



Police Fire and Crime Commissioner and Chief Constable of Cumbria Constabulary

DECISION MAKING FRAMEWORK

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Contents	Page
1 Approach to Decision-Making	2
2 Principles of Decision Making	3
3 Urgent Key Decisions	3
4 Contentious Issues / Decisions	3
5 Recording Decisions	4
6 Exclusions	4
7 Publications of decisions and information relating to decisions	4
8 Statutory Officers	4

1. Approach to Decision Making

Decisions taken by the PFCC will arise from the discharge of their statutory functions as the Fire & Rescue Authority and in relation to policing and crime. The PFCC will demonstrate probity, regularity and transparency in their decision making and will therefore take decisions in accordance with the Good Governance Standards for Public Service (the Nolan Principles) but also as a matter of law. All decisions will be taken in the public interest.

The PFCC and the Office of the Police Fire & Crime Commissioner (OPFCC) will apply good governance principles to all decisions regardless of significance and impact.

The Statutory Framework for decision making by the PFCC consists of:

- Police Reform and Social Responsibility Act 2011.
- Policing Protocol Order.
- Policing and Crime Act 2017
- Fire and Rescue Service Act 2004.
- Regulatory Reform (Fire Safety) Order 2005.
- Civil Contingencies Act 2004.
- Fire and Rescue National Framework (2018).
- Crime and Disorder Act 1998
- (Revised) Financial Management Code of Practice.
- Data Protection Act 1998 and the Freedom of Information Act 2000.
- Equality Act 2010.
- Health & Safety at work regulations and codes.
- The Police, Fire and Crime Commissioner for Cumbria (Fire & Rescue Authority) Order 2022

The Scheme of Delegations sets out the discharge of the PFCC's functions and may be subject to amendment. The Scheme of Delegations is detailed in section 3 of the Corporate Governance Framework.

The exercise of any delegated authority to take a decision in the discharge of the Cumbria Commissioners function is subject to the following:

- The person making the decision has first considered a written report prepared by the appropriate officer.
- The person making the decision has given due consideration as to whether or not the decision is a key decision as defined within this policy.
- Any decision taken shall be in accordance with the budget and policy framework, financial and procurement regulations and any condition imposed by the law, the Corporate Governance Framework and any relevant statutory guidance.
- Any person may, as they determine appropriate, refer any matter falling within their delegated authority to the Cumbria Commissioner.
- The fact that a function has been delegated shall not prevent the discharge of that function by the person that delegated the function.

2. Principles of Decision Making

The key to achieving well informed decisions is through a sound process, good management, and effective leadership. All decisions being taken whether by the PFCC or those that have been delegated should include in the supporting report evidence of how consideration and regard has been given to the following:

- Understanding local needs, resources and priorities and consider the views of partners and stakeholders,
- Based on the knowledge agree outcomes and how they can be delivered effectively, efficiently, equitably and sustainably,
- Establish all the relevant and material facts,
- Consult those who might reasonably consider they would be adversely or significantly affected,
- Seek appropriate specialist advice,
- Consider all reasonable courses of action open to the PFCC,
- Ensuring value for money is obtained,
- Consider risk, performance, and financial information,
- A presumption in favour of openness and transparency must exist,
- The need to have due regard to the government Security Classifications when considering disclosure of reports and documents supplied to the PFCC.

3. Urgent Key Decisions.

There may be occasions where the circumstances of a decision dictates that only some elements of the checklist will be employed or that the PFCC is required to consider and make a key decision, for example an urgent decision would limit the amount of engagement that could be undertaken. However, all measures will be taken to ensure that urgent decisions are infrequent.

4. Contentious Issues / Decisions

Occasions will arise when the 'line' between strategic and operational will be ambiguous. These issues/decisions will be classified as 'contentious'. To avoid possible conflict in who should take the decision the principle of 'due regard' will be employed.

Contentious decisions can be defined as those of a political nature, matters of a high public/media interest, matters likely to impact on a community(ies), high risk issues (e.g. upon significant financial risk, reputation, public confidence) and could include the following:

- Actions that conflict with priorities set out in the PFCC Police, Fire and Crime Plan that will impact on the delivery of the plans outcomes,
- Policy changes – A decision that has a direct impact on local communicates, for example the reorganisation of local Fire and Rescue Services.
- Political issues – These could be any number of areas and a checklist could be derived from the Police, Fire and Crime Plan.
- Material Financial Impact.

5. Recording Decisions

To ensure the PFCC adheres to the principles of openness and transparency the information used to inform the decision-making process will be recorded in documents and reports used by officials and the PFCC. An accurate record of the discussion prior to taking a decision will be recorded and will include the rationale for discounting options.

6. Exclusions

There will be occasions when some information will not be appropriate to be published due to confidentiality reasons. The potential reasons (as described in Local Government Act 1972 – Schedule 12A and Freedom of Information Act 2018) are:

- Information relating to an individual.
- Information which is likely to reveal the identity of an individual.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the PFCC or a Minister of the Crown and employees of, or office holders under, the authority.
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.
- Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Decision related information may also be restricted where security restrictions are placed on the information held by either Cumbria Constabulary or Cumbria Fire & Rescue Service. Wherever possible careful consideration will be given to the classification of restricted information to ensure that the public has access to the widest range of information possible. This decision will be made by the OPFCC Chief Executive as the Monitoring Officer, following appropriate advice from legal.

7. Publications of decisions and information relating to decisions

As an absolute minimum the PFCC will publish all statutory decisions together with the information relating to the decision. All available forms of communications will be utilised, including:

- Office of the Police Fire and Crime Commissioner website – decision records and associated papers
- Press/Media releases
- Public Meetings
- Social Media
- Annual Reports

8. Statutory Officers

The OPFCC Chief Executive (Monitoring Officer) and / or OPFCC Chief Finance Officer are part of the legal framework to report contraventions of the law or

maladministration. They have ultimate responsibility for identifying any deviation from the core principles of good governance and to report anything which gives rise to concern over a proposal, decision, or omission. These roles will therefore provide the gatekeeper for ensuring this policy and its principles are implemented.