

Office of the Police and Crime Commissioner (OPCC)

Decision Notice Policy

Control Sheet

Policy Details

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Responsible Officer	OPCC Chief Operating Officer
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Disclosable under FOIA	Yes
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Contents

CONTENT

Page 5 – Introduction

Page 6 – Standard Decision Process

Page 9 – Other Decision Processes

Page 11 – Contract Extensions

Page 13 – Single Tender Applications

Page 14 – Housekeeping

Glossary

OPCC –

Meaning the Office of the Police and Crime Commissioner (OPCC) for Derbyshire.

Commissioner –

Meaning the Police and Crime Commissioner (PCC) for Derbyshire and in exceptional circumstances the Deputy Police and Crime Commissioner (DPCC).

OPCC Executive Team –

Meaning the Chief Operating Officer (COO) and Monitoring Officer (MO) for the OPCC and in exceptional circumstances the Deputy Monitoring Officer (DMO) and Deputy Chief Finance Officer for the OPCC.

Constabulary –

Meaning the Derbyshire Constabulary.

Requester –

Meaning the relevant department within Derbyshire Constabulary (normally – Procurement, although sometimes this can also mean the Constabulary's Finance, Legal, Estate departments).

Procurement Proposal/Decision -

Meaning a procurement proposal/request for a decision that is put before the PCC, OPCCs COO, MO for approval.

Decision –

Meaning a significant decision taken by the Commissioner/COO/MO.

Decision Notice -

Meaning an electronic decision form that is completed by the requester, processed normally through the Procurement Department, then submitted to the PCC, OPCCs COO, MO for approval and signing. Information contained within the decision notice details the procurement proposal, alongside any other relevant supporting information.

Supporting Information –

Meaning any other supplementary information/documentation separate to the decision notice, which could include the decision report which will normally accompany a decision notice, which should add more context to a procurement proposal. Supporting information can also be any supplementary information that helps to support the procurement proposal that the requester feels is necessary for the PCC, OPCCs COO, MO to have sight of (e.g., Maps, Quotes, Research etc.)

Decision Notice Spreadsheet –

Meaning a spreadsheet which is held on the OPCCs internal systems and is used by the OPCC to track the decisions taken for audit purposes.

Decision Notice File –

Meaning a file which is held on the OPCCs internal systems and is linked to the decision notice spreadsheet, (by way of a reference number), to store the decision notice and any other supporting information in.

Single Tender Applications (STA's) –

STA's are procurement proposals/decisions that are taken when a contract is directly awarded to a supplier/contractor without the competition of going out to tender.

Extension Letter –

Is a letter to extend the term of an existing contract without having to go back out to tender.

DocuSign –

The online system that the OPCC and Constabulary use to process decisions taken by the PCC, OPCCs COO, MO.

Introduction

This policy applies to any decision taken by the PCC in relation to the discharge of any of their functions as the Police and Crime Commissioner for Derbyshire. It may also apply, in exceptional circumstance, to the Deputy Police and Crime Commissioner (DPCC), if there is a need for the DPCC to take a decision on the Commissioners behalf or in the Commissioners absence. It sets out the process for the PCC, Constabulary and Office of the Police and Crime Commissioner (OPCC) colleagues to follow when considering procurement proposals and making significant decisions.

The OPCCs Head of Governance and Compliance is designated as the OPCCs Monitoring Officer (MO) under Sch 16, para 202 of the Police Reform and Social Responsibility Act 2011 (“the Act”). The role of the MO (Local Government and Housing Act 1989) is to ensure lawful and fair decision making and to report if he or she considers that any proposal, decision, or omission would give rise to unlawfulness, or if any decision or omission would give rise to maladministration. The MO is therefore consulted in respect of the PCCs decisions, as is the OPCCs Chief Operating Officer (COO).

Every decision shall be taken on its own individual merits, having regard to this policy and the duty on the PCC in exercising public functions to act lawfully, fairly, and reasonably. The PCC will take a significant decision following advice given by the OPCCs COO, MO and where necessary after seeking separate legal advice.

A Decision Log Spreadsheet is kept within the OPCC to record all decisions which the PCC has taken. Any significant decisions that the PCC takes need to be publicised for transparency on the OPCCs website (within 28 working days of its approval), unless there is a good reason not to publicise the decision (i.e., covert work). Any decisions that are classified as ‘confidential’ and therefore not to be publicised, will need a full rationale as to why that is the case, and this rationale will be recorded for audit purposes.

This policy also clarifies the process to follow regarding Single Tender Applications (STA’s), Contract Extensions and decisions which may take place outside of the Standard Decision Process. Each decision process is documented below for reference.

Decision Processes

Standard Decision Process

The process below is the preferred decision notice process to be followed when wanting the PCC to approve a procurement proposal/significant decision.

Step One –

The requester will draft a decision notice for the significant decision/procurement proposal, and this decision notice will be circulated to the relevant departments in the Constabulary by the requester for comment, to ensure that all persons affected by the decision/procurement proposal have had an opportunity to pass comment. This process is normally undertaken directly by the Constabulary's Procurement Department. However, on some occasions the requester might be another department in the Constabulary, for example: legal or estates.

Step Two –

The procurement proposal will be discussed during a pre-booked meeting with the OPCCs COO and MO, to review the decision notice and any supporting information in more detail, to enable the decision/procurement proposal to be considered, and where applicable approved.

The requester will need to send over the electronic version of the completed decision notice and any other supporting information via the Docusign electronic signing system.

N.B. - The decision notice needs to be completed in full prior to the meeting.

Any decisions/procurement proposals that are sent without a decision notice will not be discussed further during the meeting and will need to be re-scheduled to another meeting for discussion.

Step Three –

The meeting between the requester and the OPCCs COO and MO takes place, with questions asked and clarity sort regarding the decision/procurement proposal where applicable.

The decision/procurement proposal will be considered by the OPCCs COO, MO and if agreeable both will approve. However, if the total value of the decision/procurement proposal totals over £201k, then the decision notice will need to be referred to the PCC for approval, based on the monetary amount being above the threshold that the COO and MO are able to approve. Additionally, if the

decision/procurement proposal is deemed to be novel or contentious, then it must be referred to the PCC for approval immediately, regardless of the value.

DECLINED - If a decision/procurement proposal is declined, then the OPCCs COO and MO will reject the decision/procurement proposal on DocuSign, therefore this will render the decision notice void. The decision notice will then be automatically returned to the requester for their review and necessary action.

Sometimes a decision/procurement proposal will be declined due to a lack of information in the decision notice, or an identified error on the decision notice. Once this information is rectified and the decision notice is put back through DocuSign, then the decision/procurement proposal will be reconsidered and where applicable, approved.

APPROVE - If a decision/procurement proposal is approved and signed by the OPCCs COO and MO, then the decision notice will automatically be returned to the requester for the review and necessary action.

CONFIDENTIAL DECISIONS/PROCUREMENT PROPOSAL

If the requester states on the decision notice that a decision/procurement proposal should not be publicised and instead should be kept confidential, then the OPCCs Executive Staff Officer will not upload the decision notice for publication, but will instead log the decision details on to the Decision Log Confidential Spreadsheet, and will create a corresponding folder in the Decisions Log Confidential folder for the decision notice and any supporting information to be stored for audit purposes.

N.B. Confidential decisions are not to be publicised! Therefore, these decisions will not be publicised on the OPCCs website.

Whilst the principle of openness and transparency is uppermost in maintaining public confidence, there will always remain some information relating to decisions or procurement proposals that the Commissioner is obliged to keep confidential, for example information that is -

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

N.B. There must be a sound rationale for any decisions that are not to be publicised, and this rationale must be able to stand up to audit scrutiny.

When the PCC/COO/MO approves a confidential decision, they are also approving the rationale that the requester has given as to why the decision should not be publicised.

If the PCC/COO/MO is not happy with the rationale given, then this should be discussed further until a decision is reached on whether the decision should be published or not. All discussions that are undertaken regarding the publication of decisions should be recorded and stored in the corresponding decision notice folder for audit purposes.

NON – CONFIDENTIAL DECISIONS/PROCUREMENT PROPOSALS

The OPCCs Executive Staff Officer will log the decision notice details on to the Decision Log Spreadsheet and will create a corresponding folder in the Decision Log Folder for the decision notice and any supporting information to be stored for audit purposes. The OPCCs Executive Staff Officer will then upload the decision notice and any other relevant information regarding the decision that's been taken on to the OPCCs website for publication.

The OPCCs Executive Staff Officer will ensure that all personal information (name, address etc.) are excluded when publishing decisions on the OPCC's website, to ensure that relevant Data Protection legislation is adhered to.

The OPCCs Executive Staff Officer will update the Decision Log Spreadsheet to confirm the date of publication.

END OF PROCESS

Other Decision Processes

As detailed above, the preferred process for the PCC to take decisions is via the Standard Decision Process. However, there are instances where decisions are made outside of the standard process. Below details the reasons why the standard process might not be applicable and the different processes to follow if this is the case.

Ad-Hoc/Miscellaneous decisions

These are significant decisions that are made on an ad-hoc basis, during an impromptu meeting or discussion with partners perhaps, or where a decision is taken by the PCC outside of the standard decision process.

Process

Step One –

A significant decision will be taken by the PCC.

Step Two -

All significant decisions taken by the PCC need to be documented accordingly. Therefore, the OPCCs Executive Staff Officer, another nominated OPCC colleague or the requester will draft a decision notice retrospectively.

Step Three – for CONFIDENTIAL DECISIONS

If the requester states on the decision notice that a decision should not be publicised and should be kept confidential, then the OPCCs Executive Staff Officer will not publicise the decision on the OPCCs website but will instead log the decision details on to the Decision Log Confidential Spreadsheet and will create a corresponding folder in the Decisions Log Confidential Folder, for the decision notice and any supporting information to be stored for audit purposes.

N.B. Confidential decisions are not to be publicised! Therefore, these decisions will not be made available on the OPCCs website.

There must be a sound rationale for any decisions that are not to be publicised and this rationale must be able to stand up to audit scrutinisation.

Step Three - for NON-CONFIDENTIAL DECISIONS

The OPCCs Executive Staff Officer will log the decision details on to the Decision Log Spreadsheet and will create a corresponding folder in the Decisions Log Folder,

for the decision notice and any supporting information to be stored for audit purposes. The OPCCs Executive Staff Officer will then upload the decision on to the OPCCs website for publication and transparency.

Step Five –

The OPCCs Executive Staff Officer will ensure that all personal information (name, address etc.) is excluded when publishing the decision taken on the OPCCs website.

The OPCCs Executive Staff Officer will update the Decision Log Spreadsheet to confirm the date of publication.

END OF PROCESS

Public meeting decisions

The process below is to be followed when decisions are taken by the PCC during public meetings, (for instance during Joint Audit and Risk Committee (JARAC), for example).

Process

Step One –

During public meetings the OPCCs Executive Staff Officer or other nominated OPCC colleague will record any decisions taken and will thereafter draft a decision notice accordingly.

(N.B. Clarity regarding the specific wording used to draft the decision notice can be sort from the PCC or OPCCs Executive Team where needed).

Step Two -

The decision notice will then be processed by the OPCCs Executive Staff Officer who will in turn send the decision notice through to the OPCCs COO, MO and the PCC for approval and signing.

Step Three –

Once the decision notice is approved the OPCC's Executive Staff Officer will add the decision notice details onto the Decision Log Spreadsheet and will also create a corresponding file in the Decisions Log Folder for the decision notice and any supporting information to be saved for audit purposes.

Step Four –

The OPCCs Executive Staff Officer will log the decision details on to the Decision Log Spreadsheet and will create a corresponding folder in the Decisions Log Folder, for the decision notice and any supporting information to be stored for audit purposes. The OPCCs Executive Staff Officer will then upload the decision on to the OPCCs website for publication and transparency.

(As the decision has been taken at a public meeting, the decision cannot be classed as confidential and therefore should always be published on the OPCC's website).

Step Five –

The OPCC's Executive Staff Officer will ensure that any personal information (name, address etc.) is redacted before publishing the decision on the OPCC's website.

The OPCCs Executive Staff Officer will update the Decision Log Spreadsheet to confirm the date of publication.

END OF PROCESS

Contract Extensions

Contact extensions are extensions to the term of existing procurement contracts, without having to go back out to tender. In the majority of cases the optional extension term is already included within the original decision that was taken. Therefore, the extension letter is just exercising the right to extend and as such, is just a formality if the Constabulary/OPCC are happy that the contract is performing well and there is merit to an extension.

Process

Step One –

Normally, a poorly behaving contract would be picked up by the procurement department prior to the request for a contract extension. However, this may not always be the case so, the requester (normally procurement) will liaise with the relevant departments in the Constabulary for their comments regarding granting a contract extension to an existing supplier and any concerns they may have with that happening. This is to ensure that all departments that the extension of the contract affects have had an opportunity to pass comment and are aware of the potential contract extension taking place.

Step Two –

If there are no concerns raised from the relevant departments, then the procurement lead will draft an extension letter that is needing to be authorised by the PCC/COO/MO. The document is sent via Docusign and once the relevant signatories has approved the extension then the document is automatically returned to the procurement lead for their review and necessary action.

N.B. If there are any concerns raised, then the requester may decide to go back out to tender for the contract. However, that is a decision for the requester to make and not the PCC. Therefore, the PCC does not need to become involved with that part of the procurement process.

Step Three – for CONFIDENTIAL decisions

If the requester states on the decision notice that a decision should not be publicised and should be kept confidential, then the OPCCs Executive Staff Officer will not publicise the decision on the OPCCs website but will instead log the decision details on to the Decision Log Confidential Spreadsheet and will create a corresponding folder in the Decisions Log Confidential Folder, for the decision notice and any supporting information to be stored for audit purposes.

N.B. Confidential decisions are not to be publicised! Therefore, these decisions will not be made available on the OPCCs website.

There must be a sound rationale for any decisions that are not to be publicised and this rationale must be able to stand up to audit scrutinisation.

Step Three - for NON-CONFIDENTIAL decisions

The OPCCs Executive Staff Officer will log the decision details on to the Decision Log Spreadsheet and will create a corresponding folder in the Decisions Log Folder, for the decision notice and any supporting information to be stored for audit purposes. The OPCCs Executive Staff Officer will then upload the decision on to the OPCCs website for publication and transparency.

Step Five –

The OPCCs Executive Staff Officer will ensure that any personal information (name, address etc.) is redacted before publishing the decision on the OPCCs website.

The OPCCs Executive Staff Officer will then update the Decision Log Spreadsheet to confirm the date of publication.

END OF PROCESS

Single Tender Applications (STA's)

Single Tender Applications (STA's) are decisions that are taken when a contract is directly awarded to a supplier/contractor without the competition of going out to tender.

The main reasons STA's are used is because there may be only one supplier who can provide the product that's needed, or only one product that is available, or the urgency of securing a product or service is essential.

Process

Step One -

The requester/procurement lead will complete the STA form and upload this document on to Docusign.

Step Two –

The STA form requires review and signature from the following individuals:

- Department leads/budget holder
- Strategic finance
- Head of Procurement
- Chief Finance Officer (Force)
- OPCCs Monitoring Officer
- OPCCs Chief Operating Officer
- Commissioner (if total value exceed £201k/novel/contentious).

DECLINED - If an STA is declined, then the signatory will reject the decision and therefore will void the document. The decision notice will then be automatically returned to the requester/procurement lead for their review and necessary action.

APPROVE - If an STA is approved and signed by the signatory, the decision notice will automatically be returned to the requester/procurement lead for their review and necessary action.

Step Five -

The OPCCs Executive Staff Officer will then add the STA details onto the OPCCs STA's Decision log Spreadsheet and will create a corresponding file in the STA's Decisions log and Spreadsheet Folder for the STA and any supporting information to be saved for audit purposes.

N.B. – STA's are not to be publicised! Therefore, these decisions will not be made publicised on the OPCCs website.

END OF PROCESS

House Keeping

Audit -

A six monthly check will be undertaken by the OPCCs Governance and Compliance department to ensure that the Decision Log Spreadsheet and the OPCCs website are in sync and that all significant decisions taken are documented accurately with corresponding decision notice files created.

Any areas of concern or actions identified from the check will be discussed by the OPCCs MO, COO and the PCC, with a course of action agreed.

Retention -

All decisions taken and recorded will be stored in line with the OPCCs Retention and Destruction Policy.

Please see the [OPCC's Retention Policy](#) for more information.

Review –

This policy may be revised at any time if legislation or internal processes change but will be subject to a standard three year review.

END