

Nottinghamshire

POLICE & CRIME COMMISSIONER

From: Charlotte Radford
Tel: Date: April 2013

DMR
Ref:

2013/015

PART ONE

EXECUTIVE DECISION MAKING REPORT

NOTTINGHAMSHIRE OFFICE OF THE POLICE AND CRIME COMMISSIONER

TITLE OF SCHEME OR SERVICE

Joint Corporate Code of Governance

CLEARED BY

Charlotte Radford

DECISION: To approve the attached code

EXECUTIVE SUMMARY:

In compliance with the principles of good governance the attached Joint Corporate Code of Governance has been produced to set the standard which will govern the two corporations sole; both jointly and separately, to ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner.

Nottinghamshire Police and Crime Commissioner

The above request has my approval.

Signature:

Date:

15/5/13

1. How does the proposal address the Police and Crime Plan priorities?

By having a sound basis for governance this will ensure the achievement of the police & crime priorities in an appropriate and effective way.

2. What local needs are you expecting to meet?

The public of Nottinghamshire will gain assurance from the existence of good governance throughout the organisation. Partners will also gain assurance to support the organisation in the achievement of the priorities.

3. What outcomes are expected to be achieved?

This will set the standard by which internal audit and external audit will measure the organisation. Adherence to the code will ensure that the accounts opinion on value for money and governance is not qualified.

**4. What consultations have taken place with those affected by the proposal?
What did they say?**

Consultations have taken place internally between the OPCC and the Business and Finance department. The result is this final agreed document.

5. Have you considered all reasonable courses of action and options?

This code is based upon the recommendations of CIPFA/Solace.

6. What will be the impact be on performance and risk?

This has no direct impact on performance and risk, but does indirectly have a positive affect.

7. What are the resource implications and will the proposal achieve greater efficiency and value for money?

There are no resource implications from this code.

8. Provide any supplementary information to support your proposal

Code attached.

9. Public Access to Information

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the PCC website within 2 working days of approval. Any facts and advice that should not be made automatically available on request should not be included in Part 1, but instead on a separate Part 2 form. Determent is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of this approval to be deferred? No

10. Any Further Action Required:

N/A

ORIGINATING OFFICER'S NAME AND CONTACT DETAILS

Charlotte Radford

PART TWO EXECUTIVE DECISION MAKING REPORT

Specialist Advice Consultation Y/N <i>To be completed for all Nottinghamshire Police proposals. If consultation has not taken place you need to say why.</i>		Date Consulted	Comments
Chief Officer (ACPO) Chief Constable	<input type="checkbox"/>	25.04.13	
Head of Legal Services	<input type="checkbox"/>		Not required
Assistant Chief Officer Resources :	<input type="checkbox"/>	25.04.13	
Departmental Head	<input type="checkbox"/>		Not required
Other (Chief Finance Officer (OPCC), Head of ICT or Estates. Divisional Commander) Optional as appropriate.	<input type="checkbox"/>	April 2013	CFO (OPCC) has approved the document.

Officer Approval (Nottinghamshire Office of the Police and Crime Commissioner)

Chief Executive

I have been consulted about the proposal and confirm that the appropriate financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signature: *Kam Dennis*

Date: 15th May 2013

EXEMPT OR CONFIDENTIAL INFORMATION

See see separate guidance on what information can be exempt or classified as confidential.



Joint Code of
Governance v2.doc



Code of Corporate Governance

For the

**Nottinghamshire Police and Crime
Commissioner**

And the

Chief Constable

<<Document Number>>

Joint Code of Corporate Governance

Type of Document:

Code

Version:

2.0

Registered Owner(s):

Nottinghamshire Police and Crime
Commissioner
Chief Constable

Author:

Effective Date:

Review Date:

Replaces document (if applicable)

Linked Documents:

Functional owner

Signed:

Date:

Name:

Post:

Authorised

Signed:

Date:

Name:

Post:

Table of Contents

SECTION 1: VERSION CONTROL.....	1
SECTION 2: BACKGROUND.....	2
SECTION 3: THE CODE OF CORPORATE GOVERNANCE.....	3
SECTION 4: ARRANGEMENTS FOR THE REVIEW OF GOVERNANCE.....	8
SECTION 5: RISK MANAGEMENT.....	10

Appendix A: Corporate Governance Principles Framework documents and processes

SECTION 1: VERSION CONTROL

Version No.	Date	Post Holder/ Author	Post	Reason for Issue
1.0				
2.0	April 2013			Updates

SECTION 2: BACKGROUND

2. Introduction

- 2.1 This Code of Corporate Governance sets out the standard that the Nottinghamshire Police and Crime Commissioner (the Commissioner) and the Chief Constable (the Chief) will govern as separate corporations sole. This Code provides the framework for review and reporting on the effectiveness of the Commissioner's and Chief's governance arrangements, and sets out how they will govern both jointly and separately, to ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner.
- 2.2 The Code sets out the principle systems, processes, culture and values by which the Commissioner and the Chief are directed and controlled, and through which they account to, engage with and, where appropriate, lead the community.
- 2.3 The new structure for governance in policing in England and Wales is set out in the 2011 Police Reform and Social Responsibility Act. The important changes to the landscape resulting from the 2011 Act are a move away from the traditional "tripartite structure" with the three partners being the Home Secretary, the Police Authority and the Chief, to the:
- Abolition of the police authority and the transfer of most of its functions to the elected Commissioner.
 - Establishment of both the Commissioner and the Chief as corporations sole.
 - Creation of an additional body – the Police and Crime Panel whose core role is to hold the Commissioner to account.
- 2.4 The core principles, which are adopted by both corporations sole will be those set out in the CIPFA/SOLACE Framework *"Delivering Good Governance in Local Government"*. This shapes the formal annual governance review processes and forms an integral part of each body's annual statement of accounts. The principles are outlined in the Police and Crime Plan 2013-2018, which are:
- **Principle 1:** Focusing on the purpose of the Commissioner and the Force, and on outcomes for the community, and creating and implementing a vision for the local area.
 - **Principle 2:** Leaders, officers and partners working together to achieve a common purpose with clearly defined functions and roles.
 - **Principle 3:** Promoting values for the Commissioner and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
 - **Principle 4:** Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
 - **Principle 5:** Developing the capacity and capability of the Commissioner, officers of the Commissioner and the Force to be effective.
 - **Principle 6:** Engaging with local people and other stakeholders to ensure robust public accountability.

- 2.5 To achieve this, a framework has been formulated locally which ensures that these principles are fully integrated into the conduct of the Commissioner's and Chief's business as well as establishing a means of demonstrating compliance. The Nottinghamshire Office of the Police and Crime Commissioner (NOPCC) and the Force can also demonstrate that the systems and processes in place are:

- Monitored for their effectiveness in practice; and
- Subject to annual review to ensure they remain up to date.

Appendix A provides an overview of the principles key supporting documents and processes.

SECTION 3: THE CODE OF CORPORATE GOVERNANCE

- 3.1 The Commissioner and the Chief Constable have developed this Code of Corporate Governance using the six principles of Good Corporate Governance as the framework for setting out the local arrangements which are referenced in the Police and Crime Plan 2013-18 Strategic Framework. The following sections set out the principles and their supporting activities.

Principle 1: Focusing on the purpose of the Commissioner and the Force, and on outcomes for the community, and creating and implementing a vision for the local area.

To achieve this, the Commissioner and Chief will:

- Develop and promote the Commissioner's purpose and vision for the local area and setting the priorities for policing through community engagement and consultation.
- Review on a regular basis the Commissioner's vision for the local areas and its impact on governance arrangements.
- Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties.
- Publish an annual report on a timely basis to communicate the Commissioner's activities and achievements, the financial position and performance.
- Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available to demonstrate robust financial and resourcing to deliver the Police and Crime Plan.
- Put in place effective arrangements to identify and deal with failure in service delivery through robust complaint procedures and lessons learned for informed positive service improvement.
- Ensure that the information required to review efficiency and effectiveness, value for money and performance is readily available and reflected in performance plans.
- Consider the environmental impact of policies, plans and decisions.

Principle 2: Leaders, officers and partners working together to achieve a common purpose with clearly defined functions and roles.

To achieve this, the Commissioner and Chief will:

- Set out a clear statement of the roles and responsibilities of the Commissioner, and the Deputy Commissioner, and the Commissioners approach to governance and decision making.
- Set out a clear statement of the respective roles and responsibilities of the Senior officers and staff of the NOPCC and the Force
- Determine a scheme of delegation and consent, including a formal schedule of those matters specifically reserved for decision by the Commissioner and those delegated to the Chief, taking account of relevant legislation and ensure that it is monitored and updated when required.
- Make a Chief Executive responsible and accountable to the Commissioner for all aspects of operational management of the NOPCC.
- Develop protocols to ensure that the Commissioner, Deputy Commissioner, Chief Executive and Chief negotiate their respective roles and that a shared understanding of the roles and objectives is maintained.
- Make the Chief Finance Officer (Section 151 officer) responsible to the Commissioner for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- Make the Chief Executive the Monitoring Officer responsible to the Commissioner for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- Develop protocols to ensure effective communication between the Commissioner, Deputy Commissioner, Chief and officers in their respective roles.
- Set out the terms and conditions for remuneration of the Commissioner, Deputy Commissioner, Chief and officers and an effective structure for managing the process including an effective remuneration panel (if applicable).
- Ensure that effective mechanisms exist to monitor service delivery.
- Ensure that the Commissioner's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.
- When working in partnership ensure that the Commissioner and Deputy Commissioner are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the Commissioner.
- When working in partnership, ensure that there is clarity about the legal status of the partnership, and ensure that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

Principle 3: Promoting values for the Commissioner and demonstrating values of good governance through upholding high standards of conduct and behaviour.

To achieve this, the Commissioner and Chief will:

- Ensure that Commissioner's and Chief's leadership sets a tone for the organisation by creating a climate of openness, support and respect.
- Ensure that standards of conduct and personal behaviour expected of those holding public office and their staff are defined and communicated through codes of conduct and protocols.
- Put in place arrangements to ensure that the Commissioner, Deputy Commissioner and officers of the NOPCC and Chief are not influenced by prejudice, bias, or conflicts of interest in dealing with different stakeholders, and put in place appropriate processes to ensure that they continue to operate in practice.
- Develop and maintain shared values including leadership values both for the organisation and staff reflecting public expectations, and communicate these between the Commissioner and the Chief, staff, the community and partners.
- Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice.
- Develop and maintain an effective standards monitoring process.
- Use the organisations shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships.
- In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

Principle 4: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.

To achieve this, the Commissioner and Chief will:

- Develop and maintain an effective review and scrutiny function which encourages constructive challenge and enhances the Commissioner's performance overall and of any organisation for which it is responsible.
- Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.
- Put in place arrangements to safeguard the Commissioner, the Deputy Commissioner's, the Chief and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice.
- In conjunction with the Chief, the Chief will develop and maintain an effective Joint Audit and Scrutiny Panel.
- Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.

- Ensure that those making decisions whether for the Commissioner, the Chief or partnership are provided with information that is fit for the purpose, relevant, timely and gives clear explanations of technical issues and their implications.
- Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.
- Ensure that risk management is embedded into the culture, with all parties recognising that risk management is part of their job.
- Ensure that arrangements are in place for whistle blowing to which staff and all those contracting with the Commissioner have access.
- Actively recognise the limits of lawful activity, for example the ultra vires doctrine, but also strive to utilise powers to the full benefit of the community.
- Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on the Commissioner and Chief by public law; and
- Observe all specific legislative requirements placed upon the Commissioner and the Chief, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law - rationality, legality and natural justice into the Commissioner and Chief's procedures and decision making processes.

Principle 5: Developing the capacity and capability of the Commissioner, the officers of the Commissioner and the Force to be effective.

To achieve this, the Commissioner and Chief will:

- Provide induction programmes tailored to individual needs and opportunities for the Commissioner, Deputy Commissioner, Chief and officers to update their knowledge on a regular basis.
- Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood.
- Assess the skills required by the Commissioner, the Deputy Commissioner, Chief and officers and make a commitment to develop those skills to enable roles to be carried out effectively.
- Develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.
- Ensure that effective arrangements are in place for reviewing the performance of the Commissioner, Deputy Commissioner, Chief and the organisation as a whole, and agreeing action plans which might for example aim to address any training or development needs.
- Ensure that effective arrangements are designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the Commissioner.
- Ensure that career structures are in place for officers to encourage participation and development.

Principle 6: Engaging with local people and other stakeholders to ensure robust public accountability

To achieve this, the Commissioner and Chief will:

- Define who the Commissioner is accountable to, and for what.
- Consider those institutional stakeholders to whom the Commissioner is accountable and assess the effectiveness of the relationships and any changes required.
- Produce an annual report on the activities of the Commissioner in relation to monitoring their own performance and that of the Chief and Force.
- Ensure that clear channels of communication are in place with all sections of the community and other stakeholders and put in place monitoring arrangements to ensure they operate effectively.
- Ensure arrangements are in place to enable the Commissioner to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands.
- Establish a clear policy on the types of issues that the Commissioner will meaningfully consult on or engage with the public and service users, including a feedback mechanism for those consultees to demonstrate what has changed as a result.
- Publish a performance plan on an annual basis, giving information on the Commissioner's vision, strategy and performance plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period.
- Ensure that the Commissioner and the NOPCC as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.
- Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making.

SECTION 4: ARRANGEMENTS FOR THE REVIEW OF GOVERNANCE

- 4.1 The Commissioner and the Chief have put in place the following arrangements to review the effectiveness of the Code of Corporate Governance.

4.2 **Self Assessment**

Using the Framework of the six principles of Good Governance, the Commissioner and Chief will test the structure of governance by carrying out a thorough and wide ranging self-assessment. This assessment will be carried out each year as part of the Annual Governance Statement production process.

4.3 **Annual Governance Statement**

As separate corporations sole, both the Commissioner and the Chief are required to produce an Annual Governance Statement (AGS), in order to provide assurance of their respective compliance with the Code. The Audit and Scrutiny Panel will review the draft AGS in June / July. This will be finalised and published with the Annual Statement of Accounts, which have to be published by the 30 September each year.

The Commissioner's and the Chief's AGS will include action plans to rectify any significant areas of weakness in corporate governance. The statements will be signed by the Commissioner and the Chief Executive and the Chief and the Assistant Chief Officer (Resources) respectively.

4.4 **The Police and Crime Panel**

The Police and Crime Panel are responsible for reviewing and scrutinising the Commissioner's exercise of their statutory functions. The Panel does not scrutinise the Chief Constable, this is the role of the Commissioner. While the Panel is there to scrutinise the Commissioner, it must also exercise its functions with a view to supporting the effective exercise of the Commissioner's functions.

4.5 **Joint Audit and Scrutiny Panel**

In accordance with the Financial Management Code of Practice for the police service issued by the Home Office, the Commissioner and Chief have established a Joint Audit and Scrutiny Panel. This Panel will advise the Commissioner and Chief according to the Good Governance principles.

The Panel's terms of reference include the following key requirements in respect of corporate governance:

- To provide independent assurance on the adequacy of the corporate governance and risk management arrangements in place and the associated control environment, advising according to good governance principles and proper practices.
- To enable effective in depth scrutiny of key areas of policing activity to ensure that the Force is meeting the needs of Nottinghamshire.

4.6 Internal Audit

The primary role of Internal Audit is to give assurance to the Commissioner and Chief, on the effectiveness internal controls and arrangements for risk management and good governance. Following consideration of internal audit reports by the Commissioner and Chief, the Internal Auditor's, RSM Tenon, will report to the Joint Audit and Scrutiny Panel on a quarterly basis, highlighting any major control weaknesses identified.

The review of both corporate governance and risk management arrangements periodically feature in the Annual Audit Plan which is subject to review by the Joint Audit and Scrutiny Panel. Corporate governance and risk management issues may arise through other reviews carried out by Internal Audit. In this case the issues will be escalated through to the relevant audit report.

4.7 External Audit

The External Auditors, KPMG LLP, audit the Commissioner's and Chief's financial statements, AGS and performance management arrangements. The External Auditor's plans and reports, including the Annual Audit Letter, will be considered by the Commissioner and Chief and reviewed by the Audit and Scrutiny Panel at appropriate times in the annual cycle of meetings.

4.8 Her Majesty's Inspectorate of Constabulary (HMIC)

The role of Her Majesty's Inspectorate of Constabulary (HMIC) is to promote the efficiency and effectiveness of policing in England, Wales and Northern Ireland through inspection of police organisations and functions to ensure agreed standards are achieved and maintained; good practice is spread and performance is improved. It also provides advice and support to the Home Secretary, Police and Crime Commissioners and forces.

HMIC reports are sent to the Chief Constable and Commissioner for consideration and appropriate action.

4.9 Independent Police Complaints Commission

The Independent Police Complaints Commission (IPCC) oversees the police complaints system in England and Wales. It is independent, making its decisions entirely independently of the police, government and complainants. There are opportunities to build in the lessons learned through complaints and subsequent reviews into improved policing policies and working practices for the Commissioner and the Chief.

SECTION 5: RISK MANAGEMENT

- 5.1 An organisation's risk management framework provides the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management. It should be embedded within the organisation's overall strategic and operational policies and practices and hence forms a key part of the system of governance.
- 5.2 Risk governance examines how risk management is integrated into the governance arrangements of an organisation. Good governance requires that risk management is embedded into the culture of the organisation; with members and managers at all levels recognising that risk management is part of their job. At the highest level, risk management must be closely aligned to the Police and Crime Plan 2013-18, ensuring that there is a clear focus, on those significant risks that would prevent the Commissioner from demonstrating achieving the vision and priorities of policing for Nottingham and Nottinghamshire.
- 5.3 The Commissioner and Chief will therefore demonstrate that risk management has been embedded in corporate business processes, including:
- Strategic planning
 - Financial planning
 - Service delivery
 - Policy making and review
 - Project management
 - Performance management.




Risk assessments will be performed on a continuous basis, prioritised and ranked to capture the risk profile of delivering the Police and Crime Plan.

Appendix A: Corporate Governance Principles Framework

Key Principles and supporting documentation:

- **Principle 1:** Focusing on the purpose of the Commissioner and the Force, and on outcomes for the community, and creating and implementing a vision for the local area.
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- **Principle 6:** Engaging with local people and other stakeholders to ensure robust public accountability.

Principle 1	Principle 2	Principle 3	Principle 4	Principle 5	Principle 6
Police and Crime Plan	Police and Crime Plan	Police and Crime Plan	Risk Management Strategy	Personal Development Review	Police and Crime Plan
Code of Governance	Policing Plan	Policing Plan	Risk Registers	Learning and development	Policing Plan
Governance Statement	Disrupt Business Plans	Codes of conduct	Business Continuity Plans	Job Descriptions	Disrupt Business Plans
Medium Term Financial Plan	Medium Term Financial Strategy	Financial Regulations	Health and Safety	Consultation and Engagement Strategy	Medium Term Financial Strategy
Resourcing Plan	Scheme of Delegation	Standing Orders	Code of Conduct	Leadership Training	Budget
Annual Report	Governance Framework	Anti-fraud & Corruption Policy	Governance Reports	Officer Training	Annual Accounts
Annual Accounts	Codes of conduct	Whistle Blowing Policy	Job Descriptions	Probation Training	Annual Report
Consultation and Engagement Strategy	Consultation and Engagement Strategy	External Audit	Audit Reports	Induction training	Community Safety Strategies
Communications Strategy	Job Descriptions	Partnership Agreements	Induction Training	Performance Management	Consultation and Engagement Strategy
Police and Crime Panel	People Strategy	Complaints Procedure	Officer Training	Succession Planning	Communications Strategy
Force Meeting Reports	Audit and Scrutiny Panel		Risk Management		Minutes of Meetings
Performance Reports	Financial Regulations		Emergency Planning		Satisfaction Surveys
Complaints Procedure	Performance Management		Complaints procedures		Partnership Frameworks
Collaboration Contract	Partnership Protocols		External Audit		Public Meetings
Risk Management			Internal Audit		FOI
			HMIC		
			IPCC		

	Annual Review / Production
	Regular reports / Strategies
	Contributory Processes

