

NOT PROTECTIVELY MARKED

REQUEST FOR DECISION – PCCSH/ 000186/2014

Title of decision: Decisions Policy and Procedure

Executive Summary: Following a review of arrangements for the making of significant decisions, a revised Decisions Policy and Procedure is proposed for adoption.

Recommendation: That the Decisions Policy and Procedure be approved

Police and Crime Commissioner

I hereby approve/~~reject~~ the recommendation above.

Comments of decision maker (if any):

Signature



Date

15/9/14

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Report of : Interim Chief Executive

Date : 7 August 2014

Subject : Decisions Policy and Procedure

Contact : Kevin Gardner, email: kevin.gardner@hampshire.pnn.police.uk;
Tel: 01962 814852

1. Summary:

Following a review of arrangements for the making of significant decisions, a revised Decisions Policy and Procedure is proposed for adoption.

2. Recommendation:

That the Decisions Policy and Procedure be approved.

3. Strategic context:

3.1 In the Governance section of the Police and Crime Plan, a commitment is given to ensuring that the Commissioner can be held to account for his actions and, to this end, to publishing on the Commissioner's website all decisions of significant public interest or where there is a legal requirement to do so. This is consistent with legislation and provides the opportunity for scrutiny of the Commissioner's discharge of his responsibilities, by the Police and Crime Panel and by others.

3.2 Further, the Commissioner's Code of Corporate Governance contains a number of commitments to enable the taking of informed and transparent decisions which are subject to effective scrutiny and the management of risk.

3.3 In the light of the above, arrangements for the making of significant decisions have been reviewed, to ensure that consistency and transparency are being achieved.

4. Options Appraisal:

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4.1 An internal review was carried out by the Executive Adviser, in consultation with OPCC Senior Leaders and, within Hampshire Constabulary, the Deputy Chief Constable, Chief Finance Officer and key operational staff involved in the decisions process. In considering the options analysis on 9 June 2014, OPCC Senior Leaders Team endorsed the following key principles:

- The types of decision subject to formal decision making processes should be defined
- The roles of senior OPCC officers in the process should be clarified
- Clear responsibility should be taken at a senior level (within OPCC and Constabulary) for production of high quality reports in compliance with the agreed procedure
- The establishment of a fortnightly “decision day”
- The introduction of a Forward Plan of decisions
- Greater clarity that matters discussed at internal Constabulary boards, which require decision by the Commissioner, are expressed as recommendations to the Commissioner and subject to the agreed process
- Deputy Police and Crime Commissioner to be invited to attend relevant meetings between the Commissioner and Chief Executive/Chief Finance Officer
- Normal timescales to be adjustable to accommodate urgent business

4.2 The principles are now reflected in the revised draft Decisions Policy and Procedure, appended. The opportunity has been taken to make the documentation more concise, focusing on key provisions, and improving the style and presentation of the template for Decision Records and Reports.

5. Financial and Resourcing Implications:

There is no additional cost associated with the proposals. Streamlining the process will result in greater clarity, consistency and efficiency.

6. Communications and Engagement Implications:

Should the recommendations be accepted, key staff will be briefed on the revised process prior to implementation.

7. Legal Implications:

By providing greater clarity as to what amounts to a decision of a significant nature, the proposals will enable consistent compliance with the transparency requirements of the Elected Local Policing Bodies (Specified Information) Order 2011.

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8. Risks and Mitigation:

- 8.1 There is a risk that, in pursuit of transparency, information of a personal nature, or which is commercially confidential, is disclosed inappropriately. This is addressed through clear guidance in the Decisions Procedure as to the criteria to be applied in determining whether information is to be withheld from publication. This criteria is founded in existing provisions of the Data Protection Act and Freedom of Information Act.
- 8.2 In a process that requires all necessary information and relevant advice to be gathered and incorporated in a written report, there is a risk that the position may be compromised where an urgent response is required. This is addressed by including a specific provision enabling an abbreviated process to be authorised by the Chief Executive in genuinely urgent cases. It is stressed however that this is to be applied by exception.
- 8.3 By clarifying the relevant process, the decision addresses Risk PCC 8 in the OPCC Risk Register, which relates to “unclear governance and decision making process resulting in delay in approvals”.

9. Strategic Policing Requirement:

No implications

10. Equalities:

Decision Records and Reports can be made accessible in alternative formats where appropriate.

11. Publication status:

Suitable for publication

Persons consulted: Deputy Police and Crime Commissioner, Assistant Police and Crime Commissioner (Policing & Safer Communities), Assistant Police and Crime Commissioner (Isle of Wight), Chief Executive, Chief Finance Officer, Estate Strategy and Delivery Director, Head of Communications and Engagement, Head of Strategic Commissioning, Head of Performance and Delivery, Executive Adviser, Legal Adviser, Deputy Chief Constable, Chief Finance Officer (HC)

Annexes: Draft Decisions Policy and Procedure

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Background Papers: Executive Adviser Report to OPCC Senior Leaders, 6 June 2014

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Decision reference: PCCSH_000186_2014



Decision Making Policy and Procedure

Author:	<i>Executive Adviser</i>
Date created:	<i>June 2014</i>
Review due/frequency:	<i>6 months, then 2 Yearly/ Next review due Jan 2015</i>
Version:	<i>4.0 Final Draft</i>
Current Version Date:	<i>3 September 2014</i>

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1. Introduction

- 1.1 Carrying out the functions of Police and Crime Commissioner (the Commissioner) requires the making of a wide range of decisions. These include decisions of a strategic nature, and/or for the commitment of significant resources, to matters of a more routine nature on day to day business.
- 1.2 This Decision Making Policy and Procedure has been created to clarify the policy intentions of the Commissioner, the levels of formality that apply to making different kinds of decisions, and the roles and expectations of all those involved.

2. Policy

- 2.1 The policy intention is to ensure that decisions in the exercise of the Commissioner's functions are made in a way in which the communities of Hampshire and the Isle of Wight have confidence and in particular that:
 - Decisions are informed and transparent, subject to effective scrutiny and which assist in the management of risk;
 - Those making decisions are provided with information that is relevant and timely, giving clear explanations of technical issues and their implications;
 - Professional advice on legal and financial matters is available and recorded where decisions have material legal or financial implications; and
 - Processes are flexible and proportionate, avoiding unnecessary steps and bureaucracy that add little or no value.

3. Scope

- 3.1 The Decisions Procedure applies in full to those Decisions made by the Commissioner that are of a strategic or policy nature, or which involve the commitment of significant resources, or which are of fundamental importance to the corporate governance framework and (in any of those cases) do not fall within the powers of senior officers under the Scheme of Delegation.
- 3.2 Decisions should set the vision, policy, strategic direction and context within which consequential decisions can then be made and actions taken by officers in accordance with their delegated authority under the Scheme of Delegation.

3.3 Without limitation, examples of Decisions to which the Decisions Procedure applies, including subsequent amendments, are as follows:

Strategy

- Police and Crime Plan
- Medium term financial strategy
- Reserves strategy
- Estate strategy
- Treasury management strategy
- Commissioning Strategy
- Communications and Engagement Strategy
- Appointment of Deputy Commissioner, Chief Constable and Statutory Officers
- Equality strategy
- Risk management strategy

Governance

- Scheme of Delegation
- Financial regulations and contract standing orders
- Audit strategy and plans
- Annual governance statement
- Approval of accounts

Estates Management

- Acquisition and disposal of surplus premises

Finance and Procurement

- Setting the precept and annual budget
- Approving the capital programme
- Prudential borrowing and affordable borrowing limits
- Purchase of equipment and software

3.4 Where a decision falls within the powers delegated to nominated officers, the general principles of the Scheme of Delegation require (para 2.5 of the Scheme) that those decisions are recorded and available for inspection, and the Commissioner consulted or informed as required by the Scheme of Delegation. While the Decisions Procedure does not apply to such decisions, the Chief Executive may nevertheless require it to be followed when they are of the view that the decision is sufficiently complex or sensitive that it would justify a more formal record of the decision being made. Where this is not the case, it is nevertheless the responsibility of the officer to ensure that the decision, with reasons, is documented in sufficiently clear and proportionate form.

4. Definitions

<i>“Chief Officer”</i>	Member of the Constabulary’s Chief Officer team
<i>“Constabulary SPOC”</i>	The officer of the Constabulary designated by the Chief Constable to act on his behalf in ensuring the Decisions Procedure is followed, in relation to Decisions sought by officers of the Constabulary, including where these arise from the deliberations of internal Constabulary boards.
<i>“Decision”</i>	A decision within the description set out in section 3.1 – 3.3 above
<i>“Decision Window”</i>	The period of time in the Forward Plan allocated for consideration of the Report and making of the Decision
<i>“Decision Maker”</i>	The person making the Decision
<i>“Decision Meeting”</i>	A meeting convened to formally agree a decision that is of such significance that the Commissioner requires advice in person from all relevant officers
<i>“Decisions Officer”</i>	An officer within the OPCC designated by the Chief Executive to co-ordinate the day to day operation of the Decisions Procedure and to maintain the Forward Plan
<i>“Decisions Procedure”</i>	The procedure set out in sections 5 to 7 below
<i>“Decision Record”</i>	The record of the Decision which is signed by the Decision Maker
<i>“Forward Plan”</i>	The schedule of dates allocated for making of Decisions, maintained by the Decisions Officer
<i>“Report”</i>	The report explaining the background to, and reasons for, the Decision sought
<i>“Report Author”</i>	The officer who drafts the Report

5. Decisions Procedure

- 5.1 The Report Author notifies the Decisions Officer of the subject matter of the Decision sought, and the date by which it is required. The Decisions Officer informs the Chief Executive who may, if they are of the view that the subject matter involves confidential or sensitive material, agree that a reduced circulation list is to be followed for the purposes of Paras 5.4 and 5.10 below.
- 5.2 The Decisions Officer allocates a Decision Window and notifies the Report Author.
- 5.3 The Report Author drafts the Decision Record and Report, in the form attached as Appendix A with all sections completed as appropriate to the particular case, and incorporating any relevant advice required on policy, legal, financial, or technical issues.
- 5.4 Subject to Para 5.1 above, the Report Author sends the draft Decision Record and Report to the OPCC Senior Leaders Team via the email distribution list, for comments within 5 working days. The email must be marked in the subject line "Decision Report: [Title of Report]".
- 5.5 After 5 working days, the Report Author finalises the Decision Record and Report, ensuring that comments made are incorporated as necessary and that any queries raised have been resolved.
- 5.6 Report Author submits final Decision Record and Report to Decisions Officer, at least 5 working days before the start of the Decision Window.
- 5.7 Decisions Officer checks that the Decision Record and Report is in the form required and that the Decisions Procedure has been complied with. If not, it is returned to the Report Author for amendment and return.
- 5.8 When the Decisions Officer is satisfied the Decision Record and Report is in the form required, it is passed it to Chief Executive for final confirmation that it is ready for consideration either during the Decision Window or at a Decision Meeting.
- 5.9 Subject to resolution of any final issues by the Chief Executive with the Report Author, the Decisions Officer allocates a unique reference number, and notifies the Report Author that the matter is being included in the agenda for the Decision Window or that it will be the subject of a Decision Meeting.
- 5.10 Subject to Para 5.1 above, 3 working days before the start of the Decision Window or the Decision Meeting, the Decisions Officer emails the OPCC Senior Leaders Team with links to the final Decision Record

and Reports due for consideration in the Decision Window or at the Decision Meeting.

- 5.11 During the Decision Window, the Decision Maker will consider the report and, if satisfied, make the decision. The document should then be returned to the Decisions Officer.
- 5.12 Should the matter be considered at a Decision Meeting, the Commissioner and/or Deputy Commissioner will attend, along with the Chief Executive and Chief Finance Officer (or, in their absence, their nominees) and the Report Author. Other members of the OPCC Senior Leaders Team may attend of their own volition or where requested by the Decision Maker or the Chief Executive. The Decision Maker seeks any advice required from those present, considers the report and, if satisfied, makes the Decision, signing the Decision Record. The document should then be returned to the Decisions Officer.
- 5.13 The Decisions Officer scans the signed Decision Record, saves it as a PDF file in the OPCC Decisions folder, and (subject to Para 7 below) arranges for publication of the Decision Record on the OPCC website. A copy of the scanned Decision Record is sent by email to the Report Author, all normally within two working days of the Decision Date.

6. Additional Requirements where the Report Originates from Within Hampshire Constabulary

- 6.1 Where the Report Author is a member of the Constabulary, the Constabulary SPOC is responsible for acting on their behalf in the Decisions Procedure. Where the Report Author is not a Chief Officer, the Constabulary SPOC must additionally ensure that the appropriate Chief Officer is consulted on and agrees the Decision Record and Report prior to submission to the Decisions Officer.
- 6.2 The Constabulary SPOC will ensure that the Decisions Procedure is followed where a need for a Decision arises from the deliberations of the Force Programme Board, or other board internal to the Constabulary.
- 6.3 All communications from the Constabulary SPOC to the Decisions Officer will be via the OPCC mailbox. The email must be marked in the subject line "Decision Report: [Title of Report]".
- 6.4 All responses from the OPCC to the Constabulary SPOC will be via the ACPO mailbox.

7. Publication Status

- 7.1 In accordance with principles of openness and transparency, Decision Records will normally be published in full on the OPCC website, except where, and to the extent that, they contain information which is regarded as confidential or exempt from publication.
- 7.2 Information is *confidential* where it has been received from a Government Department or other source upon terms (however expressed) which forbid the disclosure of it to the public, or where its disclosure to the public is prohibited by or under any enactment or by the order of a court.
- 7.3 Information is *exempt from publication* where it falls within one or more of the following categories and, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:
- Information relating to any individual.
 - Information which is likely to reveal the identity of an individual.
 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the body or a Minister of the Crown and employees of, or office holders under, the authority.
 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - Information which reveals that the authority proposes -
(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
(b) to make an order or direction under any enactment.
 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Note: “authority” means the Office of the Police and Crime Commissioner and/or Hampshire Constabulary.

- 7.4 Where the whole of a Decision Record or Report is not for publication, the appropriate protective marking classification will be stated in the header, and the reasons given in the appropriate paragraph of the Report. Where part of a Decision Record or Report is not for publication, the confidential or exempt information should be included in a confidential appendix, along with the appropriate protective marking and reasons. The remainder of the Decision Record should be published in the normal way.

8. Urgent Decisions

- 8.1 Where, due to reasons beyond the reasonable control of the Report Author, a Decision is required in circumstances where compliance with the normal timeframe of the Decisions Procedure would risk compromising the position of the Police and Crime Commissioner and/or Chief Constable, the Chief Executive may authorise an abbreviated procedure to be used, whereby (1) the timeframe is reduced and/or (2) the Decision is made as soon as practicable, rather than in the Decision Window specified in the Forward Plan. In all other respects the Decisions Procedure will be followed. The reasons for urgency will be stated in the Decisions Record.
- 8.2 To ensure the achievement of the Policy intention, the use of the urgency provisions should be kept to a minimum.

9. Review:

- 9.1 This policy and procedure will be reviewed after six months of operation, and thereafter every two years, or earlier if there are significant changes in either OPCC or national policies. All aspects will be reviewed in the light of changes or amendments to legislation/regulation or policy.



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REQUEST FOR DECISION – <unique reference no>

Title of decision:

Executive Summary: *[The purpose of this report is to provide]*

Recommendation: *[Recommendation and reasons]*

(Delete as appropriate)

Police and Crime Commissioner

I hereby approve/reject the recommendation above.

Chief Executive / Chief Finance Officer/[other, please state]

I hereby approve/reject the recommendation above, under my delegated authority.

[If rejected: the reason why should be stated]

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(delete as appropriate)

Decision reference:

NOT PROTECTIVELY MARKED/PROTECT/RESTRICTED
(*delete as appropriate*)

Comments of decision maker (if any):

Signature

Date

NOT PROTECTIVELY MARKED/RESTRICTED
(*delete as appropriate*)

Decision reference:

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(delete as appropriate)

Report of : [Report Author]

Date : [insert date of meeting at which decision is to be made]

Subject :

Contact : *[insert name, contact, telephone number and email address of person to whom any queries or comments should be sent]*

1. Summary:

[insert brief statement summarising what the matter is about and the decision being sought]

2. Recommendation:

[insert concise statement of the decision recommended]

3. Strategic context:

[explain how the subject of the report relates to the Priorities of the Police and Crime Plan, and/or the Commissioner's corporate governance framework]

4. Options Appraisal:

[outline the options that have been considered, their respective strengths and weaknesses, and the reasons for the preferred option being proposed]

5. Financial and Resourcing Implications:

[Explain any financial cost that will arise as a result of the proposed decision, and how this will be met. Explain whether the decision can be implemented within existing staffing resources and, if not, the additional resources required and how these will be funded. Distinguish between one-off (capital) expenditure to be incurred in one year only, and recurring (revenue) expenditure to be incurred in current and subsequent years]

6. Communications and Engagement Implications:

[Explain any implications for media and/or stakeholder management, and how these will be handled in accordance with the Commissioner's Communications and Engagement Strategy]

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(delete as appropriate)

Decision reference:

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7. Legal Implications:

[Set out any legal issues arising and summary of any advice provided by the Commissioner's legal advisers]

8. Risks and Mitigation:

[Explain any risks associated with the decision, with reference to the OPCC or HC Risk Register, and how the Decision will mitigate the risk/s in question. If there is no direct link to the Risk Register, this should be stated]

9. Strategic Policing Requirement:

[Explain any implications for delivery of regional or national policing requirements]

10. Equalities:

[Explain any particular impact the decision is likely to have on people with protected characteristics under the Equality Act 2010]

11. Publication status:

[Explain whether the report is suitable to be published in whole or in part. To the extent that it is 'not for publication', state the grounds for this, by reference to Para 7 to the Decisions Policy and Procedure]

Persons consulted:

Name	Tick as appropriate
Deputy Police and Crime Commissioner	
Assistant Police and Crime Commissioner (Policing and Safer Communities)	
Assistant Police and Crime Commissioner (Isle of Wight)	
Chief Executive	
Chief Finance Officer	
Estate Strategy and Delivery Director	
Head of Communications and Engagement	
Head of Strategic Commissioning	
Head of Performance and Delivery	
Executive Advisor	
Legal Advisor	
<i>[insert others as appropriate]</i>	

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(delete as appropriate)

Decision reference:

NOT PROTECTIVELY MARKED/PROTECT/RESTRICTED
(delete as appropriate)

Annexes: *[Further documents appended where relevant to give further background or detail]*

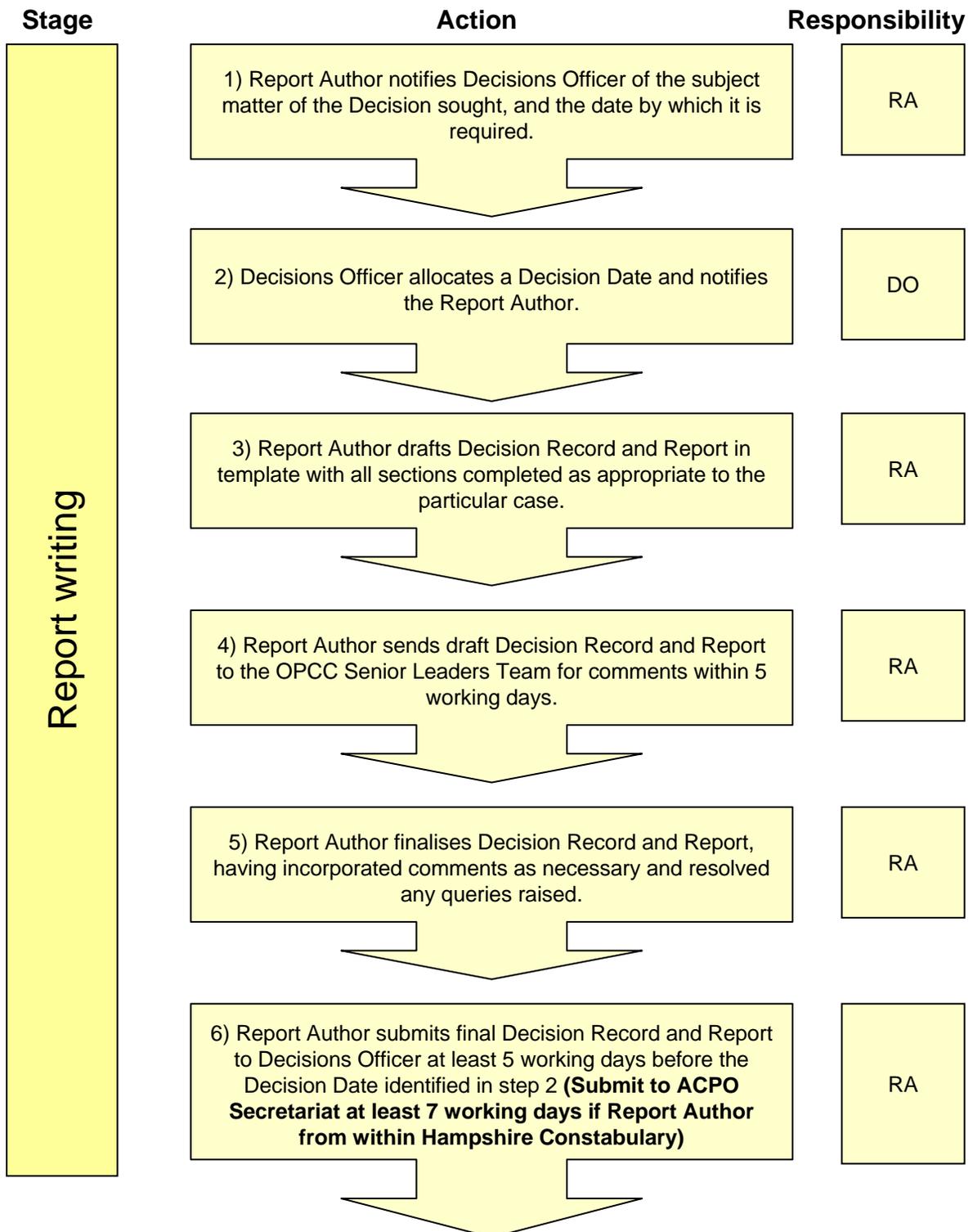
Background Papers: *[List any documents which have been relied upon to any significant extent in the preparation of the report and which, while not appended to the report, may be made available on request, subject to not disclosing any information which is confidential or exempt from publication]*

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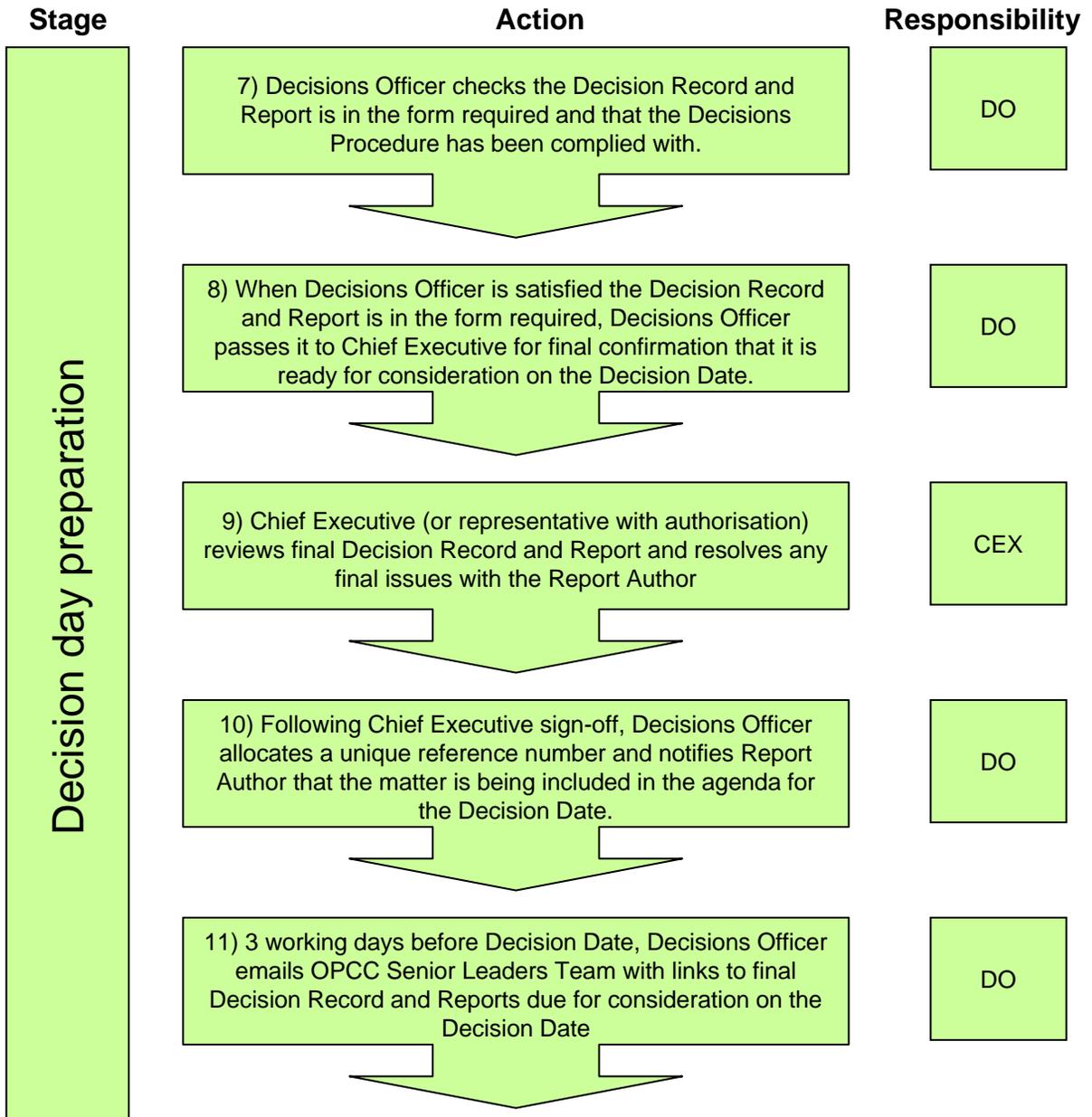
Decision reference:

Decision making protocol - workflow

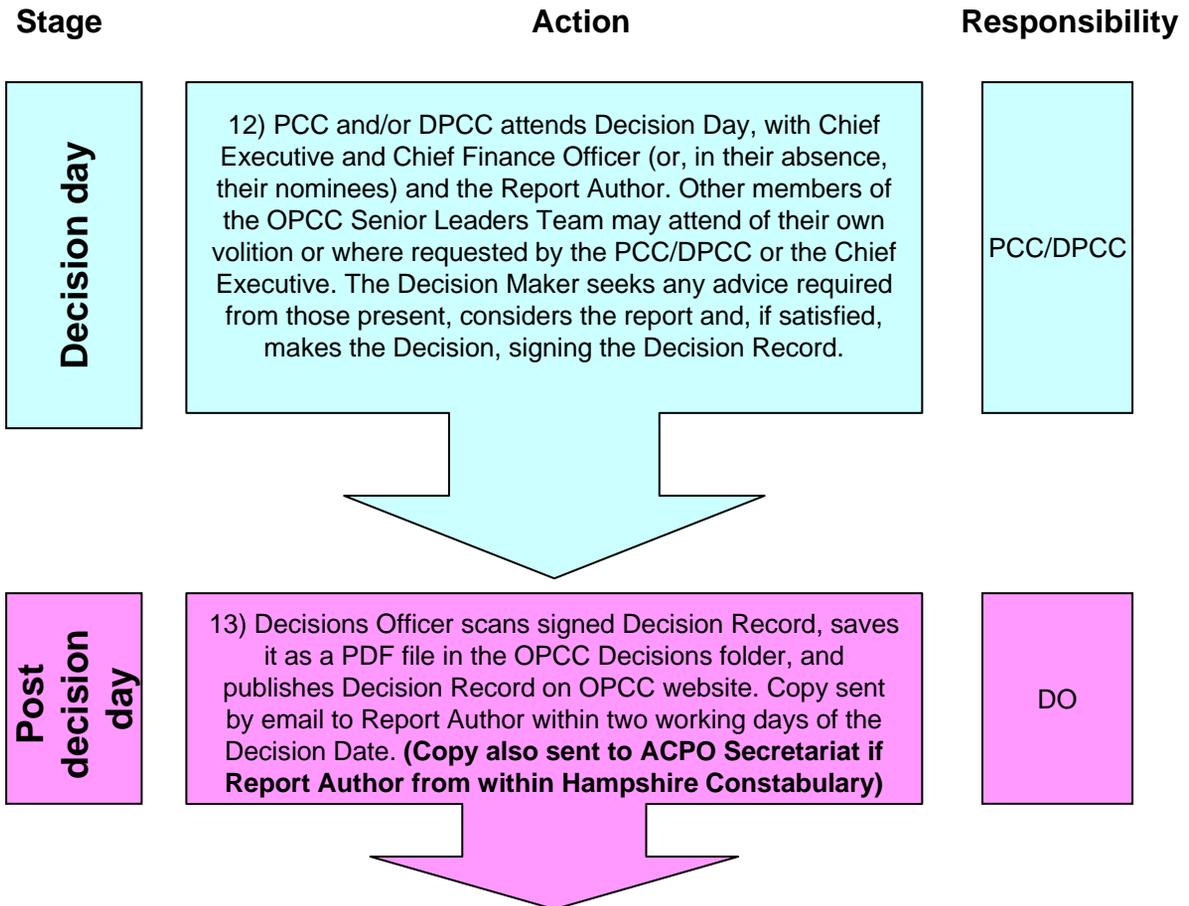
This workflow is to be followed once it is determined that a formal decision by the Commissioner is required – see decision making protocol for definition



Decision making protocol - workflow



Decision making protocol - workflow



Key:

RA – Report Author

DO – Decisions Officer at the Office of the Police and Crime Commissioner

CEX – Chief Executive to the Police and Crime Commissioner

PCC – Police and Crime Commissioner

DPCC – Deputy Police and Crime Commissioner