



**Police Fire and Crime Commissioner
and
Chief Constable
of Cumbria Constabulary**

**JOINT CORPORATE GOVERNANCE
FRAMEWORK**

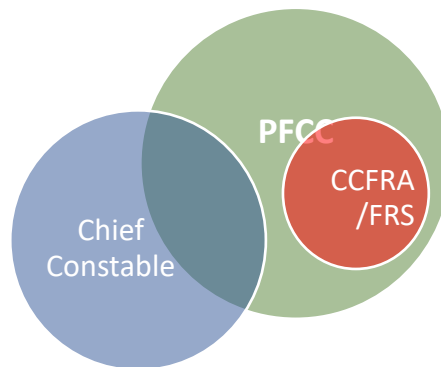
Approved: Police, Fire and Crime Commissioner - 8 October 2024

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1. Overarching Corporate Governance

1.1 Introduction

- 1.1.1 The purpose of this framework is to give clarity to the way the three organisations as independent entities, Police and Crime Commissioner, Commissioner Fire and Rescue Authority (CCFRA), collectively referred to as the Police, Fire and Crime Commissioner, or just “the Commissioner”, and Chief Constable, will be governed both jointly and separately, to do business in the right way, for the right reason at the right time. The Chief Fire Officer is the Head of the Fire and Rescue Service within the CCFRA. Neither the FRS nor the Chief Fire Officer are separate legal entities, unlike the Chief Constable. The framework also sets out how the Police, Fire and Crime Commissioner and Chief Constable work together to fulfil their statutory obligations and deliver for their local communities. The framework also sets out how the 3 organisations work together to fulfil their statutory obligations and deliver for their local communities.



1.2 Context

- 1.2.1 The principal statutory framework within which the organisations will operate is:
- Police Reform and Social Responsibility Act 2011 (PRSRA11)
 - Policing Protocol Order 2023 (the Protocol)
 - Financial Management Code of Practice
 - Strategic Policing Requirement
 - Fire and Rescue Services Act 2004 (FRSA04)
 - Civil Contingencies Act 2004
 - Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017
 - The Police, Fire and Crime Commissioner for Cumbria (Fire and Rescue Authority) Order 2022
 - Regulatory Reform (Fire Safety) Order 2005
 - Fire and Rescue National Framework for England
 - Various conduct and transparency legislation
- 1.2.2 This framework sets out the governance arrangements established in legislation, regulations and good practice. It also draws on best practice and good governance principles across the public and private sector.

1.3 Principles

- 1.3.1 The core principles adopted by all organisations are those highlighted by the International Framework for good governance in the public sector:
- Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law,
 - Ensuring openness and comprehensive stakeholder engagement ,

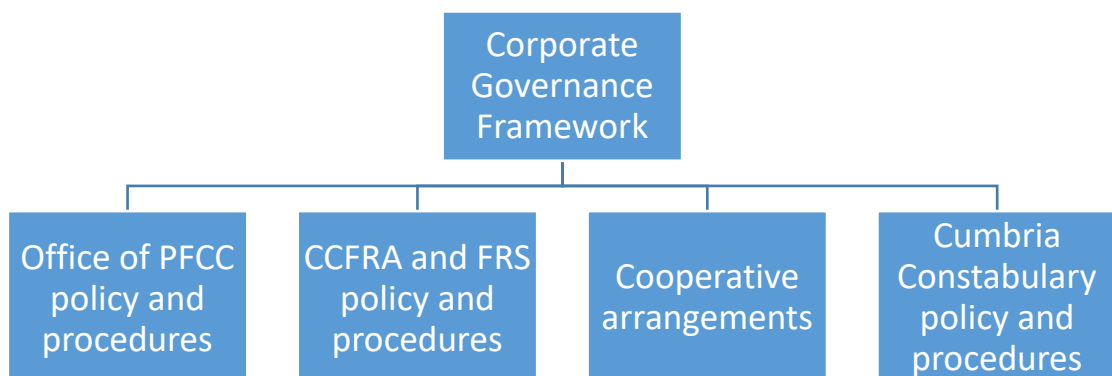
- Defining outcomes in terms of sustainable economic, social and environmental benefits,
- Determining the interventions necessary to optimise the achievement of the intended outcomes,
- Developing the entity's capability including the capability of its leadership and the individuals within it,
- Managing risks and performance through robust internal control and strong public financial management,
- Implementing good practices in transparency, reporting and audit, to deliver effective accountability

The principles of good decision making (set out in the Decision-Making Framework) also apply.

1.4 Instruments of governance

1.4.1 The corporate governance framework by which all organisations will be governed, both jointly and separately will consist of:

- the statutory framework and local policy, setting out the overarching summary
- how the core principles will be implemented,
- the parameters within which the organisations will conduct their business,
- Separate policy and procedures for each corporation sole, with protocols where they operate jointly.
- Cooperative arrangements by which the Police, Fire and Crime Commissioner and the Chief Constable support the exercise of each other's functions.



1.5 Leadership

1.5.1 Effective governance requires ongoing adaptation and development. The Commissioner and Chief Constable will review the framework on an annual basis to ensure it is up to date and effective, and that all organisations are compliant.

1.6 Record of Decisions

1.6.1 Any significant decision of the Commissioner or of any appointed Deputy Commissioner shall be set out in a Decision Record and shall be published on the Commissioner's website.

1.6.2 In determining the extent of information to be published the principles of the Freedom of Information Act 2000 will be applied.

1.6.3 The Commissioner will publish a **Decision-Making Framework** document that will set

out the framework and principles for decision making, and the processes for ensuring decisions are made by the right people in the right way and at the right level within the organisations. It will set out which decisions should be formally recorded and published.

- 1.6.4 The Commissioner shall also publish a Scheme of Delegation which sets out any delegations of the Commissioner's powers. The scheme may permit the sub-delegation of powers, but any such sub-delegation shall be notified to the Commissioner. The Commissioner may prohibit, vary or make any sub-delegation subject to conditions and limitations. This Scheme recognises and reflects there are certain functions prohibited from delegation by legislation.

2. Corporate Governance Mechanisms

2.1 Introduction

- 2.1.1 This section sets out how the Commissioner and the Chief Constable conduct their organisations both jointly and separately in accordance with policy contained within the overarching statement of corporate governance. It will do this by highlighting the key enablers for ensuring good governance.

2.2 Context

- 2.2.1 This section sets out how the organisations **conduct their business**, using the ***International Framework for good governance in the Public Sector***¹ as the structure for setting out the statutory framework and local arrangements. It sets out how the Commissioner as CCFRA adheres to the ***Fire Standards for Internal Governance and Assurance***².

2.3 Corporate governance mechanisms

Legislation³ sets out ***the functions of the Police, Fire and Crime Commissioner, as both PCC and CCFRA, and Chief Constable*** and the protocol⁴ sets out how these functions will be undertaken to achieve the outcomes of the police, fire and crime plan and to assist the Chief Constable and Chief Fire Officer in delivering their role and outlining the expected relationship between them.

2.3.1 ***Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.***

The Commissioner as both PCC and CCFRA, and Chief Constable are accountable for how much they spend and how they use resources under their stewardship. They have an overarching responsibility to serve the public interest, adhering to legislation and government policies. They must demonstrate the appropriateness of their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

The PRSRA¹¹ and Local Government and Housing Act 1989 requires the Commissioner to have ***a Chief Executive and Chief Finance Officer***⁵. The Chief Executive will be the head of paid service and undertake the responsibilities of monitoring officer for the Office of the Commissioner⁶. The OPFCC Chief Finance Officer is the Chief Finance Officer for the Office of the Commissioner and the Commissioner FRA. The Commissioner has a ***Chief Fire Officer*** to lead the Fire and Rescue Service. The Chief Fire Officer is the head of paid service for the Fire and Rescue Service. The OPFCC Chief Executive is the monitoring officer for the CCFRA.

The PRSRA¹¹ requires the Chief Constable to appoint ***a Chief Finance Officer***⁷

The ***financial management code of practice*** and ***statements of roles***⁸ set out

¹ International Framework: Good Governance in the Public Sector, IFAC and CIPFA 2014

² Fire Standards Board - Internal Governance and Assurance, 2024

³ Principally the PRSRA¹¹, s5 – 8 and Fire and Rescue Services Act 2004 as amended

⁴ Policing Protocol Order 2023

⁵ PRSRA¹¹ sch 1 p6

⁶ LGHA89 s5

⁷ PRSRA¹¹ sch 2 p4.

⁸ Financial Management Code of Practice for the Police, s4, CIPFA Statement on the Role of Chief Finance Officers, APACE Statement on the Role of the Chief Executive

the responsibilities of Chief Finance Officers for both the Commissioner and the Chief Constable, and of the Chief Executive and Chief Fire Officer as heads of paid service.

The ***scheme of delegation*** highlights the parameters for key roles in the organisations including delegations or consents from the Commissioner, both as PCC and CCFRA, and Chief Constable, financial regulations and contracts.

The ***decision-making framework*** sets out the framework and principles for decision making, and the processes for ensuring decisions are made by the right people in the right way and at the right level within the organisation. It sets out which decisions will be formally recorded and published.

Officers, police staff, and staff of the Office of the Commissioner and the Fire and Rescue Service will operate within:

- The Policies and procedures of the Office of the Commissioner, Fire and Rescue Service, or Police Force as appropriate;
- corporate governance framework;
- conduct regulations and codes of conduct, including the Core Code of Ethics for Fire and Rescue Services and the College of Policing Code of Ethics.

The Policing Protocol 2023 requires the Commissioner, Chief Constable and their officers and staff to abide by the ***seven principles of public life***⁹ and these will be central to the conduct and behaviour of all. Those principles are:

Selflessness Holders of public office should act solely in terms of the public interest.

Integrity Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty Holders of public office should be truthful.

Leadership Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The College of Policing Code of Ethics combines these values with others espoused in policing and sets and provides a framework for upholding high standards of conduct and behaviour in policing. It adds two further principles:

⁹ Standards in Public Life, 2005 as amended by the 14th report of the Committee on Standards in Public Life

Fairness Police officers and staff should treat people fairly.

Respect Police Officers and staff should treat everyone with respect.

The Protocol also highlights the expectation that the relationship between all parties will be based upon the principles of goodwill, professionalism, openness and trust.

The Financial Management Code of Practice requires the Commissioner and Chief Constable to ensure that the good governance principles are embedded in the way the organisations operate.

The Core Code of Ethics for Fire and Rescue Services adds:

Putting our communities first Fire and Rescue Service personnel should put the interests of the public, the community, and service users first.

Dignity and Respect Fire and Rescue Service personnel should treat people with dignity and respect, making decisions objectively based on evidence, without discrimination or bias.

Equality, Diversity and Inclusion Fire and Rescue Service personnel should continually recognise and promote the value of equality, diversity, and inclusion, both within the FRS and the wider communities in which we serve. We stand against all forms of discrimination, create equal opportunities, promote equality, foster good relations, and celebrate difference.

2.3.2 Ensuring openness and comprehensive stakeholder engagement.

Policing and Fire and Rescue services are run for the public good. Activities must be open and transparent. Clear channels of communication and consultation are used to engage effectively with all stakeholders.

The **communication and community engagement strategies** set out how the Commissioner, both as PCC and CCFRA, and Chief Constable will ensure that local people are involved in decision making.

The **publication schemes** establish the means by which information relating to decisions will be made available to local people, with those of greater public interest receiving the highest level of prominence, except where operational and legal constraints exist.

The **Police, Fire and Crime Panel** is a check and balance on the Commissioner through reviewing or scrutinising their decisions. It is made up primarily of Councillors nominated from each of the local authorities and meet in public. They have particular responsibilities to scrutinise decisions about precept setting, the issue of Police, Fire and Crime Plans, and the appointment and dismissal of the Chief Constable, Chief Fire Officer, Chief Executive, OPFCC Chief Finance Officer and any Deputy PFCC.

2.3.3 Defining Outcomes in terms of sustainable economic, social and environmental benefits.

The long-term nature and impact of many of the Commissioner's and Chief Constable's responsibilities mean that they should seek to define and plan outcomes and that these should be sustainable.

The Police, Fire and Crime Commissioner has issued a **Police, Fire and Crime Plan**. It outlines the policing, crime, fire and rescue objectives (outcomes) and the strategic

direction for the area.

Within that the Police Force's **strategic direction** is 'To Deliver an Outstanding Police Service to Keep Cumbria Safe'. It has adopted four **core operational objectives - 4Cs** - to help focus their attitude and activity: Contempt for criminality; Compassion for victims; Community Focus; and Care for colleagues.

The Policing **priorities** are established with clearly set out approach and outcomes.

The **Community Risk Management Plans (CRMP)** prepared by the Chief Fire Officer and approved by the Commissioner will inform the Police, Fire and Crime Plan.

Collaboration agreements set out those areas of business to be undertaken jointly with other Forces, Fire and Rescue Services, Local Policing Bodies and other partners, whether to reduce cost, increase efficiency or increase capability to protect local people.

Medium-Term Financial Plans (MTFP) have been developed to support delivery of the Police, Fire and Crime Plan.

A **Commissioning framework** has been developed by the Commissioner.

2.3.4 Determining the interventions necessary to optimise the achievement of the intended outcomes.

The Commissioner, both as PCC and CCFRA, and Chief Constable achieve intended outcomes through a mixture of legal, regulatory and practical interventions. Determining the right mix is important and they need robust decision-making mechanisms to ensure outcomes are achieved in a way that provides the best trade-off between resource inputs and effective and efficient delivery. Decisions must be reviewed continually to ensure achievement of outcomes is optimised. Policy implementation usually involves choice about approach, objectives, priorities and incidence of costs and benefits. The Commissioner and Chief Constable must ensure access to appropriate skills and techniques.

The College of Policing **national decision model**¹⁰ is applied to spontaneous incidents or planned operations, by officers and staff within the Force as individuals or teams, and to both operational and non-operational situations. These are applied in the context of the Force's strategic direction and core operational objectives, **4Cs**: Contempt for criminality; Compassion for victims; Community Focus; and Care for colleagues.

The National Fire Chiefs' Council **Operational Guidance** provides a foundation for developing operational policies, procedures and training for personnel to deal with incidents effectively and safely. These are applied across the Fire and Rescue Service in the context of the Service **Ethics** of Putting our communities first; Dignity and respect; Equality, diversity and inclusion; Integrity; and Leadership.

The Commissioner's **Police, Fire and Crime Plan** outlines the fire and rescue, policing and crime objectives (outcomes) and the strategic direction for the policing, fire and rescue and supporting services of the area.

The Police, Fire and Crime Plan will be informed by the **CRMP**.

The **Commissioning Framework** ensures the right interventions are used to achieve

¹⁰ National Decision Model (NDM) for the Police Service, College of Policing

the intended outcomes set out in the Police, Fire and Crime Plan.

2.3.5 *Developing the entity's capacity, including the capability of its leadership and the individuals within it.*

The Commissioner and Force need appropriate structures, leadership and people with the right skills, qualifications, and mind-set, to operate efficiently and effectively. They must ensure they have the capability to fulfil their mandate and policies in place to guarantee management has the operational capacity for the organisations. They must continually develop capacity and respond to change over time. Leadership is strengthened by the participation of people from different backgrounds, reflecting the structure and diversity of the community.

The organisations' **people and training strategies** set the climate for continued development of individuals. The respective performance development review processes will ensure that these strategies are turned into reality for officers and staff.

This principle is also included within the **Police, Fire and Crime Plan**.

2.3.6 *Managing risks and performance through robust internal control and strong public financial management.*

Public bodies must ensure the organisations and governance structures they oversee have implemented, and can sustain, effective performance management systems to facilitate effective and efficient delivery. Risk management, business continuity and internal control are integral parts of a performance management system. Strong financial management systems are essential for implementation of policies and achievement of intended outcomes, enforcing financial disciplines, strategic resource allocation, efficient service delivery and accountability. Public bodies spend money raised from taxpayers and they are entitled to expect high standards of control and oversight of performance.

A **Joint Audit Committee** operates in line with Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and within the guidance of the Financial Management Code of Practice¹¹.

The **scheme of delegation** highlights the parameters for decision making, including the delegations, consents, financial limits for specific matters and for contracts.

The **risk management strategies** establish how risk is managed throughout the various elements of corporate governance of the organisations, whether operating solely or jointly.

2.3.7 *Implementing good practices in transparency, reporting, and audit, to deliver effective accountability.*

Accountability ensures those making decisions and delivering services are answerable for them. Effective accountability reports on actions completed and ensures stakeholders can understand responses as the organisations plan and carry out activities in a transparent manner. External and internal audit contribute to effective accountability. Both organisations will be as open as possible about all their decisions, actions, plans, resource use, forecasts, outputs, and outcomes.

The Commissioner is **accountable to local people** and draws on this mandate to

¹¹ Financial Management Code of Practice for the Police, s11.1.3

set and shape the strategic objectives for the area in consultation with the Chief Constable and Chief Fire Officer.

The ***Police, Fire and Crime Plan*** sets out what the strategic direction and priorities are and how they will be delivered.

An ***Annual Statement of Assurance*** outlines the way the Commissioner and Fire and Rescue Service has had regard to the Fire and Rescue National Framework, the Police, Crime, and Fire and Rescue Plan, CRMP and MTFP.

To complement this the ***communication and community engagement strategies*** set out how local people will be involved with the Commissioner for policing, crime and fire and rescue services, and with the Chief Constable to ensure they are part of decision making, accountability and future direction.

The Commissioner, Chief Fire Officer and Chief Constable will develop arrangements for effective engagement with key ***stakeholders***, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction.

2.4 Annual Governance Statements (AGS)

This framework enables the development of local arrangements. Below each of the above mechanisms, the Commissioner and Chief Constable will build behaviours and outcomes across the Force, OPFCC and Fire and Rescue Service that will demonstrate, through the AGS, good governance in practice. The AGS will outline the evidence of local arrangements.

3. Scheme of Delegation

3.1 Introduction

The first section details the key roles of the Police, Fire and Crime Commissioner, Chief Executive, the Commissioner's Chief Finance Officer (OPFCC CFO), Chief Fire Officer, Chief Constable and the Chief Constable's Chief Finance Officer (CC CFO) and of those who support them.

The second section describes the strategies, arrangements, instruments and controls adopted to ensure good governance in the organisations.

This section provides a framework which ensures the business is carried out efficiently, ensuring that decisions are not unnecessarily delayed. It forms part of the overall corporate governance framework of the three organisations. It should be read in the context of the previous two sections.

This Scheme sets out the delegations by the Commissioner to the Chief Executive, Chief Fire Officer and other specified staff of their Office, Fire and Rescue Service and Police staff. It also sets out the delegations by the Chief Constable to specified officers and staff. It includes other instruments such as the financial regulations.

Statutory Officers are the Chief Executive (who is also the Monitoring Officer), Chief Fire Officer, Chief Constable, Deputy Chief Constable, OPFCC CFO, and CC CFO. This Scheme of Corporate Governance aims to clarify those powers which, for the benefit of good business practice, are given to the statutory officers. The Commissioner **may limit these powers and/or withdraw delegation** at any time, as may the Chief Constable in relation to their delegations. Similarly, any sub-delegations by Statutory Officers may be limited or withdrawn by those Statutory Officers.

The Commissioner may impose reporting arrangements on any authorised powers.

Powers are given to the Chief Constable by laws, orders, rules or regulations. Also, national conditions of employment give powers to the Commissioner, the Chief Constable and, in the case of police regulations, the Secretary of State for the Home Office.

The powers given to officers and staff should be exercised in line with these delegations, the law, financial regulations, and also policies, procedures, plans, strategies and budgets.

Whilst the Chief Constable has the statutory power to enter into contracts for goods and services with the consent of the Commissioner, in order to simplify systems of internal control, contracts will be issued in the name of the Police, Fire and Crime Commissioner. Consequently, no consent framework is required. This does not preclude the Commissioner from providing consent to the Chief Constable to enter into contracts for goods and services on a case-by-case basis, with such consent to be evidenced in writing.

This Scheme of Delegation does not identify all the statutory duties which are contained in specific laws and regulations.

3.2 Key Roles

- 3.2.1 The Commissioner as Police and Crime Commissioner is the legal contracting body who owns all the assets and liabilities, and with responsibility for the financial administration of their office and the Police Fund, including all borrowing.
- 3.2.2 The Commissioner Fire and Rescue Authority is the legal contracting body who owns all the assets and liabilities of that Authority, and with responsibility for the financial administration of their office and the Fire and Rescue Fund, including all borrowing.
- 3.2.3 The Police, Fire and Crime Commissioner is both of these legal entities.
- 3.2.4 The Police, Fire and Crime Commissioner will receive all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction. By law, all funding for the Police Force must come via the Police and Crime Commissioner. How this money is allocated is for the Commissioner to decide in consultation with the Chief Constable, or in accordance with any grant terms.
- 3.2.5 The Police, Fire and Crime Commissioner will separately receive and keep separate all funding, including the government grant and precept, and other sources of income, related to the fire and rescue service. How this money is allocated is for the Commissioner to decide in consultation with the Chief Fire Officer, or in accordance with any grant terms.
- 3.2.6 The Police, Fire and Crime Panel is a check and balance on the Commissioner through reviewing or scrutinising their decisions, but not those of the Chief Constable.
- 3.2.7 The following matters cannot by law be delegated to a member of staff and will be determined by the Police, Fire and Crime Commissioner¹²:
- calculating a council tax requirement¹³;
 - approving the police, fire and crime plan and the fire and rescue statement¹⁴;
 - determining police and crime objectives¹⁵
 - approving the community risk management plan;
 - approving annual reports¹⁶;
 - appointing, suspending or dismissing the chief constable and chief fire officer¹⁷;
 - appointing a local auditor and deciding whether to enter into a liability limitation agreement¹⁸
 - holding the chief fire officer to account¹⁹;
 - approving a pay policy statement²⁰;

¹² s18(7) PRSRA11, article 5 Police Fire and Crime Commissioner for Cumbria (Fire and Rescue Authority) Order 2022

¹³ s42A of the Local Government Finance Act 1992

¹⁴ s5 PRSRA11, schedule A2 of the FRS Act 2004

¹⁵ s7 PRSRA11

¹⁶ s12 PRSRA11

¹⁷ s38 PRSRA11

¹⁸ ss7 and 14 Local Audit and Accountability Act 2014

¹⁹ article 9 Police Fire and Crime Commissioner for Cumbria (Fire and Rescue Authority) Order 2022

²⁰ s38 Localism Act 2011

- approving arrangements to enter into a reinforcement scheme²¹;
 - approving arrangements with other employers of firefighters²²;
 - approving arrangements for discharge of functions by others²³;
 - approving plans for fire and rescue functions in emergencies²⁴
- 3.2.8 The Chief Constable is responsible for maintaining the King's peace, and the direction and control of the Force for the delivery of operational policing services. The Chief Constable is a separate corporation sole.
- 3.2.9 As a separate corporation sole, the Chief Constable may operate independently in specific areas. The Chief Constable is accountable to the law for exercise of police powers, and to the Commissioner for delivery of efficient and effective policing, management of resources and expenditure by the Force.
- 3.2.10 The Commissioner is responsible for handling complaints and conduct matters in relation to the Chief Constable, Chief Fire Officer and staff of the Office of the Police Fire and Crime Commissioner, and monitoring complaints against officers and staff of the Police Force and employees in the Fire and Rescue Service. The Commissioner is the appropriate authority to undertake reviews in relation to certain complaints recorded by the Police Force in accordance with the Policing and Crime Act 2017. The Chief Constable and Chief Fire Officer are responsible for handling all complaints and conduct matters relating to officers and staff under their direction and control. Both OPFCC and Constabulary are responsible for complying with the legitimate requirements of the Independent Office for Police Conduct.
- 3.2.11 The statutory duties of both Chief Finance Officers (CFOs) are largely identical in nature although their responsibilities are linked to separate corporations sole. The two CFOs should operate effectively and without conflict, to reflect the legal and financial implications of having the connected corporations sole. Both CFOs have a fiduciary duty to the local taxpayer as both have a responsibility for securing the efficient use of public funds. This implies public reporting responsibilities in certain circumstances for both CFOs. However, given that the Commissioner has the statutory responsibility for the Police Fund, the CFO of the Commissioner will have responsibility for all statutory reports relating to the adequacy of the overall resource envelope available to meet police force expenditure. There is a reciprocal fiduciary duty on both CFOs to support the other in the execution of their duties in relation to policing matters.
- 3.2.12 If either of the CFOs intends to exercise their statutory powers under section 114 of the Local Government Finance Act 1988, they should inform the other (and the PFCC, Chief Executive, Chief Constable and Chief Fire Officer) as soon as possible.
- 3.2.13 The Chief Executive is the Monitoring Officer for the Commissioner both as OPFCC and CCFRA. As Monitoring Officer, their role is ensure that no proposal, decision or omission by the Commissioner or anyone acting under their authority (therefore including within the Constabulary regarding matters undertaken in the name of the Commissioner), has given rise to or is likely to or would give rise to a contravention of any enactment or rule of law; or any maladministration or failure that could be subject of the Local Government Ombudsman²⁵.

²¹ s13 FRSA04

²² s15 FRSA04

²³ s16 FRSA04

²⁴ s2 Civil Contingencies Act 2004

²⁵ s5(2) Local Government and Housing Act 1989

- 3.2.14 The Chief Executive as Monitoring Officer is to be provided with such staff, accommodation and other resources as are sufficient to allow those duties²⁶. That includes access to all records, systems and property of the Commissioner.

²⁶ s5(1) Local Government and Housing Act 1989

3.3 General principles of delegation

- 3.3.1 The Police, Fire and Crime Commissioner and Chief Constable expect anyone proposing to exercise a delegation or an authorisation under this scheme to draw to the attention of the Commissioner any issue which is likely to be regarded by the Commissioner as novel, contentious, repercussive or likely to be politically sensitive before exercising such powers.**
- 3.3.2 The Commissioner is ultimately accountable for the Police Fund and the Fire and Rescue Fund. Before any financial or legal liability affecting either Fund that the Commissioner might reasonably regard as novel, contentious, repercussive or politically sensitive is incurred, prior written approval must be obtained from the Commissioner.
- 3.3.3 The Commissioner must not restrict the operational independence of the police force and the Chief Constable who leads it²⁷. In exercising their functions, the Chief Constable must have regard to the Police, Fire and Crime Plan issued by the Commissioner²⁸.
- 3.3.4 The Commissioner will not restrict the operational independence of the Fire and Rescue Service and the Chief Fire Officer who leads it. In exercising their functions, the Chief Fire Officer will have regard to the Police, Fire and Crime Plan issued by the Commissioner.
- 3.35 Operational independence in both policing and fire and rescue relates to purely operational matters: decisions regarding what people, resources and tactics are applied to resolve specific cases, incidents and situations. It does not extend to decisions which are a mixture of operational and strategic, such as what equipment to purchase and what annual budget is allocated to staffing within functions, as these cross over with the Commissioner's responsibilities.
- 3.3.5 To enable the Commissioner to exercise the functions of their office effectively they will need access to information, and officers and staff within their force area. This access must not be unreasonably withheld or obstructed by the Chief Constable or restrict the Chief Constable's direction and control of the force²⁹.
- 3.3.6 The Commissioner has wider responsibilities than those solely relating to the police force, and these are referred to elsewhere in the Corporate Governance Framework.
- 3.3.7 Delegations are set out in this scheme. The Commissioner and Chief Constable may require at any time that a specific matter is referred to them for a decision and not dealt with under powers of delegation.
- 3.3.8 Delegations may only be exercised subject to:
- a) compliance with the corporate governance framework.
 - b) provision for any relevant expenditure being included in the approved budget.
- 3.3.9 These arrangements delegate powers and duties within broad functional descriptions and include powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation. The scheme does not attempt to list all matters which form part of everyday

²⁷ Policing Protocol Order 2023, art18

²⁸ PRSRA11 s8(2)

²⁹ PRSRA11 ss2(5) and 36

management responsibilities.

- 3.3.10 Giving delegation under this scheme does not prevent an officer or member of staff from referring the matter to the Commissioner or Chief Constable for a decision or guidance if the officer or member of staff thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication – see paragraph 3.3.1).
- 3.3.11 When a statutory officer is considering a matter that also falls within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action (see Decision Making, above).
- 3.3.12 All decisions statutory officers make under powers given to them by the Commissioner or Chief Constable must be recorded and published in accordance with the Decision-Making principles.
- 3.3.13 In this document, references made to the statutory officers include officers authorised by them to act on their behalf.
- 3.3.14 The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of the Corporate Governance Framework.
- 3.3.15 The persons appointed as the Chief Executive (who is also the Monitoring Officer), Chief Fire Officer and the Chief Finance Officers have statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.
- 3.3.16 The Scheme of Delegation provides a member of staff with the legal power to carry out functions of the Commissioner and Chief Constable. In carrying out these functions the member of staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:
- Police Reform and Social Responsibility Act 2011 as amended and other relevant legislation issued under that Act.
 - Fire and Rescue Services Act 2004 as amended and other legislation under that Act
 - Fire and Rescue National Framework
 - Policing Protocol Order 2023
 - Financial Regulations
 - Financial Management Code of Practice
 - CIPFA Statement on the role of the Chief Finance Officer in public service organisations
 - APACE Statement on the role of the Chief Executive
 - Contract Procedure Rules
 - Public Procurement Regulations
 - The Commissioner's Corporate Governance framework
 - The Commissioner's, Fire and Rescue Service's and Police Force employment policies and procedures.
 - The Data Protection Act 2018, General Data Protection Regulations and the Freedom of Information Act 2000 as amended
 - Health and safety at work legislation and codes.
- This list is not exhaustive.
- 3.3.17 When carrying out any functions, the Commissioner, Chief Constable and staff must have regard to the following:
- The views of the people in their area
 - Any report or recommendation made by the Police, Fire and Crime Panel on

the annual report for the previous financial year.

- The Police, Fire and Crime Plan and any guidance issued by the Secretary of State.

This list is not exhaustive.

- 3.3.18 The scheme allows any person with appropriate authority to delegate that power further (subject to any statutory limitations) but before doing so they must inform the Commissioner and comply with any limitation, conditions or prohibition issued by the Commissioner and notification of any sub-delegation shall be given to the Chief Executive.
- 3.3.19 These arrangements do not delegate any matter which by law cannot be delegated to a member of staff nor do they affect the constitutional relationship between the Commissioner and the Chief Constable

Delegations by the Police, Fire and Crime Commissioner

3.4 Functions delegated to the Chief Executive, Office of the Commissioner

- 3.4.1. The Chief Executive is the Head of Paid Service for the Office of the Commissioner and the Monitoring Officer of both the Commissioner's legal entities. The formal delegations, listed below, are those given to the Chief Executive.
- 3.4.2. As the Monitoring Officer of the Commissioner there is a statutory responsibility to manage their legal affairs as set out in section 5 Local Government and Housing Act 1989 (as amended).
- 3.4.3. In their absence the Commissioner delegates to the Chief Executive all of his functions, except those prohibited by law³⁰, unless otherwise agreed.
- 3.4.4. In the event of a significant conflict of interest arising which would preclude the Commissioner from exercising a function, the Commissioner delegates to the Chief Executive the exercise of any functions, except those prohibited by law¹⁵.

General

- 3.4.5. To prepare the Police, Fire and Crime Plan for submission to the Police, Fire and Crime Commissioner.
- 3.4.6. To prepare the Annual Report for submission to the Police, Fire and Crime Commissioner
- 3.4.7. To provide information to the Police, Fire and Crime Panel, as reasonably required to enable the panel to carry out its functions.
- 3.4.8. To sign contracts on behalf of the Commissioner including contracts which are required to be executed under the common seal of the Commissioner.
- 3.4.9. To consider whether, in consultation with the OPFCC CFO, to provide indemnity to the Commissioner or Chief Constable, and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- 3.4.10. To consider and approve, in consultation with the OPFCC CFO, provision of indemnity and/or insurance to individual staff of the Commissioner.
- 3.4.11. To respond to consultations on proposals in respect of all issues affecting the Commissioner, if necessary, after first taking the views of the Commissioner, Chief Constable or the OPFCC CFO, as appropriate.
- 3.4.12. To consider any complaint, grievance or conduct matter raised against the Chief Constable, and where appropriate, refer the matter to the IOPC.
- 3.4.13. To consider, with the Commissioner, any complaint made against the Chief Fire Officer, and where appropriate, to make arrangements for appointing someone to investigate the complaint.
- 3.4.14. To monitor the way that complaints against officers and staff within the Fire and Rescue Service and Constabulary are managed.

³⁰ s18(3)(d) and (7) PRSRA11

- 3.4.15 To make arrangements for the support of public communications and engagement.
- 3.4.16 To make arrangements for the support to the Commissioner in holding the Chief Constable to account.
- 3.4.17 To make arrangements for the support to the Commissioner in holding the Chief Fire Officer to account
- 3.4.18 At the request of the Chief Constable, to exercise the power of the Police and Crime Commissioner under the Police (Property) Regulations 1997 to approve the keeping of unclaimed property if it can be used for police purposes.
- 3.4.19 To be the Senior Information Risk Owner and carry out all functions and responsibilities of the Data Controller specified in the Data Protection Act 2018; Freedom of Information Act 2000 and to ensure compliance with the Elected Local Policing Bodies (Specified Information) Order 2011, as amended.
- 3.4.20 To discharge functions and responsibilities in respect of Police Appeal Tribunals
- 3.4.21 To discharge functions and responsibilities in respect of Complaint Reviews.

Financial

- 3.4.22 The financial management responsibilities of the Chief Executive are set out in the financial regulations.
- 3.4.23 To manage the budget of the Commissioner's office, along with the OPFCC CFO, particularly to:
- order goods and services and other items provided for in the revenue budget.
 - ask for and accept quotations and tenders for goods and services provided for in the revenue budget

Staff employed or engaged within the Office of the Commissioner

- 3.4.24 To appoint and dismiss staff employed in the Office of the Commissioner, in consultation with the Commissioner.
- 3.4.25 Paragraph 3.4.24 shall not apply to the appointment or dismissal of, or disciplinary action against the Chief Executive or OPFCC CFO.
- 3.4.26 No disciplinary action in respect of the Chief Executive or OPFCC CFO, except suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action, may be taken by the Commissioner without having due regard to a recommendation in a report made by an independent person. Any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 3.4.27 "disciplinary action" means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Commissioner, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract; and "designated independent person" must be such person as may be agreed between the Commissioner and the relevant officer

- 3.4.28 To make recommendations to the Commissioner with regard to staff terms and conditions of service, in consultation with the OPFCC CFO.
- 3.4.29 To undertake the management of staff employed by in the Office of the Commissioner in line with agreed policies and procedures.
- 3.4.30 To authorise, in line with staff conditions of service, the suspension of any member of staff employed in the Office of the Commissioner.
- 3.4.31 To bring national agreements on salaries, wages and conditions of staff of the Office of the Commissioner into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Commissioner for a decision.
- 3.4.32 To approve payments under any bonus or performance-related payment schemes for staff approved by the Commissioner, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.4.33 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 to the Commissioner.
- 3.4.34 To grant essential or casual car-user allowances for staff of the Office of the Commissioner.
- 3.4.35 To issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 3.4.36 To approve the retirement of staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, in consultation with the OPFCC CFO following advice from a medical practitioner. All ill-health retirements must be reported to the Commissioner before implementation.
- 3.4.37 Settlement of employment tribunal cases and grievances of staff employed or engaged within the Office of the Commissioner with the exception of those cases felt to be exceptional because:
- they involve a high-profile claimant
 - there is a particular public interest in the case
 - there is a real risk that the Commissioner or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- 3.4.38 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.
- 3.4.39 To exercise the Commissioner's discretions under the Local Government Pension Scheme in relation to staff employed in the OPFCC, in consultation with the OPFCC CFO and in line with agreed policies.
- 3.4.40 To approve requests from staff employed in the Office of the Commissioner to undertake additional outside work.
- 3.4.41 To appoint and dismiss Independent Custody Visitors, members of the Independent Joint Audit Committee on behalf of the CCFRA, and other Panels set up by the Commissioner, legally qualified persons to carry out work in relation to Police Misconduct Hearings, Police Appeal Tribunals and terminate appointments if necessary.

Legal

- 3.4.42 To affix or authorise the affixing of the common seal of the Police, Fire and Crime Commissioner to:
- all contracts, agreements or transactions in respect of which there is no consideration
 - all deeds which grant or convey an interest in land
 - all documents where it is determined by the Commissioner there is a particular need for the seal to be attached.
- 3.4.43 To approve the financial settlement of all claims over £50,000 or requests for compensation against the Commissioner in accordance with financial regulations and against the Chief Constable in accordance with paragraph 8 of Schedule 2 Police Reform and Social Responsibility Act 2011 and s.88 of the Police Act 1996.
- 3.4.44 To 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 Commissioner, Fire and Rescue Service, Constabulary or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
 - the proceedings are by their nature considered to be a test case before the court
- 3.4.45 To authorise, after consultation with the Commissioner, and the Chief Fire Officer if it relates to fire and rescue services, the institution, defence, withdrawal or settlement of any claims or legal proceedings (excluding FRA Prohibitions) on the Commissioner's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the legal adviser (and OPFCC CFO if there are significant financial implications).
- 3.4.46 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Commissioner, providing regular reports to the Commissioner to demonstrate compliance and good governance.

Property

- 3.4.47 To deal with all matters in respect of land or buildings and structures thereon, including day-to-day management in consultation with building users, subject to the provision of financial regulations.
- 3.4.48 To be the HSE Duty Holder in respect of Asbestos, Legionella and Gas regulations.

3.5 Functions delegated to the Chief Fire Officer

- 3.5.1 The Chief Fire Officer is the Head of Paid Service of the Fire and Rescue Service. The formal delegations listed below, are those given to the Chief Fire Officer.

Staff employed or engaged within the Fire and Rescue Service

- 3.5.2 To appoint and dismiss staff employed in the Fire and Rescue Service, in consultation with the Commissioner if required.
- 3.5.3 Paragraph 3.5.2 shall not apply to the appointment or dismissal of, or disciplinary action against the Chief Fire Officer.
- 3.5.4 No disciplinary action in respect of the Chief Fire Officer, except suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action, may be taken by the Commissioner without having due regard to a recommendation in a report made by an independent person. Any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 3.5.5 "disciplinary action" means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Commissioner, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract; and "designated independent person" must be such person as may be agreed between the Commissioner and the relevant officer
- 3.5.6 To make recommendations to the Commissioner with regard to Fire and Rescue Service staff terms and conditions of service, in consultation with the OPFCC Chief Finance Officer.
- 3.5.7 To undertake the management of Fire and Rescue Service staff, including disciplinary matters, in line with agreed policies and procedures.
- 3.5.8 To authorise, in line with staff conditions of service, the suspension of any member of Fire and Rescue Service staff.
- 3.5.9 To prepare a pay policy statement prepared for the purposes of section 38 of the Localism Act 2011 for submission to the Commissioner.
- 3.5.10 To bring national agreements on salaries, wages and conditions for Fire and Rescue Service staff into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Commissioner for a decision.
- 3.5.11 In consultation with the OPFCC CFO, to approve payments under any bonus or performance-related payment schemes for Fire and Rescue Service staff in line with Service Policies approved by the Commissioner, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.5.12 To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally. All agreements reached must be reported to the Commissioner.
- 3.5.13 To grant essential or casual car-user allowances for Fire and Rescue Service staff,

in consultation with the OPFCC CFO.

- 3.5.14 To approve visits abroad by officers on official business and the expenses thereof, in consultation with the Commissioner.
- 3.5.15 To act as Scheme Manager for the Fire Pension Scheme.
- 3.5.16 Settlement of employment tribunal cases and grievances of staff employed or engaged within the Fire Service with the exception of those cases felt to be exceptional because:
- they involve a high-profile claimant
 - there is a particular public interest in the case
 - there is a real risk that the Commissioner or Chief Fire Officer will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- 3.5.17 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, and Firefighter Pensions Schemes in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.
- 3.5.18 To exercise the various Firefighters' Pension Scheme Discretions except in relation to the Chief Fire Officer and Deputy Chief Fire Officer.
- 3.5.19 To exercise LGPS discretions on behalf of the Commissioner for staff employed within the FRS in consultation with the OPFCC CFO.
- 3.5.20 To approve the retirement of Fire and Rescue Service staff on the grounds of ill health, excluding Principal Officers, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from an independent qualified medical practitioner. All ill-health retirements must be reported to the Police and Fire Commissioner before implementation and any relating to Principal Officer's must be reported when an application is made.
- 3.5.21 In consultation with the Chief Executive, to issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 3.5.22 To approve requests from staff employed in the Fire and Rescue Service to undertake additional outside work.

Financial

- 3.5.23 The financial management responsibilities of the Chief Fire Officer are set out in the financial regulations and the Home Office Financial Management Code of Practice 2018.
- 3.5.24 To ensure the Fire and Rescue Service complies with the Financial Regulations and Contract Procedure Rules.
- 3.5.25 To manage the budget of the Fire and Rescue Service, along with the OPFCC CFO, in line with the Financial Regulations.

Operational Fire and Rescue Services

- 3.5.26 To prepare the Community Risk Management Plan for submission to the Commissioner.

- 3.5.27 To prepare the Fire and Rescue Statement of Assurance for submission to the Commissioner.
- 3.5.28 To be the Senior Information Risk Owner for the Fire and Rescue Service.
- 3.5.29 To undertake the day-to-day management of physical assets, other than land and buildings, subject to the provision of financial regulations.
- 3.5.30 To exercise the functions of the Commissioner FRA under the Regulatory Reform (Fire Safety) Order 2005, together with any future enactment conferring power upon the Fire and Rescue Service to commence criminal proceedings in any Court of competent jurisdiction, to issue, amend and withdraw prohibition notices on behalf of the Commissioner FRA under that legislation.
- 3.5.31 To designate persons as Inspectors under article 26, and to authorise members of staff to exercise statutory powers under article 27 of the Fire Safety Order.
- 3.5.32 To prepare agreements with neighbouring Fire and Rescue Services under Sections 13, 16 and 17 Fire and Rescue Services Act 2004 for submission to the Commissioner.
- 3.5.33 To authorise the exercise of powers of entry, inspection and survey and the carrying out of emergency works by staff of the Service or contractors acting on behalf of the Fire and Rescue Service upon land or buildings.
- 3.5.34 To prepare plans for performing its fire and rescue functions in relation to emergencies and arrangements for cooperation with other agencies under the Civil Contingency Act 2004.
- 3.5.35 To submit comments on any town and country planning matter, building regulations, safety of sports grounds and other applications or licences.
- 3.5.36 In consultation with the CCFRA CFO, to enter into any primary authority partnership arrangements with businesses in relation to fire safety legislation.
- 3.5.37 To respond to requests from the Home Office in relation to removing, developing or hosting new capabilities relating to national resilience.

General

- 3.5.38 The Chief Fire Officer will provide regular reports to the Commissioner in order to demonstrate compliance and good governance.

3.6 Functions delegated to the Commissioner's Chief Finance Officer

- 3.6.1 The OPFCC CFO, as the financial adviser to the Commissioner has a statutory responsibility to manage the Commissioner's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended).
- 3.6.2 To lead on risk management on behalf of the Commissioner.
- 3.6.3 The detailed financial management responsibilities of the OPFCC CFO are set out in the financial regulations.
- 3.6.4 To sign contracts on behalf of the Commissioner, irrespective of value, once they have been approved in accordance with this Corporate Governance Framework, except those which are required to be executed under the common seal of the Commissioner or in such cases the Chief Executive is authorised to sign and affix the seal.

3.7 Functions delegated to the Chief Constables Chief Finance Officer

- 3.7.1 The detailed financial management responsibilities of the CC CFO are set out in the financial regulations.
- 3.7.2 The CC CFO will provide regular reports to the Commissioner in order to demonstrate compliance and good governance.

3.8 Urgent matters

- 3.8.1 If any matter which would normally be referred to the Commissioner for a decision and cannot be delayed in their absence, the matter may be decided by the appropriate chief officer.
- 3.8.2 Appropriate chief officers authorised to decide urgent matters are:
 - the Chief Executive (all issues other than financial issues);
 - the OPFCC CFO (financial and related issues)
- 3.8.3 Where possible the appropriate officer will consult the Commissioner before taking an urgent decision unless such consultation is impractical.
- 3.8.4 Urgent decisions taken must be reported to the Commissioner as soon as practicable and published.

Delegations by the Chief Constable

3.9 Functions delegated to the Deputy Chief Constable

- 3.9.1 The Deputy Chief Constable may exercise or perform any or all of the functions of the Chief Constable of the force during any period when the Chief Constable is unable to exercise functions, or otherwise with the consent of the Chief Constable³¹.
- 3.9.2 To appoint and dismiss staff employed by the Chief Constable.
- 3.9.3 To undertake the management of staff employed by the Chief Constable in line with agreed policies and procedures.
- 3.9.4 To make recommendations to the Chief Constable with regard to staff terms and conditions of service, in consultation with the CCCFO.
- 3.9.5 To bring national agreements on salaries, wages and conditions into effect on the clear understanding that any issues which are sensitive or have major financial implications will be referred to the Chief Constable for a decision.
- 3.9.6 To negotiate with recognised trade unions and staff associations on any matters that can be decided locally, and to recommend agreements to the Chief Constable.
- 3.9.7 To recommend to the Chief Constable the retirement, in the interests of the efficiency of the service, of employees and to report on this issue each year, in consultation with the CCCFO.
- 3.9.8 In consultation with the Chief Executive, to issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 3.9.9 To recommend to the Chief Constable the retirement of police staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner and in consultation with the CCCFO.
- 3.9.10 To approve payments under any bonus or performance-related payment schemes for staff approved by the Chief Constable, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
- 3.9.11 To grant essential or casual car-user allowances.
- 3.9.12 To approve the appointment or secondment of police officers and police staff for central services or overseas duty.
- 3.9.13 To be the appropriate authority for complaint and professional standards matters.
- 3.9.14 To lead on risk management on behalf of the Chief Constable.
- 3.9.15 To be the Senior Information Risk Owner and carry out all functions and responsibilities of the Data Controller specified in the Data Protection Act 2018; Freedom of Information Act 2000 and to ensure compliance with the Elected Local Policing Bodies (Specified Information) Order 2011, as amended.

³¹ PRSRA11 s41

3.10 Functions delegated to the Chief Constable's Chief Finance Officer

- 3.10.1 The CC CFO, as the financial adviser to the Chief Constable has a statutory responsibility to manage the Chief Constable's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended).
- 3.10.2 The detailed financial management responsibilities of the CC CFO and their staff are set out in the financial regulations.
- 3.10.3 To sign all contracts on behalf of the Chief Constable, irrespective of value, once they have been properly approved in accordance with financial regulations, except those which are required to be executed under the common seal of the Chief Constable. In such cases the Head of Legal Services is authorised to sign and affix the seal.
- 3.10.4 To appoint and dismiss members of the Independent Joint Audit Committee on behalf of the Chief Constable and terminate appointments if necessary.

3.11 Functions Delegated to the Director of Legal Services

- 3.11.1 To authorise the institution, defence and/or withdrawal of legal proceedings on the Chief Constable's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the CCCFO if there are significant financial implications.
- 3.11.2 Settlement of employment tribunal cases and grievances of officers and staff employed by the Chief Constable, and of claims for unlawful conduct of constables under his direction and control in the purported performance of their functions, after consultation with the Deputy Chief Constable and Chief Executive, with the exception of those cases felt to be exceptional because:
 - they involve a high-profile claimant
 - there is a particular public interest in the case
 - there is a real risk that the Commissioner or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- 3.11.3 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.
- 3.11.4 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Chief Constable and provide a quarterly report to the Commissioner and Chief Constable on all legal action taken, to demonstrate compliance and good governance.
- 3.11.5 Where Legal Services are provided to the Commissioner in accordance with Section 2(5) PRSRA11 the matter or transaction will require specific authorisation by the Commissioner. The settlements of claims shall be subject to Paragraph 8 Schedule 2 PRSRA11.