



NOTTINGHAMSHIRE POLICE & CRIME COMMISSIONER

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Policy Owner	Chief Executive & Monitoring Officer
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SECTION 1: Overview of Scheme

- 1.1 The purpose of this Scheme of Delegation is to describe the arrangement made by the Police & Crime Commissioner for Nottingham (PCC), and his/her statutory officers, enable the staff of the Office of the PCC to effectively and efficiently carry out the functions and business delivery on behalf of the PCC.
- 1.2 The PCC's functions are set out in Section 1 of the Police Reform and Social Responsibility Act 2011 (the Act).
- 1.3 The statutory powers of the Commissioner to arrange for others to exercise those functions are set out in S18 of the Act. In addition, by virtue of s14, Schedule 1 to the Act, the Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions.
- 1.4 With the exceptions set out in this paragraph and in paragraphs 1.5 and 1.6 below, the Commissioner may delegate functions to a Deputy Commissioner, a member of the Commissioner's staff or any other person.

The Commissioner cannot delegate their functions to:

- A constable;
- The Mayor's Office for Policing and Crime;
- The Deputy Mayor for Policing and Crime;
- The Mayor of London;
- The Common Council of the City of London;
- Any body which maintains a police force; and,
- A member of staff of the above.

1.5 The Commissioner cannot delegate certain functions to anyone else. These functions are:

- Issuing the Police and Crime Plan;
- Appointing, suspending and requiring the Chief Constable to resign;
- Calculating the budget requirement.

1.6 The Act also specifies those functions which, if delegated, can only be delegated to a Deputy Commissioner, namely:

- Determining police and crime objectives;
- Attending the Police and Crime Panel (PCP); and,
- Preparing an annual report to the PCP.

1.7 The PCC has this framework in place to ensure the lawful and efficient discharge of the PCC's duties, by providing for decision making to be carried out through the most appropriate structure and at the appropriate level.

2 SECTION 2: PRINCIPLES

2.1 This Scheme of Delegation cannot supersede any legislative requirements. This intention of this Scheme is to support the effective and efficient management and delivery of the function of the Office of the PCC through the effective use of the PCC's delegable powers.

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- 2.2 As set out in the Act, this Scheme of Delegation applies in the same way to an Acting PCC as if s/he was the PCC, except where the PCC's statutory powers are neither exercisable or delegable at law by an Acting PCC.
- 2.3 This Scheme of Delegation gives authority to individual post-holders within the office of the PCC to make decisions in relation to specified matters. Unless matters are specifically reserved, or restricted by law, those persons may delegate a matter further, however any such delegation must be set out in writing and the post-holder identified in this scheme will always be the person held to account for any decision made.
- 2.4 This Scheme of Delegation does not mean that the PCC will no longer exercise those duties he/she has delegated to others but enables those engaged on behalf of the PCC to fulfil the objectives of the Police and Crime Plan set by the PCC.
- 2.5 Throughout this scheme of delegation, the PCC requires that officers will act within approved policies and strategies, and will take appropriate professional advice, particularly legal and financial advice, and where appropriate, operational advice from the Chief Constable. In addition, the PCC requires officers to draw to his/her attention, and seek a view in respect of, any issues or decisions which are novel, contentious, or repercussive when exercising these delegated powers,
- 2.6 The PCC expects that all officers exercising delegated powers will act within the expected standards of professional behaviour and ethical practices, with integrity and transparency.
- 2.7 No decision shall be taken on behalf of the PCC by an officer of the PCC (or Deputy PCC – if appointed) unless they have the power to do so and as set out in this Scheme of Delegation. The PCC's Chief Executive (or Deputy Monitoring Officer in his/her absence) is responsible for overall adherence of all OPCC staff to this Scheme of Delegation.
- 2.8 The Scheme of Delegation is complementary to and should be read along with the Policing Protocol Order 2011, Financial Management Code of Practice, Financial Regulations, Contract Standing Orders and Standing Financial Instructions adopted by the PCC. Officers exercising delegated powers must do so in accordance with these legal provisions, as well as the Scheme of Delegation provided to the Force.
- 2.9 Decisions taken under this scheme of delegation should be recorded and reported in accordance with the PCC's legal duty to record and publish decisions. The PCC's obligations are set out at law in the Elected Local Policing Bodies (Specified Information) Order 2011.
- 2.10 The PCC is the legal contracting body who owns all the assets and liabilities, with the responsibility for the financial administration of his/her office and the force, including all borrowing limits. This delegation does not change the legal standing of the PCC as the corporation sole but enables the statutory Chief Executive & Monitoring Officer to sign contracts on behalf of the PCC where the PCC has approved or made a decision to enter into a contract, or where they are temporarily absent.
- 2.11 The PCC will receive all funding, including the government grant and precept, and other sources of income, related to policing. This delegation does not affect this.
- 2.12 The PCC may ask that a specific matter is referred to him/her for a decision and not dealt with under powers of delegation. The allocation of powers pursuant to this delegation do not prevent a matter being referred to the PCC for decision if the officer wishes or considers it appropriate.

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- 2.13 When a professional officer is considering a matter that is within another professional officer's area of responsibility, they should consult the other professional officer before authorising the action.
- 2.14 This scheme takes account of primary functions and matters of business delivery affecting the OPCC but does not list all matters which form part of everyday management responsibilities.
- 2.15 The relevant statutory officers and post-holders are set out at Annex A, which may from time to time be amended by the PCC, in accordance with the appointments made (and, where applicable, approved by the Police and Crime Panel).

SECTION 3: DEFINITIONS

- 3.1 In this document, the following specific expressions shall have the following meanings unless inconsistent with the context:

"PCC" or "Commissioner" is the Acting or elected Police, & Crime Commissioner for Nottingham (unless the context clearly refers to a PCC from another area). The legal title for legal purposes is The Police and Crime Commissioner for Nottingham.

"DPCC" Deputy Police & Crime Commissioner for Nottingham (unless the context clearly refers to a DPCC from another area)

"Office of the PCC or 'OPCC'" The office of the PCC including their staff and such resources that are specifically allocated to support the PCC.

"PCC's Staff" Persons employed by the PCC not falling within the definition of "Police Staff"

"Police Staff" Persons working within the PCC solely to assist the police force and under the direction of the Chief Constable.

"Chief Constable's staff" Persons employed by the Chief Constable

"Chief Finance Officer" or "CFO" or "OPCC CFO" or "Joint CFO" A person appointed by the PCC under paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011, to be responsible for the proper administration of the PCC's financial affairs

"Police Force Chief Finance Officer or 'PF CFO'" A person appointed by the Chief Constable under paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to the Police Reform and Social Responsibility Act 2011 to be responsible for the proper administration of the Chief Officer's financial affairs.

"FMCP" Financial Management Code of Practice issued under s17 of the Police Reform and Social Responsibility Act 2011 and s39A of the Police Act 1996 "Chief Executive and Monitoring Officer" (CEMO) A person appointed under paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 to be head of the PCC's staff.

"Monitoring Officer" (MO) is the person appointed to ensure that the activity and functions of the PCC and his/her officers act in accordance with the Scheme of Delegation, the law and their legal obligations, including any codes of conduct, public policy or regulatory requirements. Unless otherwise specified at Annex A, the monitoring officer function is vested in the Chief Executive at law, or a member of the PCC staff/Deputy Monitoring Officer (DMO) where the Chief Executive position is vacant.

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“The Force” refers to Nottingham Constabulary, and officers and staff under the direction of the Chief Constable of Nottingham Constabulary.

“PRsRA 2011” Police Reform and Social Responsibility Act 2011

“Chief Officer” An NPCC rank officer including non-police officers.

SECTION 4: DELEGATIONS TO OFFICERS

- 4.1 The person appointed as the Chief Executive (who will also be, as a matter of law, the Monitoring Officer) and the Chief Finance Officer (s151 officer) have statutory powers and duties relating to their positions, and therefore do not rely solely on matters being delegated to them to carry these out.
- 4.2 The Commissioner may appoint any officer to carry out any function, with the exception of those listed below (s.18(7) PRsRA 2011):
- 4.3 The Commissioner may appoint a deputy to exercise his/her functions (except those which cannot be delegated to the DPCC (see 1.5 and 1.6). The Deputy Police and Crime Commissioner can delegate to the CEMO any functions (with the exception of those listed above) in his/her absence (absence should be defined as leave or illness).
- 4.4 The CEMO, CFO and staff of the PCC are, by law, politically restricted roles (unless they transferred to the OPCC following the cessation of Police Authorities). No delegation or requirement to act on behalf of the PCC, either by operation of this Scheme of Delegation or otherwise, may require any member of staff to act in a way which contravenes this restriction.

SECTION 5: DELEGATIONS TO THE DEPUTY POLICE & CRIME COMMISSIONER (DPCC) (where appointed):

- 5.1 The Commissioner may appoint a deputy to exercise his/her functions except:
 - issuing the police and crime plan;
 - appointment or removal of the chief Constable; and,
 - calculating the budget requirement
- 5.2 The Deputy PCC (if appointed) can in turn arrange for a function to be further delegated, subject to the conditions set out in s18 of the PRsRA 2011.
- 5.3 The Deputy PCC (if appointed) does not have the authority to act independently from the PCC unless specifically delegated and as set out in a Scheme of Delegation in accordance with s18 of the PRsRA.
- 5.4 During any absence of the PCC due to leave or sickness, the Deputy PCC (if appointed) has authority to exercise the functions of the PCC where it is considered that the matter be of such urgency as to require an early decision, subject to:
 - Consultation with the PCC (if practical), the CEMO and CFO.
 - Reporting to the PCC upon his/her return.

SECTION 6: DELEGATIONS TO THE CHIEF EXECUTIVE & MONITORING OFFICER

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- 6.1 The CEMO is afforded broad delegations under the Act and this Scheme as set out below. However, they will be required to consult with the PCC, CFO and where appropriate, with the Chief Constable.

EXPENDITURE AND COSTS MATTERS

- 6.2 The CEMO is authorised to:

6.2.1 The CEMO is authorised to deal with all claims asserted against the PCC and institute such proceedings or take such steps as he may consider necessary to secure the payment of any debt or enforce the performance of any delegation due to the PCC and to take such steps as he may consider necessary to enforce any judgment obtained in any such proceedings.

6.2.1 The CEMO may sign on behalf of the PCC any indemnity required to enable the PCC or the Police to exercise any of their functions, provided that where the giving of an indemnity could have significant financial implications not covered by the PCC's insurance policies, such indemnity shall be signed only with the approval of the PCC's Chief Finance Officer.

6.2.2 Except as otherwise provided for in any of the applicable Standing Orders or Financial Regulations to sign, the CEMO is authorised to execute and issue all legal documents necessary to implement decisions made by the PCC or officers acting under delegated powers.

6.2.3 in consultation with the PCC's Chief Finance Officer, exercise responsibility for PCC's expenditure, namely that part of the budget which is not provided to the Police Force for service delivery, such responsibility to be exercised in accordance with the financial regulations and the Standing Orders of the PCC and the Financial Management Code of Practice.

6.2.4 manage the budget, along with the PCC's Chief Finance Officer, particularly to

- order goods and services and spend on items provided for in the revenue budget.
- ask for and accept quotations and tenders for goods and services provided for the revenue budget.

COMPLAINT & CONDUCT MATTERS

- 6.3 Under the terms of the Policing and Crime Act 2017 the Police & Crime Commissioner is the Appropriate Authority for complaints made against the Chief Constable. There are decisions that must be made in relation to the complaints process.

- 6.4 In addition, the PCC also has responsibility to undertake reviews of complaints relating to less serious matters, concerning officers below the rank of Chief Constable where the complaint has not been resolved to the satisfaction of the complainant and they have exercised their right of appeal. In accordance with s23 Policing and Crime Act 2017, the PCC can delegate any of the functions of the Local Policing Body contained within the Act.

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6.5 These decision-making powers are delegated by the PCC to the CEMO. The CEMO may further delegate these to the Deputy Monitoring Officer and Senior Complaints Review Manager , along with an agreed process for their discharge to ensure the timely and effective management of these processes. A summary of these decisions is:

- Logging, conducting an initial assessment of, and recording complaints under Police Conduct Regulations 2020;
- Decisions about how to handle a complaint and/ or conduct matter raised in respect of the Chief Constable;
- Referral to and liaison with the Independent Office for Police Complaints (IOPC);
- Referral to the Crown Prosecution Service;
- Appointment of a person to handle the matter;
- Responsibility to provide the complainant with regular updates;
- Carrying out severity assessments;
- Determinations of a complaint, including suitability for local resolution;
- Making Review Recommendations;
- Appointment of misconduct hearing or meeting members (and related determinations);
- Make the PCC's representations (or the decision not to make representations) to misconduct proceedings in accordance with regulation 35(10) of the Police Conduct Regulations 2020; and,
- Any other process related matter in relation to officer conduct unless excluded by Regulations and the Police Reform Act 2002 and Police Conduct Regulations 2020.

See Annex A for information on the complaints process, including statutory reviews of police complaints.

LEGAL MATTERS

6.6 In respect of legal matters and proceedings against the PCC, the CEMO may (unless specifically reserved by the PCC):

- 6.6.1 sign all contracts on behalf of the PCC (and DPCC if appointed) in accordance with any decisions either has lawfully made
- 6.6.2 authorise people to make, defend, withdraw or settle any claims or legal proceedings on the Commissioner's behalf, in consultation with East Midlands Police Legal Services (and Chief Finance Officer if there is significant financial implications).
- 6.6.3 obtain legal or other expert advice and appoint legal professionals whenever this is considered to be in the Commissioner's best interests and for his/her benefit.
- 6.6.4 make arrangements to institute, defend or participate in any legal proceedings in any case where such action is necessary.

EMPLOYER MATTERS

6.7 In relation to staff employed by the PCC and not under the direction or control of the Chief Constable, the CEMO as the Head of Paid Service may:

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- 6.7.1 Appoint, dismiss and deal with associate processes;
- 6.7.2 Set staff terms and conditions of service;
- 6.7.3 Management of staffing resources and deal with staffing issues that may arise.
- 6.8 In order to properly manage the office of the PCC, all the powers of employer of staff, including engagement and dismissal, consideration of appeals, in respect of discipline, capability, grievance and grading will be exercised by the PCC or CEMO.
- 6.9 As the need arises, the CEMO will agree written arrangements for any further delegation and line management arrangements in respect of such Police Staff as may be for any reason under the supervision of the PCC or a member of PCC's Staff.

SECTION 7: DELEGATIONS TO THE FORCE

- 7.1 Section 18 of the Police Reform & Social Responsibility Act 2011 prohibits the PCC from delegating his/her functions to the Chief Constable (or any constable) or to staff of a constable.
- 7.2 The Home Office Financial Management Code of Practice recommends that, to help ensure the effective delivery of policing services and to enable the CC to have impartial direction and control of all constables and staff within their force, the CC should have day to day responsibility for the financial management of the force. This is agreed and will operate within the framework of agreed budget allocations and levels of authorisation issued by the PCC, as outlined and detailed in Financial Regulations and Scheme of Delegation (other than this delegation) from time to time in place and which will take primacy over any provision within these delegations.

SECTION 8: DELEGATIONS TO THE PCC AND CFO

- 8.1 The CFO is the financial adviser to the PCC and has statutory responsibility to manage his/her financial affairs as set out in section 151 of the Local Government Finance Act 1972, and the Accounts and Audit Regulations 2015.
- 8.2 The CFO must ensure that the financial affairs of the PCC, and the force, are properly administered having regard to their probity, legality and appropriate standards. The CFO is/are responsible for the proper administration of the PCC's financial affairs for the purposes of s151 Local Government Act 1972. The PCC's Financial Regulations authorise the CFO and CEMO to take various expenditure and other financial decisions on behalf of the PCC.
- 8.3 Delegations to the force CFO are by virtue of the Financial Regulations and Scheme of Delegation.
- 8.4 This delegation does not provide permanent authority or delegation by the PCC who may amend, review or rescind any or all of the above delegations where it is lawful so to do.

SECTION 9: SPECIFIC DELEGATIONS BY THE PCC, CEMO, DPCC, CFO.

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9.1 See Annex B for specific delegation and post-holders.

Section 10: URGENCY POWERS

- 10.1 Where a matter which is not delegated to any officer under this scheme requires a decision that cannot wait for the attention of the PCC or Deputy PCC (to whomever power is reserved), and only in such circumstances, the CEMO and/or PCC's CFO may take the necessary decision provided that the provisions of 10.2 and 10.4 are complied with.
- 10.2 Before taking a decision under 10.1 the CEMO and/or CFO shall consult each other and the Chief Constable (except in relation to matters which would otherwise be determined by the PCC without reference to the Chief Constable).
- 10.3 Every effort must be made to discuss the proposed decision with the PCC or his/her Deputy using the most appropriate means of communication.
- 10.4 Urgent decisions taken under delegated authority in accordance with these provisions must be reported to the Commissioner and published in the manner normally used for decisions of the Commissioner.

ANNEX A: COMPLAINTS PROCESS

Internal process

1. The Office of the Police and Crime Commissioner has an internal process that describes how these delegated responsibilities are administered and discharged. This is articulated in the table below.

Terminology and Explanation

2. The following provides a brief explanation of the requirements of each of the decisions or activities above Recording Complaints
3. There is a requirement to make a decision about whether a submitted complaint relates to the Chief Constable themselves and if so, whether it requires to be informally logged or recorded under Schedule 3 of The Police Reform Act 2012.

Referral to the Independent Office for Police Complaints

4. All complaints relating to the conduct of a Chief Constable that could, if proven amount to misconduct (written warning / final writing warning / reduction in rank / dismissal), or justify the bringing of criminal proceedings, should be referred to the IOPC as soon as is reasonably practicable.

Decisions about how to handle a complaint against the Chief Constable

5. The IOPC Statutory Guidance 2020 sets out that a complaint must be investigated if the appropriate authority determines that the conduct complained about could justify the bringing of disciplinary or misconduct proceedings.

Appointment of a person to handle the matter

6. The IOPC Statutory Guidance 2020 sets out a requirement for the appropriate authority to appoint a person to handle the matter.

Responsibility to provide the complainant with regular updates

7. The IOPC Statutory Guidance 2020 sets out a requirement for the appropriate authority to provide the complainant with regular updates.

Carrying out severity assessments

8. The IOPC Statutory Guidance 2020 sets out the complaints assessed as being so serious that, if proven, the bringing of criminal or misconduct proceedings could be justified, a severity assessment should be carried out. This will determine whether, according to the information available, the conduct would amount to misconduct or gross misconduct.

Determinations of a complaint

9. According to the IOPC Statutory Guidance 2020, the outcome of a complaint should include a determination of whether:
 - The service provided by the police was acceptable;
 - The service provided by the police was not acceptable; or,

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- We have looked into the complaint, but have not been able to determine if the service provided was acceptable.
10. If the complaint was subject to special procedures, the outcome of the complaint should also include a determination regarding whether the matter should be referred to:
- Reflective Practice Review Process
 - Unsatisfactory Performance Procedures
 - Misconduct Proceedings
 - Criminal Proceedings
 - Making Review Recommendations
11. As the relevant review body for less serious complaints the PCC is responsible for conducting complaint reviews and making recommendations to the Force

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ANNEX B: SPECIFIC DELEGATIONS

1. The PCC has in place a framework for the lawful and efficient discharge of the PCC's duties by providing for decision making to be carried out through the most appropriate structure and at the appropriate level. A Police and Crime Commissioner must appoint a person to act as Chief Executive, or a Chief Finance Officer, if and for as long as that post is vacant, or the holder of that post is, in the commissioner's opinion, unable to carry out the duties of that post.
2. A reference in any enactment to the chief executive, or chief finance officer, of a police and crime commissioner includes a reference to a person acting as chief executive, or chief finance officer, in accordance with sub-paragraph.
3. This Annex to the Scheme of Delegation does not supersede or replace the provisions of the comprehensive Scheme of Delegation already in place between the PCC and the Force. This delegation is intended to support the effective management and delivery of the office of the CC and the effective use of the PCCs delegable powers.
4. This Scheme of Delegation gives authority to individual post-holders within the office of the PCC to make decisions in relation to all matters. Unless matters are specifically reserved, or restricted by law, those persons may delegate a matter further, however, any such delegation must be set out in writing and the post-holder identified in this scheme will always be the person held to account for any decision made.
5. The relevant statutory officers and post-holders are set out below and these may from time to time be amended by the PCC, in accordance with appointments made (and, where applicable, those confirmed by the Police and Crime Panel).

Statutory Officer	Delegation/Statutory Function	Substantive Postholder
CFO	CFO/s.151 Officer. All delegable powers under the PRSRA 2011, as set out in the Scheme of Delegation	Gillian Holder
CEMO	Head of Paid Service and Monitoring Officer. All delegable powers under the PRSRA 2011, as set out in the Scheme of Delegation.	Sharon Caddell
Deputy Monitoring Officer	Non-statutory	Nicola Wade
Deputy Head of Paid Service	Non-statutory	Daniel Howitt
Deputy Chief Finance Officer OPCCN	Non-statutory	Danny Baker
Senior Complaints Review Manager	Non-statutory	Lisa Gilmour