of: -

- deduction of liquidated damages;
- other matters within the limits imposed by the Financial Regulation.

AM3 ACQUISITIONS AND DISPOSALS

AM3.1 Any acquisition or disposal of property that does not fall within the Policy Framework or Budget shall be subject to the prior approval of the Commissioner.

AM3.2 The Chief Constable shall arrange for disposal of any land, premises and other assets which become surplus to requirements and have been declared as such

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in accordance with the Budget and Policy Framework or under paragraph AM3.1. The Chief Constable shall take advice from an appropriately qualified valuer regarding the disposal of any land or premises. Where the estimated disposal value exceeds the delegated limit, the Chief Constable shall submit the terms of the proposed disposal to the Commissioner for approval together with a copy of the Valuer's written advice.

AM3.3 The Chief Constable shall advise both the Chief Executive and Commissioner's Chief Finance Officer in writing of any contractual difficulties with regard to the acquisition or disposal of property that are potentially likely to cost the Commissioner in excess of the delegated limit or where the matter could be of a high profile, novel, contentious or repercussive nature for the Commissioner.

AM3.4 The Commissioner is the legal contracting body, owning all the assets and liabilities. For the avoidance of doubt, the Commissioner does NOT consent to the Chief Constable entering into contracts or acquiring or disposing of property in their own right. Where the Chief Constable is managing, acquiring or disposing of property, they do so in the capacity of agent for the Police and Crime Commissioner.

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SECTION SEVEN

LEGAL FUNCTIONS

L1 Where calculated to facilitate, or conducive or incidental to, the discharge of any of the functions of the Commissioner, the Chief Constable shall be empowered to: -

- prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, to institute them in their own name; and
- make representations in their own name at any public inquiry held by or on behalf of any Minister or public body under any enactment.

L2 The Chief Constable must advise the Chief Executive and Commissioner's Chief Finance Officer of any legal proceedings where the matter is potentially of a high profile nature or is likely to involve the Commissioner in significant expenditure.

L3 The Chief Constable shall issue and serve notices and impose requirements under any legislation relating to the functions administered by the Force.

L4 Arrangements for the settlement of claims within the terms of the Commissioner and Chief Constable's insurance policies, ex-gratia payments and payments arising from Employment Tribunal settlements are detailed in the financial regulations at FR22.

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SECTION EIGHT

PARTNERSHIPS

P1 The Chief Constable may within the sphere of his or her operational responsibility form partnerships with other local public, private, voluntary and community sector organisations but shall prior to entering into such partnerships consult the Commissioner. The Chief Constable shall report at least annually to the Commissioner on the work of all such Partnerships.

P2 The Chief Constable through the Director of Finance & Corporate Services (S151) shall promote and maintain the same high standards of conduct with regard to financial administration in partnerships that apply to the Commissioner.

P3 The Commissioner's Chief Finance Officer and Director of Finance & Corporate Services (S151) must ensure that the accounting arrangements to be adopted relating to partnerships are satisfactory. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that all identifiable risks have been fully appraised before agreements are entered into with external bodies.

P4 For the purposes of paragraphs P1 – P3, 'partnership' is defined as a formal agreement between two or more independent bodies to work collectively at a strategic level to achieve agreed (an) objective(s) where highlighted risks are apparent. These risks are financial input, contractual obligations and staffing implications.

P5 Reporting as required by paragraph P1 shall be for those partnerships which are assessed as being of a combined high risk.

P6 Notwithstanding the above, the Commissioner is the legal contracting body. The Commissioner does NOT consent to the Chief Constable entering into contracts in their own right. Where the contract and procurement regulations authorise the Chief Constable, members of their staff or the strategic partner to enter into contracts on behalf of the Police and Crime Commissioner, they do so acting as agent of the Commissioner.

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SECTION NINE

URGENCY POWERS

UP1 Where a matter which is not delegated to any officer under this scheme requires a decision that cannot wait for the attention of the Commissioner or Deputy Commissioner (to whomever power is reserved), and only in such circumstances, the Chief Executive and/or Commissioner's Chief Finance Officer may take the necessary decision provided that the provisions of paragraphs UP2 to UP4 are complied with.

UP2 Before taking a decision under paragraph UP1 the Chief Executive and/or Commissioner's Chief Finance Officer shall consult each other and the Chief Constable (except in relation to matters which would otherwise be determined by the Commissioner without reference to the Chief Constable).

UP3 Every effort must be made to discuss the proposed decision with the Commissioner or their Deputy using the most appropriate means of communication.

UP4 Urgent decisions taken under delegated authority in accordance with these provisions must be reported to the Commissioner and published in the manner normally used for decisions of the Commissioner.

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SECTION TEN

PROPER OFFICERS

PO1 APPOINTMENT

PO1.1 In accordance with the Local Government Act 1972 and other legislative requirements the following officers are appointed as the Proper Officers to discharge the functions stated.

PO2 CHIEF EXECUTIVE

PO2.1 The Chief Executive is designated as the Proper Officer for the following: -

- Section 96 (1) - Receipt of notices of pecuniary interest.
- Section 96 (2) - Keeping records of disclosures of pecuniary interest under section 94 and of notices under Section 96 (1).
- Section 100B - Determination of which reports or parts of reports should not be disclosed on the grounds that they include exempt information which is likely to be considered in private.
- Section 100C – Minuting of meetings and preparing where necessary written summary of such parts of meetings at which the public are not present.
- Section 100F - Determination of which documents should not be disclosed to members on the grounds that they include confidential or exempt information.
- Section 229 (5) - Certification of photographic copies of documents.
- Section 231 (1) & (2) – Authentication of documents.
- Section 41 (1) & (3) of the Local Government Miscellaneous Provisions) Act 1976 – Certification of resolutions and minutes, etc., for evidential purposes.

PO3 COMMISSIONER'S CHIEF FINANCE OFFICER

PO3.1 The Commissioner's Chief Finance Officer is designated as the Proper Officer for the following: -

- Section 115 (2) – Receipt of monies due from officers.
- Section 228 (3) – Inspection of accounts.

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SECTION ELEVEN

JOINT INDEPENDENT AUDIT COMMITTEE

JIAC1 TERMS OF REFERENCE

JIAC1.1 The Police and Crime Commissioner and Chief Constable are required to establish a Joint Independent Audit Committee (JIAC) in accordance with the requirements of the Home Office Code of Practice on Financial Management, which is made by the Secretary of State under section 17 of the Police Reform and Social Responsibility Act 2011 and section 39A of the Police Act 1996.

JIAC 1.2 The Joint Independent Audit Committee reviews its terms of reference on an annual basis; recommendations for change are subject to agreement by the PCC and Chief Constable.

JIAC 1.3 The duties of the JIAC are set out below.

Governance, risk and control

The committee will, in relation to the PCC/the CC:

1. Review the corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

2. Review the Annual Governance Statements prior to approval and consider whether they properly reflect the governance, risk and control environment and supporting assurances and identify any actions required for improvement.

3. Consider the arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

4. Consider the framework of assurance and ensure that it adequately addresses the risks and priorities of the OPCC/the Force.

5. Monitor the effective development and operation of risk management, review the risk profile, and monitor progress of the PCC/CC in addressing risk-related issues reported to them.

6. Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

7. Note the recommendations of external inspection and regulatory bodies regarding risk management and internal controls and monitor the implementation of agreed actions

8. Review arrangements for the assessment of fraud risks and potential harm from fraud and corruption, including related whistle blowing policies, and monitor the effectiveness of the counter-fraud strategy, actions and resources. In relation to the above, to give such advice and make such recommendations on the adequacy of the level of assurance and on improvement as it considers appropriate.

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Internal audit

The Committee will:

9. Annually review the internal audit charter and resources.

10. Review the internal audit plan and any proposed revisions to the internal audit plan.

11. Oversee the appointment and consider the adequacy of the performance of the internal audit service and its independence.

12. Consider the head of internal audit's annual report and opinion, and a regular summary of the progress of internal audit activity against the audit plan, and the level of assurance it can give over corporate governance arrangements.

13. Consider summaries of internal audit reports and such detailed reports as the committee may request from the PCC/the CC including issues raised or recommendations made by the internal audit service, management response and progress with agreed actions.

14. Consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.

15. Hold an annual private meeting with both internal and external auditors.

16. Undertake an annual self-assessment.

External audit

The committee will:

17. Advise the PCC on the appointment of and relationship with, the external auditor. The committee will advise on the relationship with the PSAA (Public Sector Audit Appointments) as and when appropriate.

18. Comment on the scope and depth of external audit work, its independence and whether it gives satisfactory value for money.

19. Consider the external auditor's annual management letter, relevant reports, and the report to those charged with governance.

20. Consider specific reports as agreed with the external auditor.

21. Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies. In relation to the above, to give such advice and make such recommendations on the adequacy of the level of assurance and on improvement as it considers appropriate.

22. Hold an annual private meeting with both internal and external auditors

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Financial reporting

The committee will:

23. Review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit of the financial statements that need to be brought to the attention of the PCC and/or the CC.

24. Consider the external auditor's report to those charged with governance on issues arising from the audit of the financial statements.

25. In relation to the above, to give such advice and make such recommendations on the adequacy of the level of assurance and on improvement as it considers appropriate.

26. Review the Treasury Management Strategy Statement annually and provide any comments prior to final version being approved.

27. Review various in year monitoring reports and provide any comments.

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