

DERBYSHIRE CONSTABULARY
POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE



SCHEME OF DELEGATION AND CONSENT
(STAGE 1 TRANSFER)

Police and Crime Commissioner Scheme of Delegation and Consent (Stage 1 Transfer)

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Table of Contents

SECTION 1	VERSION CONTROL.....	3
SECTION 2	BACKGROUND.....	3
SECTION 3	INTRODUCTION.....	4
SECTION 4	THE DELEGATION TO DEPUTY POLICE AND CRIME COMMISSIONER.....	7
SECTION 5	THE DELEGATIONS TO OFFICERS.....	7

SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	04.09.12	Craig Sutherland	Head of Legal	Transfer to PCC
1.1	13.11.12	Helen Boffy	Chief Executive	Review of draft
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2.0	21.11.12	Senior team		Final Review of draft

SECTION 2 BACKGROUND**2. General**

- 2.1. Under the Police Reform & Social Responsibility Act 2011 (the Act), the Derbyshire Police Authority was abolished and replaced with a directly elected Police and Crime Commissioner for Derbyshire (PCC).
- 2.2. This Scheme of Delegation comes into effect from 22 November 2012, and supersedes the previous Scheme of Delegation under the Police Authority and the Police and Crime Commissioner's (PCC) approval is required. Any matter of business not covered in this document will require the PCC's approval.
- 2.3. The Scheme set out in this document is intended to strike a balance between giving the Chief Constable, Chief Executive and Chief Financial Officer reasonable managerial freedom and retaining the PCC's ability both to hold the Force to account and to give managerial direction to the Office of the PCC. The scheme is intended to ensure that the decision-making process provides good value for money.
- 2.4. This Scheme of Delegation details the functions delegated to the Chief Executive, Chief Finance Officer of the PCC (Treasurer), Director of Finance and Business Services and Heads of Legal and Human Resources.
- 2.5. This document facilitates the continued business activity. However, this is only applicable up to the point of the Stage 2 transfer. At Stage 2, this document will require revision or replacement by a Scheme of Consent.
- 2.6. The PCC has power under section 18 of the Police Reform and Social Responsibility Act 2011 to arrange for any person (other than a Deputy PCC in respect of whom there are separate provisions) to exercise any function of the PCC.
- 2.7. The Scheme will be recommended to the PCC for immediate adoption and then a review in April 2013.

- 2.8. The Scheme of Delegation can only be amended by the PCC, and it is expected that the initial Scheme may well need modification. The nature of the review will depend on how the scheme appears to the PCC and the Chief Constable to be operating.
- 2.9. The following principles have guided the preparation of this scheme:
1. The Commissioner must make statutory (see below) and other key decisions in respect of resources, performance standards and objectives across his/her responsibilities.
 2. The Commissioner must have sufficient information at the appropriate time and have sufficient decision-making powers to enable effective oversight and scrutiny and to ensure efficiency and effectiveness.
 3. The Commissioner's day-to-day activity should be focused on strategic issues including holding to account and scrutiny, interacting with the public and stakeholders, and promoting the achievement of the Police and Crime Plan.
 4. The Chief Constable must be given (in addition to operational independence) sufficient non-operational decision-making powers to enable him to lead and manage the Force effectively and efficiently.
 5. The Chief Executive must have reasonable managerial freedom to run the PCC's office and to progress business on the PCC's behalf.
 6. The Commissioner's management and administrative responsibilities should be largely discharged on his/her behalf by the Chief Executive and the Chief Financial Officer (Treasurer), provided that this does not undermine the Commissioner's ability to scrutinise the Force effectively and does not expose the Commissioner or the Force to reputational risk.
- 2.10. For clarity and in accordance with the Act there have been no transfers or delegations to the Chief Constable under stage 1. This includes all trading activities, assets, liabilities and reserves (held in the PCC's accounts including the Derbyshire portion of reserves relating to regional collaboration). Therefore, no corporation tax liability would exist for the Chief Constable under stage 1.

SECTION 3 INTRODUCTION

- 3.1. For the purposes of this Scheme of Delegation and Consent Derbyshire Police, when used as a generic term, shall refer to:
- The Police and Crime Commissioner for Derbyshire
 - The Office of the PCC (OPCC)
 - The Chief Constable for Derbyshire
 - The Constabulary
- 3.2. The PCC has certain specific responsibilities set out in legislation, which cannot be delegated to officials (although some could be delegated to a Deputy PCC). These are:
- Issue a Police and Crime Plan – Set out the strategic direction and objectives of the Constabulary through the Police and Crime Plan, monitoring the performance of the Force against agreed priorities.
 - Determine Police and Crime Objectives.

- Approve a Police and Crime precept.
- Set the budget for the Force.
- Award grants for crime and disorder reduction.
- Approve the Annual report.
- Approve a Community Safety Partnership (CSP) merger.
- Approve section 22 Collaboration agreements.
- Appoint Chief Constable of Derbyshire.
- Suspend or where necessary, require the resignation or retirement of the Chief Constable.
- Appoint, suspend and dismiss the Chief Executive.
- Appoint, suspend and dismiss the Treasurer.
- Appoint and dismiss a Deputy PCC.
- Appoint an Audit Committee.
- Commission police and crime services.
- Convene a meeting of CSP's across the police and crime area.
- Request a report from a CSP.

3.3. The other key roles of the PCC are:

- Secure the maintenance of the Derbyshire Police Force.
- Secure that the Police Force is efficient and effective.
- Hold the Chief Constable to account for the exercise of the functions of the office of the Chief Constable and the functions of the persons under direction and control of the Chief Constable on behalf of the people of Derbyshire.
- Ensure adequate reserves are held and decide together with the regional PCC's on the use of regional reserves and regional budget underspends.
- Hold the Chief Constable to account for the performance of the forces officers and staff.
- Hold the Chief Constable to account for the duty to have regard to the Police and Crime Plan and the Strategic Policing Requirement.
- Hold the Chief Constable and those under his direction and control to account for the exercise of duties relating to equality and diversity.
- Handle complaints and conduct matters in relation to the Chief Constable.
- Determine the PCC and Constabulary budgets.
- To be open and accountable
- To engage with the Police and Crime Panel to allow the panel to discharge its statutory duties.

3.4. The PCC is the legal contracting body and owns all assets and liabilities. The PCC has responsibility for the financial administration of the PCC's Office and the Derbyshire Constabulary, including all borrowing decisions.

3.5. The PCC is held to account by the Police and Crime Panel. This consists of 15 members. This Panel scrutinises the decisions of the PCC and it is intended as a check and balance on the PCC, not the Chief Constable.

3.6. This scheme sets out those functions and decisions for which the PCC has given officers the delegated authority to act pursuant to section 18 of the Act.

3.7. The Scheme provides sufficient delegation to officers to ensure that decisions are not unnecessarily delayed, whilst ensuring that the PCC is properly protected from risks associated with being the individual held to account for all decisions made. However, the Scheme does not attempt to list all of the matters which are incidental to the exercise of those responsibilities and which form part of everyday management responsibilities.

- 3.8. The Scheme is without prejudice to, and does not in any way affect the PCC's power to amend, rescind or review specific delegations from time to time on any powers delegated to the Chief Executive, the Treasurer, the Director of Finance and Business Services, Head of Legal (provided under a collaborative agreement) or Head of Human Resources. It is a record of those formal delegations granted by the PCC which are in effect at the time of the publication of this scheme.
- 3.9. The Scheme should be read in conjunction with Financial Regulations and Contract Standing Orders as these contain further detail including the approved process for making decisions.

THE SCOPE OF THE PCC'S POWER OF DELEGATION

- 3.10. The persons appointed as the PCC's Chief Executive (who is also the Monitoring Officer) and Chief Finance Officer (also known as the s151 Officer or the Treasurer) have statutory powers and duties inherent to their positions, and do not rely on matters being delegated to them when exercising those functions.
- 3.11. Delegation under the Scheme provides an officer with legal power to exercise the function of the PCC. In exercising the function, the officer must still comply with all other statutory and regulatory requirements and relevant professional guidance including:
- The Police and Social Responsibility Act 2011 and other relevant legislation including all regulations issues under this Act
 - The Financial Regulations
 - The Home Office Financial Management Code of Practice
 - CIPFA statement on the role of the CFO of the Police and Crime Commissioner and the CFO of the Chief Constable
 - The Contract Regulations
 - The PCC's governance framework
 - The PCC's or the Chief Constable's employment policies and procedures (whichever is applicable)
 - The Data Protection Act 1998 and the Freedom of Information Act 2000
 - Health and Safety at work legislation and codes
 - The Solicitors Code of Conduct 2007
- 3.12. In carrying out functions, the PCC or staff must have regard to the following list (which is summary, but not exhaustive):
- The views of the people and victims of Derbyshire
 - Any report or recommendation made by the Police and Crime Panel on the annual report from the previous financial year
 - The Police and Crime Plan and any guidance issued by the Secretary of State
- 3.13. For the avoidance of doubt, this scheme does not apply to those matters which the PCC may not delegate under the Act as per the following list (which is summary, but not exhaustive):
- Issuing a police and crime plan
 - Appointing, removing or suspending the Chief Constable or calling upon the Chief Constable to retire or resign
 - Calculating a budget requirement and precept
- 3.14. With the exception of those matters detailed at paragraph 3.12 the Scheme allows any person to whom a power has been delegated, to sub delegate that power to a member of staff under their line management.

- 3.15. The PCC Scheme of Delegation will be reviewed annually.
- 3.16. The PCC may appoint a deputy to make decisions in his/her absence (leave/illness).
- 3.17. Where delegations have been made, officers should exercise their professional judgement in bringing to the PCC's attention any related matter that would be of interest to the PCC.
- 3.18. The Police and Crime Commissioner may ask that a specific matter is referred to him/her for a decision and not dealt with under delegated authority.

SECTION 4 THE DELEGATION TO DEPUTY POLICE AND CRIME COMMISSIONER

4 TO BE COMPLETED IF REQUIRED

SECTION 5 THE DELEGATIONS TO OFFICERS

5 Delegations to the Chief Executive

- 5.1 The Chief Executive is given the following direct responsibilities by legislation. These do not therefore feature in the Scheme of Delegation:

To act as 'monitoring officer' under section 151(1) of the Local Government and Housing Act 1989.

- 5.2 The Chief Executive is the Head of the Police and Crime Commissioner's Office and its staff. The delegations below are a record of those formal delegations granted by the PCC to the Chief Executive which are in effect at the time of the publication of this scheme.

General

- CE 1 To prepare the Police and Crime Plan in consultation with the Chief Constable of Derbyshire Constabulary and partners for submission to the PCC.
- CE 2 To prepare an annual report for submission to the PCC.
- CE 3 To provide information to the Police and Crime Panel, as reasonably required to enable the panel to undertake its functions.
- CE 4 To ensure appropriate arrangements are in place for the recording and reporting of strategic risks of the PCC.
- CE 5 To sign contracts on behalf of the PCC, pursuant to any decision of the Police and Crime Commissioner or Deputy Police and Crime Commissioner.
- CE 6 To sign contracts and affix the common seal of the PCC:
 - To all contracts, agreements or transactions in respect of which there is no consideration
 - That relate to land and property transactions requiring the seal
 - That relate to the provision of goods and services to another body and which are above £200,000 in value over the life of the contract; or

- That are £200,000 or above in value over the life of the contract (in money or money's worth)
 - When it is determined by the PCC or the Chief Executive that there is a particular need for the seal to be attached
- CE 7 Approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because:
- They involve a high profile claimant
 - There is a particular public interest in the case
 - There is a real risk that the PCC or Police Force will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- CE 8 To determine any fees for copies or extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985 and the Freedom of Information Act 2000.
- CE 9 To approve expenditure on grants and initiatives up to a value of £25,000 in line with the PCC's aims and objectives.
- CE 10 To evaluate and authorise in consultation with the Treasurer or the Director of Finance any terms of indemnity that Derbyshire Police is requested to give by external parties.
- CE 11 To evaluate and authorise in consultation with the Treasurer any insurance to individual staff of the PCC in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.
- CE 12 To make arrangements, including obtaining legal or other expert advice and the authorisation of people, to initiate, defend, withdraw or settle any claims or legal proceedings on the PCC's behalf, in consultation with the PCC's Legal Advisor (and Treasurer if there are significant financial implications).
- CE 13 To exercise the statutory powers of the PCC for Professional Standards as delegated by the PCC on a temporary or permanent basis. Such delegations when agreed are to be documented as an addendum to this Scheme.
- CE 14 To deal with Freedom of Information Act requests and to prepare and issue Publication Schemes under the Freedom of Information Act 2000.

Management/Human Resources

- CE 15 For staff directly employed by the PCC (who are not under the direction and control of the Police and Crime Commissioner or the Chief Constable) to manage staff resources and the determination of general staffing issues, including:
- CE 16 Except for the Treasurer, the appointment and dismissal of staff and the determination of terms and conditions of service (with reference to existing HR policies and procedures, and conditions of service) including the authorisation of recognised professional management fees.
- CE 17 For the appointment of the Treasurer to the PCC, to assist PCC in the recruitment and determination of terms and conditions;
- CE 18 The management and implementation of disciplinary, grievance and harassment policies and procedures;

- CE 19 Approving a Performance Development and Review (PDR) Scheme;
- CE 20 To pay all valid travel and subsistence claims or financial loss allowance.
- CE 21 To pay salaries, wages, pensions and reimbursements by the most economical means
- CE 22 Agreeing incremental changes to grades and pay bands;
- CE 23 The extension of service for staff over normal retirement age;
- CE 24 Granting leave of absence without pay beyond that provided for;
- CE 25 The payment of honoraria to officers who have undertaken additional duties over an extended period in the absence of a more senior officer;
- CE 26 The engagement of temporary or agency staff or consultants;
- CE 27 Approving the attendance of officers at conferences / seminars and other training events;
- CE 28 To manage any other matters involving staff resources and service delivery;
- CE 29 To approve minor restructurings of such staff resources of up to three posts at any one time, subject to there being budget provision for the proposals and consultation with the trades union.
- CE 30 To manage (supported by the Treasurer of the PCC) that part of the budget which is not delegated to the Chief Constable, in accordance with the PCC's Financial Regulations and Contract Standing Orders.
- CE 31 To place orders for goods and services and to incur expenditure for which provision is included in the revenue budget.
- CE 32 To invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget in accordance with Financial Regulations and Contract Standing Orders.
- CE 33 In connection with complaints against the Chief Constable received by the PCC in accordance with the Police Reform Act 2002 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, to determine,
- Whether or not the PCC is the appropriate body to consider such a complaint.
 - Whether or not to refer the complaint to the IPCC.
 - Decide whether or not to record the complaint.
- CE 34 To appoint and remove visitors to the Independent Custody Visiting Scheme.
- CE 35 To respond to consultations affecting the PCC.
- CE 36 To make arrangements for the consultation and engagement on the PCC's behalf to gather the communities' and victims' views on the policing of Derbyshire and on the prevention of crime.
- CE 37 To manage complaints against the staff of the PCC (other than the Treasurer) under the direction and control of the Chief Executive

- 5.3 In the absence of the Chief Executive or under Chief Executive authorisation, delegations can also be undertaken by the Treasurer for the PCC, or the Deputy Chief Executive, excluding any matter that requires Monitoring Officer approval or decision.
- 5.4 The Chief Executive may authorise other staff in his/her office to make decisions on his/her behalf

6 Delegation to the Chief Finance Officer of the Police and Crime Commissioner (the Treasurer)

- 6.1 The Treasurer is the financial adviser to the PCC and has a statutory responsibility to carry out the functions of the Chief Finance Officer under section 151 of the Local Government Act 1972 and section 113 and 114 of the Local Government Finance Act 1988, ensuring that the financial affairs of the PCC and Derbyshire Constabulary are properly administered having regard to their probity, legality and appropriate standards.
- 6.2 The delegations below are a record of the formal delegations granted by the PCC which are in effect at the time of the publication of this Scheme
- T 1 To administer the PCC's financial affairs
- T 2 To advise the PCC on financial propriety;
- T 3 To ensure that accurate, complete and timely financial management information is provided to the PCC;
- T 4 To provide professional financial advice to the PCC including advice on arrangements for financial delegation;
- T 5 To work closely with the Director of Finance in preparing the medium term financial strategy / plans and advise the PCC on the content and implications;
- T 6 To prepare a Reserves and Provisions Strategy for approval by the PCC
- T 7 To secure, under delegation from the PCC, an adequate and effective internal audit service and assistance in securing safe and efficient financial arrangements;
- T 8 To work with the Chief Executive to the PCC to ensure effective corporate management of the PCC's resources;
- T 9 To secure appropriate banking arrangements and treasury management including loans and investments;
- T 10 To approve the opening and closing of all bank accounts and approving the signatories thereto.
- T 11 To approve the arrangements for the Treasury Management function, including the day to day management, production and amendment of the Treasury Management Strategy and supporting policies and procedures, including the list of approved counterparties for lending.
- T 12 To advise on risk management and insurance relating to the PCC;
- T 13 To ensure appropriate arrangements are in place for insurance (including any insurance arrangements necessary under any collaboration) and to let and approve the Insurance tender.

- T 14 To prepare and review the expenses and benefits policies for the approval of the PCC
- T 15 To sign grant applications and grant claims for external funding on behalf of the PCC
- T 16 To assist the PCC in seeking to obtain best value for money;
- T 17 To approve the arrangements for securing and preparing the PCC Group Accounts and seek assurances that there are appropriate arrangements in place for the preparation of the Derbyshire Constabulary Accounts.
- T 18 To ensure there are appropriate arrangements in place for the Annual Governance Review and the drafting of the Annual Governance Statement for the PCC.
- T 19 To authorise payments, without having to get approval and regardless of whether or not provision has been made in the revenue budget in relation to:
- Payments that have to be made by law
 - Payments ordered by the court
 - Payments due under any agreement entered into by the Commissioner.
- T 20 To approve jointly with the Director of Finance, PFI revenue or capital client change requests up to a value of £10,000, with approvals reported quarterly to the PCC as part of the Quarterly Procurement Report.
- T 21 To approve jointly with the Director of Finance, changes to any proposed PFI scheme which have implications for the approved capital expenditure programme, such approvals to be reported quarterly to the PCC as part of the Quarterly Procurement Report
- T 22 To seek assurances that there are arrangements in place within the Derbyshire Constabulary for the proper financial management of the Constabulary.
- T 23 To prepare, from time to time, draft Financial Regulations and Contract Standing Orders, in consultation with the Director of Finance, for approval by the PCC.
- T 24 To arrange, with the Director of Finance, for the financial management of the service in accordance with the details and delegations set out in financial regulations.
- T 25 To determine whether to write off debts considered irrecoverable, including in cases where write-off action results from theft or fraud, up to an individual maximum amount of £1,000. Above this limit approval of the PCC is required.
- T 26 To pay all valid travel and subsistence claims or financial loss allowance.
- T 27 To pay salaries, wages, pensions and reimbursements by the most economical means
- T 28 To institute any proceedings or take any action necessary to safeguard the finances of Derbyshire Police, in consultation with the Chief Executive, Director of Finance and Head of Legal as appropriate,.

7 Delegations to the Chief Finance Officer of the Chief Constable (Director of Finance)

- 7.1 The Director of Finance is the Chief Constable's Chief Finance Officer (CFO) and financial advisor for the Force, who has a statutory responsibility to carry out the functions of the CFO as set out in the Police Reform and Social Responsibility Act 2011 and section 114 of the Local Government Act 1988, ensuring that the financial affairs of the Derbyshire Constabulary are properly administered having regard to probity, legality and appropriate standards.
- 7.2 To Administer the financial affairs of the Chief Constable including
- i. Provide financial expertise, advice and information within Derbyshire Constabulary directly to the Chief Constable to enable him to fulfil his responsibilities for the financial management of Derbyshire Constabulary.
 - ii. To provide the strategic financial perspective on the main management board of Derbyshire Constabulary;
 - iii. To provide professional leadership of the finance function within Derbyshire Constabulary, ensuring that high standards of financial management are maintained; that financial systems and procedures promote the effective conduct of business; and that financial considerations are fully taken into account in all policy decisions.
 - iv. To work closely with the Treasurer for the PCC to make proposals for the Financial Regulations and the delegated limits within which Derbyshire Constabulary will operate. To ensure that managers at all levels are aware of their responsibilities in relation to these Financial Regulations and that they adhere to them.
 - v. To support the Treasurer for the PCC in his/her statutory responsibilities for the financial affairs of Derbyshire Constabulary by ensuring probity, legality and appropriate standards in all financial dealings.
 - vi. To act as the main point of contact with the Treasurer in providing, receiving and interpreting information on the financial affairs of Derbyshire Constabulary.
 - vii. To ensure effective control of financial planning, budgeting and monitoring within a devolved budget framework in respect of all Derbyshire Constabulary income and expenditure. Nominated budget holders within the Force will have responsibility for that part of the budget allocated to them.
 - viii. To ensure that the PCC's intellectual property rights are not compromised by commercial agreements, and shall report any significant issues in this respect to the Chief Executive.
 - ix. To take the lead in developing, refining and implementing the medium term financial strategy in Derbyshire Constabulary in consultation with the Treasurer.
 - x. To be authorised by the Treasurer to operate bank accounts on behalf of the Police and Crime Commissioner.
 - xi. To provide the Chief Constable and other senior officers with expertise, advice and information to enable them to fulfil their delegated responsibilities respect of procurement, transport, property matters, information technology, communications and other support services.

- xii. To ensure appropriate arrangements are in place for the recording and reporting of strategic risks of the Chief Constable

7.3 The delegations below are a record of those formal delegations granted by the PCC to the Director of Finance, which are in effect at the time of publication of this scheme

- DF 1 To undertake the day to day management of the budget allocated to the Constabulary in accordance with Financial Regulations.
- DF 2 To pay all valid travel and subsistence claims or financial loss allowance.
- DF 3 To pay salaries, wages, pensions and reimbursements by the most economical means.
- DF 4 In consultation with the PCC to approve all business cases for revenue or capital expenditure
- DF 5 In consultation with the PCC to approve the payments and pensions under the Voluntary or Compulsory Redundancy Scheme for those staff under the direction and control of the Chief Constable.
- DF 6 To commit expenditure within the approved budget to meet the policies and objectives reflected in the Policing Plan.
- DF 7 In accordance with financial regulations, vire or move budgets up to £100,000 between budget headings, on a permanent or temporary basis notifying the PCC through the monthly budget monitoring process.
- DF 8 To approve all agreements for the provision of services to non police organisations with a value below £200,000. This does not apply to the provision of mutual aid by the Chief Constable to another force under s24 Police Act 1996 which is an operational matter, but subject to consultation with the PCC.
- DF 9 To approve the provision of policing services to external bodies where the contract is less than £200,000.
- DF 10 To secure on behalf of the Chief Constable, an adequate and effective internal audit service and assistance in securing safe and efficient financial arrangements;
- DF 11 To provide the day to day management of insurance policies and claims and liaise with the Treasurer on required changes on the level of insurance cover, retained losses and changes in provision.
- DF 12 To approve variations of contract up to a cumulative total of 10% or £250,000, whichever is the lower. To approve extensions of time for a contract up to a maximum of 12 months.
- DF 13 To compile an ad hoc select tender list in accordance with the Contract Procedure Rules.
- DF 14 To undertake the day to day management of the property function subject to the provision of financial regulations and Standing Orders for Land and Property.
- DF 15 Acquire freeholds below £100,000 and leaseholds with a contract rental value below £25,000 per annum and for a period not longer than 7 years

- DF 16 To undertake an Annual Governance Review and draft the Annual Governance Statement on behalf of the Chief Constable
- DF 17 Write off debts considered to be irrecoverable up to an individual maximum amount of £10,000. Any individual write off above £10,000 must be referred to the PCC for approval. All cases where write-off action results from theft or fraud shall be referred to the Treasurer for approval up to an individual maximum of £1,000 and to the PCC as appropriate above £1,000.
- DF 18 To accept income, offers of sponsorship and gifts on behalf of the PCC provided that decisions taken in this regard are in accordance with the law, comply with any guidance or policy which the PCC may from time to time determine and meet the requirements set out in the Financial Regulations.
- DF 19 The PCC remains the legal contracting party for Contracts, however responsibility for the day to day management and control of contracts is delegated to the Director of Finance, in accordance with the PCC's Contract Standing Orders and provided that the PCC is satisfied that the Director of Finance has in place adequate systems, procedures and expertise to discharge these responsibilities. The consent set out in this section may be exercised by the Director of Finance or his authorised representative.
- DF 20 To report to the PCC where the value of any contract exceeds £200,000
- DF 21 To open tenders, subject to the tendering arrangements of the Contract Standing Orders. In exceptional circumstances the Chief Constable or his authorised representative may accept a late tender, notifying the Monitoring Officer and the Treasurer in every case.
- DF 22 To award all contracts where they are to the lowest bidder, reporting to the PCC in a quarterly report. For the avoidance of doubt, contracts to be awarded on the basis that they are the most economically advantageous will be approved by the PCC.
- DF 23 To sign all contracts on behalf of the PCC, irrespective of value, once they have been properly approved, except for 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.
- DF 24 To declare goods surplus to requirements or obsolete and arrange for disposal in accordance with the financial regulations delegated limits.
- DF 25 The Director of Finance or his authorised representative may purchase or dispose of land or property on behalf of the PCC, in accordance with Financial Regulations, the Estates Strategy or approved business case agreed by the PCC. Transactions of a value in excess of £150,000 must be approved by the PCC. Naturally the disposal method should be one which, in the view of the Director of Finance having received appropriate advice from a qualified valuer, maximises value for money to the PCC.
- DF 26 To be responsible for the development of plans for the police estate. To manage the police estate, including maintenance of property, and for this purpose to incur expenditure within the PCC's approved maintenance budget.
- DF 27 To approve jointly with the Treasurer, PFI revenue or capital client change requests up to a value of £10,000, such approvals to be reported quarterly to the PCC as part of the Quarterly Procurement Report.

- DF 28 To approve jointly with the Treasurer, changes to any proposed PFI scheme which have implications for the approved capital expenditure programme, such approvals to be reported quarterly to the PCC as part of the Quarterly Procurement Report
- DF 29 To take all appropriate steps to ensure that the PCC's approved capital programme is implemented, subject to the PCC being periodically informed of progress.
- DF 30 To authorise the use of police property by outside bodies or staff associations, provided that such use is temporary and no tenancy or other legal interest is created.

8 Delegations to Head of Legal Services

8.1 The delegations below are a record of those formal delegations granted by the PCC to the Head of Legal Services which are in effect at the time of the publication of this scheme.

HL 1 To approve the financial settlement of all claims or requests for compensation deemed to be non significant because:

- The compensation to be paid is £50,000 or less
- They do not involve a high profile claimant, including ACPO rank police officers
- There is no particular public interest in the case
- There is no real risk that the PCC or Constabulary will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed
- It is not the nature of a test case

HL 2 To institute, defend or participate in legal actions to protect the interests of the PCC and/or Constabulary.

HL 3 To provide advice and institute and defend legal proceedings on behalf of the PCC and Constabulary when required to do so.

HL 4 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.

9 Functions designated to the Chief Constable

9.1 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.

9.2 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 that they serve.

9.3 The Police Reform and Social Responsibility Act 2011 specifically excludes any delegation of the PCC's functions to a constable including the Chief Constable.

9.4 This section **does not** provide any delegations to the Chief Constable, but, drawing on the Policing Protocol, makes clarification of requirements in relation to specific activities. This section is also not intended to set out the delegations that the Chief Constable may make to officers or staff acting under his direction and control

- 9.5 The formal responsibilities, listed below, are those given to the Chief Constable, which are in effect at the time of the publication of this scheme.
- 9.5.1 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);
- 9.5.2 Supporting the PCC in the delivery of the strategy and objectives set out in the Police and Crime Plan;
- 9.5.3 Assisting the PCC in planning the force's budget;
- 9.5.4 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;
- 9.5.5 Notifying and briefing the PCC of any matter or investigation on which the PCC may need to provide public assurance either alone or in company with the Chief Constable (all PCCs will be designated as Crown Servants under the Official Secrets Act 1989, making them subject to the same duties in relation to sensitive material as Government Ministers);
- 9.5.6 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;
- 9.5.7 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;
- 9.5.8 Remaining politically independent of their PCC;
- 9.5.9 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;
- 9.5.10 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.
- 9.5.11 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.
- 9.5.12 To support the Police and Crime Commissioner in the delivery of the strategy and objectives set out in the Police and Crime Plan.
- 9.5.13 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.
- 9.6 The Chief Constable is responsible for Police Officers and for the direction and control of persons employed by the PCC (police staff) to assist the Police Force. This includes
- 9.6.1 To adjust the police staff establishment in numbers, locations, and grading within the overall workforce budget approved by the PCC and to make best use of workforce modernisation principles. This does not apply to the Executive Office and Secretariat of the PCC.

- 9.6.2 To authorise, in accordance with Police Staff Council conditions of service, the suspensions of staff and / or the termination of their employment with the exception of staff whose appointment is made by the Police and Crime Commissioner or the Chief Executive. Such termination to include the determination of any appeal against a dismissal lodged by a member of police staff.
- 9.6.3 To approve the retirement, in the interests of the efficiency of the service, of police staff employees subject to the Local Government Pension Scheme (LGPS) with or without enhancement of service subject to reports to the PCC as appropriate about the actions taken in pursuance of this delegation.
- 9.6.4 To determine matters relating to police pensions (including widows' pensions) except for i) retirement on the grounds of ill health of the Chief Constable and ii) decisions under regulation K5 which deals with the forfeiture of pensions upon the commission of certain criminal offences and iii) regulation A19 of the 1987 Regulations and regulation 20 of the 2006 Regulations beyond its use in the termination of the appointment of officers on the 30+ and 30+PLUS schemes.
- 9.6.5 To approve payments under any approved bonus, productivity or performance related payment schemes and honoraria payments in recognition of additional duties and responsibilities or similar special payment schemes. For the avoidance of doubt, payments in relation to the ACPO PDR / Bonus Scheme shall be reserved to the PCC.
- 9.7 The Chief Constable must comply with the Scheme of Publication of the Police and Crime Commissioner. In so doing the Chief Constable must have regard to the additional requirements relating to the Government's Transparency Agenda and Winsor Reviews.
- 9.8 The Chief Constable cannot use the resources of the Force to initiate any legal action against the PCC.
- 9.9 The principal consideration of whether a matter falls within the Chief Constable's operational remit is, whether it is, or significantly impacts on, an issue in relation to which s/he has specific expertise (i.e. how to uphold the law in their force area).
- 9.10 The Chief Constable's independence and discretion is neither unfettered nor unaccountable. Chief constables are under a duty to have regard to the Police and Crime Plan and the Strategic Policing Requirement. The PCC is entitled to take strategic and financial decisions which may have an impact upon the Chief Constable's independence. It is for the Chief Constable to factor these elements into decision making.

Where the Consent of the Police and Crime Commissioner is required:

- 9.11 The PCC will initially own and fund all assets regardless of whether they are used by the PCC, by the force or by both bodies. However, with consent from the PCC, the Chief Constable can acquire property (other than land or buildings) and this will be set out in this scheme of consent/delegation should such consent be requested and granted.
- 9.12 To dispose of assets at the appropriate time and at the most advantageous price with the consent of the Police and Crime Commissioner, and this will be set out in this scheme of consent/delegation should such consent be requested and granted.
- 9.13 For the avoidance of doubt the Chief Constable and the Police and Crime Commissioner have agreed that until further guidance is provided from HMRC on the issue of Corporation Tax, no consent will be requested or granted under 8.12 and 8.13.

10 LEGISLATIVE COMPLIANCE

- 10.2 This document has been drafted to comply with the general and specific duties in the Race Relations (Amendment) Act 2000, Data Protection, Freedom of Information Act, European Convention of Human Rights and other legislation relevant to the area of policing such as, Employment Act 2002, Disability Discrimination Act 1995, Sex Discrimination Act 1975 and Employment Relations Act 1999.