

PCC Policy Statement on Decision Making

Introduction

The statutory framework for decision making by Police and Crime Commissioners (PCCs) consists of:

- Police Reform and Social Responsibility Act 2011 – creates the PCC as a corporation sole, assigning functions, giving ancillary powers to facilitate the principal functions, and requiring that their decisions and actions be reviewed and scrutinised by a police and crime panel. It also enables the Local Government Ombudsman to investigate any allegations of apparent maladministration by the PCC.
- The Policing Protocol Order 2023 highlights that the PCC will be responsible for the totality of policing and that their conduct must abide by the seven Nolan principles of good governance in public life.
- The Elected Local Policing Bodies (Specified Information) Order 2011 and The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 set out the information which must be published relating to decision making.
- The Financial Management Code of Practice for the police service provides clarity around financial governance arrangements.
- Various general social and organisational legislation (e.g. Human Rights Act 1998, employment law, local Government Acts).

The quality of a decision is usually judged on its outcome after the event. However, a robust decision-making process is likely to produce more consistent, reliable and objectively sustainable decisions than a weak one. This policy and associated guidance seek to set the right framework to facilitate good decisions, which will inevitably range from routine administrative, technical, or professional decisions to those of significant public interest.

Decision making culture

Policing in this country is by consent of the public. If the public are to trust the PCC to use their powers wisely and fairly, and to continue to grant their consent, it is critical that clear ethical standards and the highest levels of integrity underpin the PCC's decision-making process.

The principles set out below will help to ensure that the decisions of the PCC will comply with those aspirations and expectations.

Principles

The overarching principles for decision making to be adopted by the PCC are that all decisions will be in accordance with the:

- Powers and duties established within the statutory framework
- Good governance principles ([The Good Governance Standard for Public Services, \(OPM and CIPFA\) 2005](#))
- Nolan principles ([Standards in Public Life: First Report of the Committee on Standards in Public Life](#))
- Good administrative practice ([Local Government & Social Care Ombudsman, Principles of Good Administrative Practice](#))

Good governance principles

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved. The fundamental function of good governance in the public sector is to ensure that entities achieve their intended outcomes while always acting in the public interest.

Nolan principles

1. Selflessness

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

2. 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 to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

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

4. 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.

5. 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.

6. Honesty

Holders of public office should be truthful.

7. 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.

Decision making process

Through adopting the above principles, the PCC will ensure that the right climate is set for decision making. These principles are all of critical importance but require the consistent application of good process. Although some of the decisions to be taken by the PCC will be of significant public interest, complex and costly, the basic process to be followed prior to each decision will be:

- All relevant material, information and facts will be assembled.
- Consultation with all interested and affected parties.
- Consideration of all available courses of action.
- Specialist / significant advice sought.
- Information presented which focuses on the core issues and is consistent with the police and crime commissioner's aims and objectives.
- Consider risk.
- Consider financial implications.
- Consider performance measures.
- Consider value for money.
- Consider equalities issues.

The scale of each of the above elements will depend upon several factors such as the level of public interest, the risk, impact, complexity and cost.

Recording, transparency, and publication

The above policy principles require good record keeping, not only of the decisions taken by the PCC, but also the accompanying information and challenge, which supports each decision.

Therefore, the Chief Executive will ensure that a record of each decision is made, and all associated information retained in accordance with the record management policy.

In addition, the Chief Executive will ensure that once decisions are taken by the PCC, they are effectively communicated both internally and externally and to ensure that any implementation and accountability arrangements are initiated.

The statutory requirements for transparency ([The Elected Local Policing Body \(Specified Information\) Order 2011](#), [Freedom of Information Act 2000](#) and [Data Protection Act 1998](#)) set out the minimum standards for access, publication, and availability of information. However, the Office of the Police and Crime Commissioner (OPCC) will ensure that all information used in coming to a decision will be made accessible to local people through a variety of means. The means will be determined by where the decision lies on the sliding scale of public interest including:

- OPCC website – decision records and associated papers.
- Media releases.
- Leaflets.
- Social media.
- Newsletters.
- Annual reports.

Statutory Officers

The Chief Executive and Chief Finance Officer are part of the legal framework to report contraventions of the law, financial requirements, or maladministration. They have statutory responsibility for identifying contraventions and 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 post holders will therefore ensure that this policy and its principles are implemented.

Local Controls and Mechanisms

To ensure good governance in relation to decision making the PCC will have arrangements in place which will cover the way the Office of the PCC will work. These will include the Scheme of Governance and Consent, Financial Regulations, Contract Standing Orders, a Joint Audit Committee, a risk register as well as a register of interests, gifts, and hospitality.

The Scheme of Governance and Consent set out the delegations by the Commissioner to a Deputy Police and Crime Commissioner (Deputy PCC) (if appointed), the Chief Executive and the police via the Chief Constable and the Chief Constable's Chief Finance Officer. It forms part of the overall corporate governance framework of the two corporation's sole.

The Financial Regulations and Contract Standing Orders form a part of the Scheme of Governance and Consent and prescribe the procedural arrangements and financial limits for decisions taken by the PCC's and Chief Constable's officers and staff.

The Joint Audit Committee provides independent oversight of governance and financial management of the Corporations Sole. It has a relationship with the internal and external auditors and looks also at Internal Controls, financial reporting, and corporate governance.

The approach to risk is set out in the Scheme of Governance and Consent with the risk registers being maintained by the Corporations Sole to provide assurance that the decisions made take account of the organisational risks.

The Police and Crime Commissioner have a joint protocol in place with the Police and Crime Panel that outlines the mechanism for the exchanging of information and details of work programmes. [You can view the protocol here.](#)

Public Interest and Transparency

In assessing the public interest in decisions made the OPCC will consider all the circumstances, including local ones. The OPCC will use guidance from the Information Commissioner's Office in assessing the public interest.

The public interest means the public good, not what might interest the public. There is a public interest in transparency and accountability. There is therefore a presumption that all decisions should be accessible to the public. In some cases, there is also a public interest in not disclosing information behind decision making.

The OPCC will consider the exemptions in the Freedom of Information Act 2000 in deciding whether information may be exempt from disclosure and then go on to consider if it is also in the public interest not to disclose it or not to disclose it in its entirety. In addition, it may become appropriate to disclose information after a period. For example, a financial negotiation may mean that information that can be disclosed after the transaction has completed when it would not have been in the public interest to disclose it before that happens.

Exemptions in the Freedom of Information Act 2000 are set out in the Act and the general ones are:

- It would cost too much or take too much staff time to deal with the request.
- The request is vexatious.
- The request repeats a previous request from the same person.

In addition, there are specific exemptions:

- Information accessible by other means.
- Information supplied by or relating to bodies dealing with security matters.
- Court records and information relating to court proceedings.
- Prejudice to the conduct of public affairs.
- Personal information.
- Information provided in confidence.
- Information where disclosure is prohibited by an enactment or would constitute contempt of court and if the public interest in confidentiality outweighs the public interest of disclosure.
- Information intended for future publication.
- Investigations and proceedings conducted by public authorities.
- Law enforcement.
- Health and Safety.
- Environmental Information.
- Personal information relating to a third party.
- Legal professional privilege.
- Commercial interests.

Publication Scheme

The Office of the Police and Crime Commissioner for Norfolk have a Publication Scheme which is approved by the Information Commissioner's Office. This sets out the information routinely published by the offices which is available to the public.

The scheme also sets out the information publication requirements of The Elected Local Policing Bodies (Specified Information Order) 2011 (as amended in 2012), The Elected Local Policing Bodies (Specified Information Order) 2013 and The Elected Local Policing Bodies (Specified Information Order) amendment 2021.