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Protocol between PCC CFO and ACO
Resources
Protocol between PCC CFO and Chief Constable

Functional owner

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	22.11.12	Charlotte Radford	CFO to the Commissioner	Transfer to PCC

SECTION 2 BACKGROUND

2. General

- 2.1 This Scheme of Delegation supersedes the previous Scheme of Delegation operated by the Police Authority.
- 2.2 The Scheme comes into effect from 22 November 2012, although the Police and Crime Commissioner's (PCC) approval will be required. Any matter of business not covered in this document will require the PCC's approval.
- 2.3 This document facilitates the continued business activity. However, this is only applicable for Stage 1 transfer to the PCC. At Stage 2, this document will require revision or replacement by a Scheme of Consent.
- 2.4 This Scheme details the functions delegated to the Chief Executive, the Chief Finance Officer of the PCC the Assistant Chief Officer (ACO) Resources of the Force and the Head of Legal Services.
- 2.5 A scheme of delegation enables the Office of the PCC and the Force to function in an efficient and effective manner. It sets out the extent to which the PCC is willing to allow the Chief Constable, Chief Executive and Chief Financial Officer to make decisions that are the formal/statutory responsibility of the PCC. It also allows the PCC to focus on the matters which he/she considers to be most important.
- 2.6 The Scheme set out in this document is intended to strike a balance between giving the Chief Constable, Chief Executive and Chief Financial Officer reasonable managerial freedom and retaining the PCC's ability both to hold the Force to account and to give managerial direction to the Office of the PCC. The scheme is intended to ensure that the decision-making process provides good value for money.
- 2.7 The PCC has power under section 18 (2) of the Police Reform and Social Responsibility Act 2011 to arrange for any person (other than a Deputy PCC in respect of who there are separate provisions) to exercise any function of the PCC.
- 2.8 The Scheme of Delegation can only be amended by the PCC, but it is expected that the initial Scheme may well need modification in light of experience and of the PCC's views.
- 2.9 The Scheme will be recommended to the PCC for immediate adoption and then a review in April 2013. The nature of the review will depend on how the scheme appears to the PCC and the Chief Constable to be operating.
- 2.10 For clarity and in accordance with the act there have been no transfers or delegations to the Chief Constable under stage 1. This includes all trading activities, assets, liabilities and reserves (held the PCC's accounts including the Nottinghamshire portion of reserves relating to regional collaboration). Therefore, no corporation tax liability would exist for the Chief Constable under stage 1.

SECTION 3 AIMS / OBJECTIVES

3.1 The following principles have guided the preparation of this scheme:

1. The Commissioner must make statutory (see below) and other key decisions in respect of resources, performance standards and objectives across his/her responsibilities.
2. The Commissioner must have sufficient information at the appropriate time and have sufficient decision-making powers to enable effective oversight and scrutiny and to ensure efficiency and effectiveness.
3. The Commissioner's day-to-day activity should be focused on strategic issues including holding to account and scrutiny, interacting with the public and stakeholders, and promoting the achievement of the Police and Crime Plan.
4. The Chief Constable must be given (in addition to operational independence) sufficient non-operations decision-making powers to enable him to lead and management the Force effectively and efficiently.
5. The Chief Executive must have reasonable managerial freedom to run the PCC's office and to progress business on the PCC's behalf.
6. The Commissioner's management and administrative responsibilities should be largely discharged on his/her behalf by the Chief Executive and the Chief Financial Officer, provided that this does not undermine the Commissioner's ability to scrutinise the Force effectively and does not expose the Commissioner or the Force to reputational risk.

SECTION 4-10 DETAILS

4. Introduction

4.1 Under the Police Reform and Social Responsibility Act 2011 (“the Act”), the Nottinghamshire Police Authority has been abolished and replaced with the Police and Crime Commissioner, including the Office for Police and Crime (Nottinghamshire).

4.2 The PCC has certain specific responsibilities set out in legislation, which cannot be delegated to officials (although some could be delegated to a Deputy PCC). These are:

- **Issue a Police and Crime Plan** – Set out the strategic direction and objectives of the Force through the Police and Crime Plan, monitoring the performance of the Force against agreed priorities.
- **Determine Police and Crime Objectives.**
- **Set the Precept.**
- **Set the budget for the Force.**
- **Award grants for crime and disorder reduction.**
- **Approve the Annual report.**
- **Approve a Community Safety Partnership (CSP) merger.**
- **Approve section 22 Collaboration agreements.**
- **Appoint Chief Constable of Nottinghamshire.**
- **Suspend or where necessary, require the resignation or retirement of the Chief Constable.**
- **Appoint, suspend and dismiss the Chief Executive.**
- **Appoint, suspend and dismiss the Chief Financial Officer.**
- **Appoint and dismiss a Deputy PCC.**
- **Appoint an Audit Committee.**
- **Commission police and crime services.**
- **Convene a meeting of CSP’s across the police and crime area.**
- **Request a report from a CSP.**

4.3 The other key roles of the PCC are:

- Secure the maintenance of the Nottinghamshire Police Force.
- Secure that the Police Force is efficient and effective.
- Hold the Chief Constable to account for the exercise of the functions of the office of the Chief Constable and the functions of the persons under direction and control of the Chief Constable.
- Hold the Chief Constable to account for the performance of the forces officers and staff.
- Hold the Chief Constable to account for the duty to have regard to the Police and Crime Plan and the Strategic Policing Requirement.
- Hold the Chief Constable and those under his direction and control to account for the exercise of duties relating to equality and diversity.

- Handle complaints and conduct matters in relation to the Chief Constable.
 - Approve the Office for Police and Crime budget.
 - To be open and accountable.
 - Ensure adequate reserves are held and decide together with the regional PCC's on the use of regional reserves and regional budget underspends.
 - To be held to account by the Police and Crime Panel.
- 4.4 The PCC is the legal contracting body and owns all assets and liabilities. The PCC has responsibility for the financial administration of the Office for Police and Crime and the Nottinghamshire Force, including all borrowing decisions.
- 4.5 The PCC is held to account by the Police and Crime Panel. This consists of **(number to be inserted)** members. This Panel scrutinises the decisions of the PCC and it is intended as a check and balance on the PCC, rather than the Chief Constable.
- 4.6 The PCC has made delegations to exercise the functions required, save for those functions which cannot be delegated.
- 4.7 The Scheme provides sufficient delegation to officers to ensure that decisions are not unnecessarily delayed, whilst ensuring that the PCC is properly protected from risks associated with being the individual held to account for all decisions made. However, the Scheme does not attempt to list all of the matters which are incidental to the exercise of those responsibilities and which form part of everyday management responsibilities.
- 4.8 The Scheme is without prejudice to, and does not in any way affect the PCC's power to make specific delegations from time to time on any powers delegated to the Chief Executive, the Chief Finance Officer of the PCC, the Force ACO Resources or the Force Head of Legal Services (provided under a collaborative agreement). It is a record of those formal delegations granted by the PCC which are in effect at the time of the publication of this scheme.
- 4.9 The Scheme forms part of the PCC **Operating Framework (Constitution)** and should be read in conjunction with other documents as these contain further detail including the approved process for making decisions and further detailed delegating the scope of the PCC's power of delegation.

THE SCOPE OF THE PCC'S POWER OF DELEGATION

- 4.10 The persons appointed as the PCC's Chief Executive (who is also the Monitoring Officer), Chief Finance Officer (also known as the s151 Officer) have statutory powers and duties inherent to their positions, and do not rely on matters being delegated to them when exercising those functions.

- 4.11 Delegation under the Scheme provides an officer with legal power to exercise the function of the PCC. In exercising the function, this officer must still comply with all other statutory and regulatory requirements and relevant professional guidance including:
- The Police and Social Responsibility Act 2011 and other relevant legislation including all regulations issues under this Act
 - The Financial Regulations
 - The Home Office Financial Management Code of Practice
 - CIPFA Statement on the role of the Chief Financial Officer in public service organisations
 - The Contract Regulations
 - The PCC's governance framework
 - The PCC's or the Chief Constable's employment policies and procedures (whichever is applicable)
 - The Data Protection Act 1998 and the Freedom of Information Act 2000
 - Health and Safety at work legislation and codes
- 4.12 In carrying out functions, the PCC or staff must have regard to the following list (which is summary, but not exhaustive):
- The view of the people and victims of Nottinghamshire
 - Any report or recommendation made by the Police and Crime Panel on the annual report from the previous financial year
 - The Police and Crime Plan and any guidance issues by the Secretary of State
- 4.13 For the avoidance of doubt, this scheme does not apply to those matters which the PCC may not delegate under the Act as per the following list (which is summary, but not exhaustive):
- Issuing a Police and Crime Plan
 - Appointment of the Chief Constable
 - Removal or suspension of the Chief Constable
 - Level of precept
- 4.14 With the exception of those matters detailed at paragraph 4.12 the Scheme allows any person to whom a power has been delegated, to sub delegate that power to a member of staff under the delegated officer's direction and control.
- 4.15 The PCC [Operating Framework \(Constitution\)](#) including the Scheme of Delegation will be reviewed annually.
- 4.16 The PCC may appoint a deputy to make decisions in his/her absence (leave/illness).
- 4.17 Where delegations have been made, officers should exercise their professional judgement in bringing to the PCC's attention any related matter that would be of interest to the PCC.

THE DELEGATIONS TO OFFICERS

5. Delegations to Chief Executive

5.1 The Chief Executive is the Head of the Office for Police and Crime and its staff. The Chief Executive is also the Monitoring Officer. The delegations below are a record of those formal delegations granted by the PCC to the Chief Executive which are in effect at the time of the publication of this scheme.

5.2 The Chief Executive is given the following **direct responsibilities by legislation**. These do not therefore feature in the Scheme of Delegation:

1. To act as 'monitoring officer' under section 151(1) of the Local Government and Housing Act 1989.

5.3 The Chief Executive may make the following decisions **after consulting with PCC**:

CE1	To consider whether, in consultation with the Chief Finance Officer, to provide indemnity to the Commissioner in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004 and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
CE2	Approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because: <ul style="list-style-type: none">• They involve a high profile claimant• There is a particular public interest in the case• There is a real risk that the PCC or Police Force will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
CE3	To advise the Commissioner, on any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing an officer to investigate the complaint and report to the Commissioner.
CE4	To respond to consultations on proposals affecting the Commissioner or his/her statutory responsibilities. After taking the views of the Commissioner, the Chief Finance Officer or the Chief Constable, as appropriate.
CE5	To approve any proposal from the Chief Constable to acquire or dispose of property owned by the Commissioner.

5.4 The Chief Executive may make the following decisions **subject to the PCC being informed** when the decision is taken:

CE6	Provide information to the Police and Crime Panel, as reasonably required to enable the panel to undertake its functions
CE7	To approve exceptional cases in the provision of police advice and assistance to international agencies, because the full cost is £4,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff); and it is a sensitive case involving travel to a politically sensitive country.
CE8	To sign contracts on behalf of the Commissioner (and Deputy Commissioner if appointed) in accordance with any decisions either has made.
CE9	To affix the common seal of the Commissioner wherever it any be required or wherever the Commissioner so determines.
CE10	To make arrangements, including obtaining legal or other expert advice and the authorisation of people, to initiate, defend, withdraw or settle any claims or legal proceedings on the Commissioner's behalf, in consultation with the Commissioner's Legal Advisor (and Chief Financial Officer if there are significant financial implications).
CE11	To exercise the statutory powers of the PCC for Professional Standards as delegated by the PCC on a temporary or permanent basis. Such delegations are to be documented as an addendum to this Scheme.

5.5 The Chief Executive may make the following decisions **without reference to the PCC**:

CE15	To order goods and services and spend on items provided for in the revenue budget.
CE16	To ask for and accept quotations and tenders for goods and services provided for the revenue budget.
CE17	To fix fees for copies of documents and extracts of documents members of the public ask for under the Local Government (Access to Information) Act 1985, the Freedom of Information Act 2000, or the Data Protection Act 1998.
CE18	To appoint and dismiss staff (other than the Chief Financial Officer) who are under the direction and control of the Chief Executive, including temporary staff (the PCC need only be informed in respect of dismissal).
CE19	To determine staff terms and conditions of service, in consultation with the Chief Finance Officer.
CE20	To manage any complaint against staff under the direction and control of the Chief Executive.
CE 21	To undertake the management of staffing resources for all staff employed by the Commissioner (and not under the direction and control of the Commissioner or the Chief Constable) in line with agreed policies and procedures (including issues such as restructuring, re-grading, grievances and job evaluation etc)
CE22	To process all appeals made by police officers retired due to ill health, and to implement the subsequent awards made, in line with the provisions of the Police and Pensions Regulations.

CE23	To deal with Freedom of Information Act requests and to prepare and issue Publication Schemes under the Freedom of Information Act 2000.
CE24	To deal with any correspondence on the PCC's behalf.
CE25	To make arrangements for consultation and engagement on the Commissioner's behalf. To gather the community's views on the policing of Nottinghamshire and preventing crime.

General

5.6 The Chief Executive can take the following actions to facilitate the PCC in the decisions he/she makes:

CE a1	Prepare the Police and Crime Plan in consultation with the Nottinghamshire Police Force and Partners for submission to the PCC.
CE a2	Draft an annual plan for submission to the PCC.
CE a3	Ensure there are appropriate arrangements in place for the recording and reporting on strategic risks of the PCC and CC.

5.7 In addition the Chief Executive may authorise other staff in his office to make decisions on his behalf.

6. Delegations to the Chief Finance Officer to the PCC

6.1 The Chief Finance Officer is the financial adviser to the PCC and has a statutory responsibility to carry out the functions of the Chief Finance Officer under section 151 of the Local Government Act 1972 and section 113 of the Local Government Finance Act 1988, ensuring that the financial affairs of the PCC and Nottinghamshire Force are properly administered having regard to their probity, legality and appropriate standards.

6.2 The Chief Finance Officer is given the following **direct responsibilities by legislation**. These do not therefore feature in the Scheme of Delegation:

1. To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.

6.3 The Chief Finance Officer may make the following **decisions after consulting the PCC**:

No	Item
CF1	To approve the arrangements for the treasury management function, including the day to day management, the production of the treasury management strategy, and supporting policies and procedures.
CF2	To determine when goods are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.
CF3	To prepare, in consultation with the ACO Resources the Medium Term Financial Plan for Policing and Crime.

6.4 The Chief Finance Officer may make the following decision **subject to the PCC being informed** when the decision is taken:

CF4	To report to the Commissioner and the external auditor any unlawful or potentially unlawful spending by his/her, or the force's officers or staff.
CF5	To prepare and review annually the financial and contract regulations, in consultation with the force, for approval by the Commissioner.
CF6	To prepare and review the expenses and benefits framework for approval by the Commissioner.
CF7	To prepare a Reserves and Provision Strategy for the Commissioner including advice on the level and use of regional reserves.

6.5 The Chief Finance Officer may make the following decisions **without reference to the PCC**:

CF8	To approve the arrangements for securing and preparing the Commissioner's accounts, and seek assurances that there are appropriate arrangements in place for the preparation of the force's accounts.
CF9	To seek assurances that there are appropriate arrangements in place within the force for its financial management.
CF10	To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts.

CF11	To undertake the day to day financial management of the Commissioner's budget.
CF12	To commit expenditure within the approved budget to meet the policies and objectives agreed with the Commissioner and reflected in the Police and Crime Plan.
CF13	To manage the Independent Custody Visitor Scheme, including appointments and terminations where required.
CF14	To administer grants awarded by the Commissioner.
CF15	To be responsible for investing and borrowing money, as necessary, in line with the treasury management strategy.
CF16	To authorise payments, without having to get approval and regardless of whether or not provision has been made in the revenue budget in relation to: <ul style="list-style-type: none"> • Payments that have to be made by law • Payments ordered by the court • Payments due under any agreement entered into by the Commissioner.
CF17	Sign cheques of behalf of the Commissioner or deputy Commissioner, if appointed.
CF18	Provide for an adequate and effective internal audit service.
CF19	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.
CF20	To make decisions, by agreement with the Chief Constable, to award pensions to minors under the Police Pensions Regulations 1987 and 2006 (and any amendments thereto).
CF21	To ensure appropriate arrangements are in place for insurance and to let and award the Insurance tender.
CF22	To ensure there are appropriate arrangements in place for the Annual Governance Review and the drafting of the Annual Governance Statement for the PCC
CF23	To approve inward sponsorship.
CF24	To sign grant claims made by the Force and Commissioner.

General

- 6.6 In the absence of the Chief Executive delegations made to him in section 5 can also be undertaken by the Chief Finance Officer to the PCC, excluding any matter that requires Monitoring Officer approval or decision.

7. Delegations to the ACO Resources

7.1 **The ACO Resources is the Chief Constables Chief Finance Officer (CFO)** and financial advisor for the Force, who has a statutory responsibility to carry out the functions of the CFO as set out in the Police Reform and Social Responsibility Act 2011 and section 114 of the Local Government Act 2011 1988. Ensuring that the financial affairs of the Nottinghamshire Police Force are properly administered having regard to probity, legality and appropriate standards. The delegations below are a record of those formal delegations granted by the PCC to the ACO Resources, which are in effect at the time of publication of this scheme.

7.2 The ACO Resources may make the following **decisions after consulting the PCC**:

No	Item
ACO1	To approve business cases, which change the way in which services are provided or which provide new services either at additional revenue expenditure or which create potential savings, below £100,000. This will usually be done through the budget monitoring reporting process.
ACO2	To approve business cases for capital expenditure below £100,000. This will usually be done through the capital programme.
ACO3	To provide premises, equipment, other material or facilities jointly with another force.
ACO4	To approve all requests to tender for goods and services where the contract value is below £250,000. This will usually be done through the procurement monitoring and forecast report.

7.3 The ACO Resources may make the following decision **subject to the PCC being informed** when the decision is taken:

ACO5	In consultation with the PCC to approve the provision of policing services to external bodies such a ACPO, NCA and foreign forces..
ACO6	Approve all contract exemptions (i.e. waivers to contract standing orders) to the procurement process below £25,000.
ACO7	To approve the provision of police advice and assistance to international agencies provided that the full costs is less than £4,000 including air flight, accommodation and salary costs of the police officer or member of staff) and it does not involve travel to a politically sensitive country.
ACO8	To buy or lease the vehicles, machinery, equipment and services needed and to make arrangements for them to be used, disposed or, returned and replaced as appropriate, in compliance with financial regulations and standing orders.
ACO9	To approve variations of contract up to a cumulative total of 5% or £5,000, whichever is the higher. To approve extensions of time for a contract up to a maximum of 12 months.
ACO10	To undertake an Annual Governance Review and draft the Annual Governance Statement on behalf of the Chief Constable.

7.4 The ACO Resources may make the following decisions **without reference to the PCC:**

ACO11	To undertake the day to day management of the police budget in accordance with financial regulations.
ACO12	Commit expenditure within the approved police budget to meet policies and objectives in the police and crime plan.
ACO13	Approve all agreements for the provision of policing services to other organisations with a value below £100,000. (This does not apply to the provision of mutual aid by the Chief Constable to another force under section 24 or the Police Act 1996 which is an operational matter). The charges for which, in accordance with Financial Regulations will be approved annually by the PCC.
ACO14	Undertake the day to day management of the insurance function in line with the strategy approved by the PCC's Chief Financial Officer on an annual basis.
ACO15	To approve the award of contracts up to a value of £250,000 and in line with the financial limits of the Contract Standing orders, with the exception of any where the commissioner requests to be involved.
ACO16	To sign all contracts up to £250,000 unless the Commissioner has requested to be involved or those that are required to be executed under the common seal. For contracts above £250,000 to request the PCC signature on the contracts.
ACO17	To undertake the day to day management of the property function subject to the provision of financial regulations and standing orders.
ACO18	To keep a register of all property and major assets owned by the commissioner or leased by him/her showing a current value at £12,000 or above and of all vehicles and all desktop equipment of measurable value.
ACO19	To be responsible for recruiting, promoting, instructing, managing, suspending and dismissing staff employed by the commissioner but under the direction and control of the chief constable, in line with section 15(2) of the police act 1996 (subject to consultation with the commissioner in respect of police staff chief officers).
ACO20	To negotiate with, and reach agreements which are within authorised budget with, recognised trade unions and staff associations on any conditions of service matters that can be decided locally.
ACO21	Undertake the day to day management of the procurement function, in accordance with the contract regulations.

8. Delegations to Head of Legal Services (Collaboration)

8.1 The delegations below are a record of those formal delegations granted by the PCC to the Head of Legal Services which are in effect at the time of the publication of this scheme.

8.2 The Head of Legal Services may make the following **decisions after consulting the PCC**:

No	Item
LS1	Provide advice and to institute and defend legal proceedings on behalf of the PCC when required to do so.

8.3 The Head of Legal Services may make the following decision **subject to the PCC being informed** when the decision is taken:

LS2	Approve the financial settlement of all claims or requests for compensation deemed to be non significant because: <ul style="list-style-type: none"> • The compensation to be paid is £50,000 or less. • They do not involve a high profile claimant, including ACPO rank police officers • There is no particular public interest in the case • There is no real risk that the PCC or Police Force will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed • It is not the nature of a test case
LS3	Institute, defend or participate in legal actions to protect the interests of the Police Force.
LS4	Settlement of staff employment tribunal cases and grievances with the exception of those cases felt to be exceptional because: <ul style="list-style-type: none"> • They involve a high profile claimant • There is a particular public interest in the case • There is a real risk that the DCC or Police Force will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
LS5	To manage the settlement of insurance claims ensuring regular reporting on the values of claims settled.
LS6	To manage claims of litigation and wrongful arrest.

9. Delegation to the Chief Constable

- 9.1 The Chief Constable is given the following **direct responsibilities by legislation**. These do not therefore feature in the Scheme of Delegation:
1. The ability to take all operational decisions
 2. The management of officers and staff under his direction and control.
 3. To appoint, retire or dismiss a Deputy Chief Constable and Assistant Chief Constables, **after consultation with the PCC**.
- 9.2 This scheme **does not** provide any delegations to the Chief Constable, but makes clarification of requirements in relation to specific activities.
- 9.3 The Chief Constable must comply with the Scheme of Publication of the Police and Crime Commissioner. In so doing must have regard to the additional requirements relating to the Governments Transparency Agenda and Winsor Reviews.
- 9.4 The Chief Constable cannot use the resources of the Force to initiate any legal action against the Police & Crime Commissioner.

10. **Delegations to the Deputy PCC**

10.1 The Commissioner may appoint a deputy to exercise his/her functions (except those which can not be delegated, these are listed in paragraph 10.2). The Deputy Police and Crime Commissioner can give consent to the Chief Executive to carry out any functions (with the exception of those listed in paragraph 4.13) in his/her absence (defined as leave or illness).

10.2 The Commissioner can not give consent to his/her deputy to carry out the following functions:

- Issuing the police and crime plan
- Appointment or removal of the Chief Constable
- Calculating the budget requirement

10.3 The Deputy PCC may make the following decision **subject to the PCC being informed** when the decision is taken:

No	Item
DPCC1	To exercise the statutory powers of the PCC for Professional Standards as delegated by the PCC on a temporary or permanent basis. Such delegations are to be documented as an addendum to this Scheme.

11. LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Race Relations (Amendment) Act 2000, Data Protection, Freedom of Information Act, European Convention of Human Rights and other legislation relevant to the area of policing such as, Employment Act 2002, Disability Discrimination Act 1995, Sex Discrimination Act 1975 and Employment Relations Act 1999.