



Police and Crime Commissioner **for Essex**

Scheme of Delegation

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PART 1

OFFICE OF THE POLICE AND CRIME COMMISSIONER (PCC)

Introduction

The scheme of delegation details the key roles of the Police and Crime Commissioner (the “PCC”), and those functions which he designates to the Chief Executive, Chief Finance Officer, Chief Constable and if appointed a Deputy Police and Crime PCC.

This scheme of delegation forms part of the Police and Crime Commissioner governance framework to ensure that business is carried out efficiently without unnecessarily delaying decisions.

The powers set out in this Scheme of Delegation should be exercised in accordance with the PCC’s consent, the law, standing orders and financial regulations, and also policies, procedures, plans, strategies and budgets. .

This scheme of delegation does not identify all the statutory duties which are contained in specific legislation and regulation.

Words denoting the singular shall include the plural and vice versa, words denoting the masculine gender shall include the feminine gender and vice versa.

Public Accountability

The public accountability for the delivery and performance of the police service is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC.

1. Key role of the PCC

- 1.1 The PCC within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public.
- 1.2 The PCC is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the PCC. How this money is allocated is a matter for the PCC in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.

- 1.3 The PCC has the legal power and duty to:
- (a) set the strategic direction and objectives of the force through the Police and Crime Plan (the “Plan”), which must have regard to the Strategic Policing Requirement set by the Home Secretary;
 - (b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan;
 - (c) hold the Chief Constable to account for the performance of the force’s officers and staff;
 - (d) decide the budget, allocating assets and funds to the Chief Constable; and set a precept for the force area;
 - (e) appoint the Chief Constable;
 - (f) suspend and remove the Chief Constable;
 - (g) maintain an efficient and effective police force for the police area
 - (h) enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where it relates to the functions of the police force, then it must be with the agreement of the Chief Constable).
 - (i) provide the local link between the police and communities, (working towards translating the legitimate desires and aspirations of the public into action;)
 - (j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;
 - (k) publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and Chief Constable;
 - (l) prepare and issue an annual report on the PCC’s delivery against the objectives within the Plan;
 - (m) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable
- 1.4 The PCC must not fetter the operational independence of the police force and the Chief Constable who leads it.

- 1.5 In order to enable the PCC to exercise the functions of their office effectively, they will need access to information and officers and staff within their force area. Such access to any information must not be unreasonably withheld or obstructed by the Chief Constable and/or fetter the Chief Constable's discretion and control of the force.
- 1.6 A PCC has wider responsibilities than those relating solely to the police force, namely:
- (a) A specific responsibility for the delivery of community safety and crime reduction;
 - (b) The ability to bring together Community Safety Partnerships at the force level;
 - (c) The ability to make crime and disorder reduction grants within their force area;
 - (d) The duty to ensure that all collaboration agreements with their Local Policing Bodies and forces deliver better value for money or enhance the effectiveness of policing capabilities and resilience
 - (e) A wider responsibility for the enhancement of the delivery of criminal justice in their area.
- 1.7 The PCC is the legal contracting body who owns all the property rights and liabilities.
- 1.8 The PCC will be held to account by the Police and Crime Panel (the "Panel") who will scrutinise his decisions.
- 1.9 The PCC may appoint a deputy to exercise his functions, with the exception of those functions which cannot be delegated detailed within paragraph 2.10.

2. General Principles of Delegation

- 2.1 The PCC may ask that a specific matter is referred to him for a decision and not dealt with under this scheme of delegation.
- 2.2 This Scheme does not attempt to list all matters which form part of the everyday management responsibilities.
- 2.3 Any person to whom powers have been delegated under this Scheme may refer the matter back to the PCC for a decision if that person

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thinks this is appropriate, for example, due to sensitive issues or decisions with significant financial implications.

- 2.4 When a person considering a matter that impacts upon another person's area of responsibility, they should consult that person before proceeding with any decision.
- 2.5 All decisions made under delegations from the PCC must be recorded and available for inspection.
- 2.6 The Chief Constable and Chief Executive of the PCC's office are responsible for ensuring that members of staff are aware of the provisions and obligations of this Scheme of Delegation.
- 2.7 The Chief Executive and the Chief Finance Officer of the PCC have statutory powers and duties relating to their positions and therefore do not rely on delegations in order for these powers and duties to be executed.
- 2.8 This Scheme of Delegation provides the Chief Executive, Treasurer or Chief Constable with the authority to undertake the duties of the PCC. Whilst undertaking these duties the officer must comply with all other relevant statutory and regulatory requirements as well as:
 - a) The Police and Social Responsibility Act 2011 and other relevant legislation issued under this Act.
 - b) Financial Regulations
 - c) Home Office Financial Management Code of Practice for the police service
 - d) CIPFA Statement on the role of the Chief Finance Officer of the PCC
 - e) The Contract Regulations
 - f) The PCC and Essex Police employment policies and procedures
 - g) The PCC's Constitution
 - h) The Data Protection Act 1998 and the Freedom of Information Act 2000
 - i) Health and Safety at Work legislation and codes.
 - j) Equality Act 2010 and related equality and diversity regulation and guidance
- 2.9 The PCC and his staff must have regard to the following (this list is indicative only and should not be considered to be exhaustive):
 - a) The views of the communities in Essex
 - b) Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.
 - c) The Police and Crime Plan and any guidance issued by the Secretary of State.

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2.10 The following functions may not be delegated by the PCC:

- a) Issuing the Police and Crime Plan
- b) Determining the police and crime objectives of the Police and Crime Plan
- c) Calculation of budget requirements
- d) Appointing the Chief Constable, suspending the Chief Constable or calling upon the Chief Constable to retire or resign
- e) Attendance at the Police and Crime Panel in compliance with a requirement by the Panel to do so
- f) Preparing the Annual Report to a Police and Crime Panel

2.11 The PCC may arrange for any person, who is not the Deputy PCC to exercise any function of the PCC

2.12 This scheme is a record of the formal consents that are in effect at the time its publication. The PCC's Constitution, including the scheme of delegation will be reviewed annually.

2.13 With the exception of the functions detailed which may not be delegated by the PCC, this scheme of delegation permits any person with a delegated function may delegate that power further.

3. Functions delegated to the Deputy Police and Crime Commissioner

3.1 The PCC may appoint a deputy ("Deputy PCC") to exercise his functions, with the exception of those detailed in paragraph 2.10

3.2 The Deputy PCC may arrange for any other person to exercise any function of the PCC which is exercisable by the Deputy PCC, subject to section 18(5) of the Police Reform and Social Responsibility Act 2011

4. Functions delegated to the Chief Executive Officer, Office of the Police and Crime Commissioner

4.1 To act as Monitoring Officer under section 5(1) Local Government and Housing Act 1989

4.2 Prepare the Police and Crime Plan in consultation with Essex Police for submission to the PCC

4.3 Prepare an annual report for submission by the PCC to the Police and Crime Panel on the PCC's delivery against the objectives set out in the Police and Crime Plan

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- 4.4 Provide information to the Panel, as appropriate to enable the Panel to carry out its functions
- 4.5 To execute all contracts on behalf of the PCC and Deputy PCC in accordance with and decisions made by the PCC or Deputy PCC.
- 4.6 To consider and approve, in consultation with the Chief Finance Officer, the indemnity to the PCC [and Deputy PCC] in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.
- 4.7 To affix the common seal of the PCC as required by the financial regulations in force from time to time to:
 - a) All contracts, agreements or transactions; in respect of which there is no consideration; or
 - b) That relate to the provision of goods and services by the PCC to another body which are £1million or above in value over the life of the contract; or
 - c) That are £1million or above in value over the life of the contract (in money or money's worth); or
 - d) Which grant or convey an interest in land; or
 - e) Which are grants that are £250,000 or above
 - f) When it is determined by the PCC that there is a particular need for the seal to be attached
- 4.8 To monitor all complaints made against officers and staff on behalf of the PCC
- 4.9 Agree the PCC and Essex Police budget for submission to the PCC
- 4.10 Approve the annual statement of accounts of the PCC and Essex Police Force
- 4.11 Approve business cases for revenue or capital expenditure in accordance with the financial regulations
- 4.12 Make arrangements to approve and appoint external solicitors and Counsel to represent the PCC from time to time.

Financial

- 4.13 To manage the PCC budget, along with the Chief Finance Officer, particularly with regard to:
 - a) Order goods and services and pay for them if provided for in the revenue budget
 - b) Seek and accept quotations and tenders for goods and services provided for in the revenue budget

- 4.14 To fix fees for copies of documents and extracts of documents requested by members of the public from the PCC under the Local Government (Access to Information) Act 1985, the Freedom of Information Act 2000 or the Data Protection Act 1998.

Human Resources

- 4.15 To undertake the management of staff who are not under the direction and control of the Chief Constable in accordance with agreed policies and procedures
- 4.16 To make recommendations to the PCC with regard to PCC staff terms and conditions of service, in consultation with the Chief Finance Officer.
- 4.17 To appoint Independent Custody Visitors and terminate appointments thereof as necessary.

Other

- 4.18 To authorise the instigation, defence, withdrawal or settlement of any claims or legal proceedings on behalf of the PCC, in consultation with a legal advisor and the Chief Finance Officer if there are significant financial implications.
- 4.21 To consider, with the PCC, any complaint made against the Chief Constable, and where appropriate, to make arrangements for the appointment of an officer or an independent third party to undertake an investigation.

5. Functions delegated to the Chief Finance Officer, Office of the Police and Crime Commissioner

Introduction

The Chief Finance Officer is the financial advisor to the PCC and has statutory responsibility to manage his / her financial affairs as detailed in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2011

The Chief Finance Officer must ensure that the financial affairs of the PCC are properly administered having regard to their probity, legality and relevant standards.

- 5.1 To approve the arrangements for the Treasury management function including the day to day management, production of Treasury management strategy and supporting policies and procedures.

- 5.2 Approve the arrangements for securing and preparing the PCC's accounts, and seek assurances that there are appropriate arrangements in place for the force's accounts.
- 5.3 Approve the opening of all Bank Accounts
- 5.4 To undertake the day to day management of the PCC's budget.
- 5.5 To commit expenditure within the PCC's approved budget to meet the policies and objectives agreed with the PCC and reflected in the Policing Plan.
- 5.6 To manage grants awarded to the PCC [or Deputy PCC if appointed].
- 5.7 Prepare from time to time, draft financial and contract regulations, in consultation with, and having due regard to the view of the force, for approval by the PCC.
- 5.8 To act as money laundering reporting officer under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003 or other appropriate legislation from time to time in force.
- 5.9 To prepare and annually review financial and contract regulations, in consultation with the force, for approval by the PCC or the Deputy PCC is appointed.
- 5.10 To prepare and annual review a draft expenses and benefits framework for approval by the PCC.
- 5.11 To determine when any goods are surplus to requirements or obsolete and arrange for disposal in line with financial requirements.
- 5.12 To report to the PCC and the external auditor any unlawful or potentially unlawful spending by his, or the force's, officers.
- 5.13 Provide for an effective internal audit service.

6. Urgent matters

- 6.1 If any matter which would normally be referred to the PCC (or Deputy PCC, if appointed) for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer.
- 6.2 The appropriate persons authorised to decide urgent matters are:
 - a) the PCC Chief Executive (all issues other than operational matters);
 - b) the PCC Chief Finance Officer (financial and related issues)

- c) the Chief Constable (operational and financial issues affecting the force).

6.3 Urgent decisions taken must be reported to the PCC as soon as practically possible.

PART 2

FUNCTIONS DELEGATED TO THE CHIEF CONSTABLE

1. General

- 1.1 The Chief Constable is responsible for maintaining the Queen's peace, and has direction and control over the force's officers and staff. The Chief Constable holds office under the Crown, but is appointed by the PCC except in London where the Commissioner and Deputy Commissioner of Police of the Metropolis are appointed by the Queen on recommendation of the Home Secretary.
- 1.2 The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff remain operationally independent in the service of the communities they serve.
- 1.3 The Chief Constable is responsible to the public and accountable to the PCC for:
 - (a) leading the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality;
 - (b) appointing the force's officers and staff (after consultation with the PCC in the case of officers above the rank of Chief Superintendent and police staff equivalents);
 - (c) supporting the PCC in the delivery of the strategy and objectives set out in the Police and Crime Plan;
 - (d) assisting the PCC in planning the force's budget
 - (e) providing the PCC with access to information, officers and staff as required;
 - (f) having regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their force's national and international policing responsibilities;
 - (g) notifying and briefing the PCC of any matter or investigation in which the PCC may need to provide public assurance either alone or in company with the Chief Constable;

- (h) being the operational voice of policing in the force area and regularly explaining to the public the operation action of officers and staff under their command;
- (i) entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective policing bodies;
- (j) remaining politically independent of their PCC;
- (k) managing all complaints against the force, its officers and staff, except in relation to the Chief Constable, and ensuring that the PCC is kept informed in such a way as to enable the PCC 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 in line with legislation;
- (l) exercising the power of direction and control in such a way as is reasonable to enable the PCC to have access to all necessary information and staff within the force;
- (m) having day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the PCC.

2. Finance

- 2.1 Undertake the day to day management of the budget delegated to the force in accordance with the financial regulations.
- 2.2 Approve Business Cases where the total value of revenue expenditure is less than £250,000 and where the total value of capital expenditure is less than £200,000. Where the total capital expenditure is between £100,000 and £200,000 prior notice must be given to the Treasurer before the commitment is made. The above limits do not apply where the expenditure proposals are those for which the PCC is likely to have interest (i.e. Significant Financial Implications or Sensitive Issues).
- 2.3 Commit expenditure within the (Chief Constable's) approved budget to meet operational demand, and the policies and objectives agreed with the PCC as reflected in the Policing Plan.
- 2.4 In accordance with the financial regulations, transfer or move budgets between budget headings, on a permanent or temporary basis for all budget heading below £250,000, notifying the PCC through the budget monitoring process.

- 2.5 Approve all agreements for the provision of services to other organisations in accordance with policy and procedure including the approved Charging Policy. This does not apply to the provision of mutual aid by the PCC to another force under s.24 Police Act 1996 or the provision of advice or assistance to international organisations under the Police Act 1996, which are operational matters subject to consultation with the PCC concerning any financial implications..
- 2.6 Undertake the day to day management of the insurance and risk management functions in accordance with the strategy approved by the PCC on an annual basis.

3. Procurement

- 3.1 The day to day management of the procurement function in accordance with the contract regulations set out in the Financial Regulations.
- 3.2 Approve all contracts for request to tender set out in the Financial Regulations.

4. Property

- 4.1 To undertake the day to day management of the property function subject to the provision of financial regulations.
- 4.2 To keep a register of all property and major assets owned by the PCC or leased by him/her

5. Personnel

- 5.1 To manage, as far as is allowed by government directives, the numbers, locations, ranks and grading of police staff and police officers within the overall workforce budget approved by the PCC?
- 5.2 To appoint all officers and staff after consultation with the PCC on posts above the rank of Chief Superintendent
- 5.3 To authorise, in line with police staff conditions of service, the suspension or dismissal of any staff under his direction and control.
- 5.4 To approve the retirement, in the interests of the efficiency of the service, of employees and officers and to report to the PCC on this issue each year.
- 5.5 To approve the appointment or secondment of police officers for central services or overseas duty.

- 5.6 To bring national agreements on salaries, wages and conditions into effect on the clear understanding that any issues which have major financial implications will be made known to the PCC For consultation before implementation.
- 5.7 To approve payments under any bonus or performance-related payment schemes approved by the PCC or mandated by virtue of statute, regulations, national agreement (Police Negotiating Board) or Home Office, honoraria payments made for taking on extra duties and responsibilities, or similar special payments. However, all payments relating to the Chief Constable's Review/Bonus Scheme can only be approved by the PCC.
- 5.8 To negotiate with, and reach agreements with, recognised trade unions and staff associations on any matters that can be decided locally. All agreements reached must be reported back to the PCC.
- 5.9 To grant essential or casual car-user allowances.
- 5.10 To make awards under any staff-suggestion scheme.
- 5.12 To issue certificates staff have asked for to make them exempt from political restrictions under the correct legal provisions
- 5.13 In accordance with the Pensions Act 1967 (as amended) and the Police Pension Fund Regulations the Chief Constable is responsible for the administration of the police pension fund. The Chief Constable approves the retirement of police officers and police staff up to and including the rank of Chief Superintendent on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from the Force Medical Examiner or a medical practitioner.
- 5.14 The PCC must be consulted prior to the retirement of the Deputy Chief Constable and Assistant Chief Constables.
- 5.15 All ill-health retirements must be reported to the PCC not less than once a year. This report is to be submitted to the PCC in May of each financial year.
- 5.16 To provide financial assistance to police officers (and, if considered appropriate, police community support officers, members of the special constabulary and police staff) in legal proceedings taken by or against them, as long as they act in good faith and exercise reasonable judgement in performing their police duties. This action must be taken in line with Home Office advice/guidance.

6. Legal

- 6.1 Approve the financial settlement of all claims or requests for compensation felt to be non significant because:-
- a) The compensation to be paid is £100,000 or less (to include multiple or linked claims/claimants) and all accident claims or ex gratia payments for damage caused by officers and staff where the threshold will be £10,000 or less.
 - b) they do not involve a high profile claimant including Association of Chief Police Officer (ACPO) rank police officers
 - c) there is no Significant Public Interest in the case
 - d) The risk that the PCC or the Police Force will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures is considered low.
 - e) it is not a test case.
- 6.3 Institute, defend or participate in legal actions to protect the interests of the force and the Office of the Police and Crime PCC.
- 6.4 Provide advice, institute and defend legal proceedings on behalf of the PCC when requested to do so.
- 6.5 Settlement of employment tribunal cases and grievances of staff under the direction and control of the Chief Constable with the exception of those cases felt to be exceptional because:-
- a) they involve a high profile claimant
 - b) there is a particular public interest in the case
 - c) The risk that the PCC or the force will be exposed to serious public criticism or serious weaknesses in the organisation or polices and procedures will be revealed is considered low.
- 7. Other**
- 7.1 To determine when any goods are surplus to requirements or obsolete and arrange for their disposal in line with financial regulations.
- 7.2 To sign all contracts on behalf of the PCC (without prejudice to his right to sign contracts on his own behalf after consultation), irrespective of value, once they have been properly approved, except those which are required to be executed under the common seal of the PCC. In these cases the Chief Executive is authorised to sign and affix the seal.

- 7.3 To buy or lease the vehicles, machinery, equipment and services needed and to make arrangements for them to be used, disposed of, returned and replaced as appropriate.
- 7.4 To exercise the powers and duties of the Police (Property) Regulations 1997 by:
- a) authorising, where appropriate, requests to donate unclaimed lost property to charity; and
 - b) approve the keeping of unclaimed lost property if it can be put to good use for police purposes.
- 7.5 To make necessary arrangements to involve and work with communities and partner organisations in order to solve local policing problems.