

**WEST MIDLANDS POLICE  
AND CRIME  
COMMISSIONER**

NON-CONFIDENTIAL

**NOTICE OF DECISION**

**023/2013**

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Title: **West Midlands Police and Crime Commissioner – Decision making policy**

**EXECUTIVE SUMMARY**

By virtue of section 11(1) of the Police Reform and Social Responsibility Act 2011 the Commissioner has a statutory requirement to publish information specified by the Secretary of State. The Secretary of State has set out the information to be published in the Elected Local Policing Bodies (Specified Information) Order 2011 and the Local Policing Bodies (Specified Information) (Amendment) Order 2012. The 2011 Order requires the Commissioner to publish a statement of policy in relations to the making of decisions of significant public interest arising from the exercise of his functions. The Commissioner's decision making policy is attached to this notice of decision as **Annex A**.

**DECISION**

I approve the attached Decision Making Policy which establishes the approach and principles for decision making that I will use.

**West Midlands Police and Crime Commissioner**

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the West Midlands Office for Policing and Crime. Any interests are indicated below.

Signature.....Bob Jones.....

Date.....17 May 2013.....

## **NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER**

### **INTRODUCTION AND BACKGROUND**

By virtue of section 11(1) of the Police Reform and Social Responsibility Act 2011 the Commissioner has a statutory requirement to publish information specified by the Secretary of State. The Secretary of State has set out the information to be published in the Elected Local Policing Bodies (Specified Information) Order 2011 and the Local Policing Bodies (Specified Information) (Amendment) Order 2012. The 2011 Order requires the Commissioner to publish a statement of policy in relations to the making of decisions of significant public interest arising from the exercise of his functions. The Commissioner's decision making policy is attached to this notice of decision.

In developing this policy reference has been made to guidance produced by the Association of Policing and Crime Chief Executives. The Policy has also been amended in light of comments made by the Commissioner's Strategic Policing and Crime Board at its meeting held on 14 May 2013.

### **FINANCIAL IMPLICATIONS**

There are no direct costs associated with use of the Decision Making Policy. However the policy requires decisions to be made on an informed basis and this will include information on the financial implications of decisions taken by the Commissioner.

### **LEGAL IMPLICATIONS**

The statutory background to the requirements for a decision making policy are set out in this notice of decision. The policy requires decisions to be made on an informed basis and this will include information on the legal implications of decisions taken by the Commissioner.

The Commissioner has power under paragraph 14 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 to anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Commissioner.

### **EQUALITY IMPLICATIONS**

The Commissioner will ensure that the operation of the Decision Making Policy ensures that consideration is given to the equality implications of any decision he makes. The policy itself makes explicit reference to the need for such issues to be addressed.

### **Schedule of Background Papers**

There are no background papers for this decision making report.

### **Public Access to Information**

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.

**West Midlands Police and Crime Commissioner**

**Decision Making Policy**

**Introduction**

1. This policy establishes the approach and principles for decision making by the Police and Crime Commissioner for the West Midlands (the Commissioner). It outlines the decision making process together with providing information on how decisions will be recorded and publicised.

**Decision making framework**

2. Decisions taken by the Commissioner arise from his statutory duties. He is required to record and publish those decisions. The Commissioner is committed to a robust decision making process. The Commissioner will adopt rigorous standards of probity, regularity and transparency in his decision making and all decisions will be taken in the public interest. The Commissioner will review his decision making process on a regular basis.
3. The statutory framework for decision making by police and crime commissioners consists of:
  - Police Reform and Social Responsibility Act 2011 which sets out the functions of the Commissioner and provides the legal framework for the Commissioner's decision making
  - Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 requires the Commissioner to swear an oath of impartiality. It commits the Commissioner to serve local people without fear or favour and to set out publicly their commitment to tackling their role with integrity, impartiality and fairness.
  - The Police Reform and Social Responsibility Act 2011 sets out the functions of the West Midlands Police and Crime Panel which is required to review and scrutinise decisions made by the Commissioner
  - The Policing Protocol sets out the framework within which the Commissioner and Chief Constable should work. The Protocol requires all parties, including the Commissioner and his staff, to abide by the Nolan Principles, which are included at Annex A to this policy.
  - The Financial Management Code of Practice for the Police Service provides clarity around the financial governance arrangements and specifies the need to embed the principles of good governance into the way the Commissioner operates. The Code requires the Commissioner and Chief Constable to establish a Joint Audit Committee with that Committee recommended to consider internal and external audit reports and advice according to good governance principles

and appropriate risk management arrangements.

- The Elected Local Policing Bodies (Specified Information) Order 2011 and the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 specify the information that must be published by the Commissioner and includes specific reference to decisions. It sets out both the time scales and requirements for recording and publication of decisions and related policies.
  - Under the Police Reform and Social Responsibility Act 2011 the Commissioner can be subject to investigation by the Local Government Ombudsman for any allegations or apparent maladministration in connection with the exercise of his administrative duties.
4. In order to ensure good governance in relation to decision making the Commissioner has made arrangements to cover delegations, consents, financial regulations, contract standing orders as well as registers of interests and gifts and hospitality. These set out the parameters for decisions delegated to West Midlands Police and staff within the Commissioner's own office. They can be found at the Commissioner's website [www.westmidlands-pcc.gov.uk](http://www.westmidlands-pcc.gov.uk).

### **Approach to decision making**

5. The decisions taken by the Commissioner will arise from the discharge of his statutory functions. The Commissioner will need to demonstrate probity and regularity in their decision-making, not just as a matter of good governance but also as a matter of law. Therefore the approach to decision making will be in accordance with the Good Governance Standards for Public Service<sup>1</sup>.
6. Decisions will range in significance and impact, consequences and cost. The Commissioner will apply the good governance principles to all decisions that are taken. He will take into account equalities issues when making his decisions including any formal equality impact assessments.

### **Principles of decision making**

Decision-making will be transparent and well informed

7. In order to make well informed decisions the Commissioner will give proper consideration to all relevant parties. Arrangements will be made for obtaining the views of people in the area about policing in the West Midlands. The Commissioner will consider the appropriate means to consult in relation to any decision. This may include:
- Consultation with the individual members of and/or the Commissioner's Strategic Policing and Crime Board, which will hold meetings in public with papers and notes available on the Commissioner's website [www.westmidlands-pcc.gov.uk/spcb](http://www.westmidlands-pcc.gov.uk/spcb). The website includes the time, date and place of each meeting of the Board.
  - Consultation with West Midlands Police and Crime Panel

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<sup>1</sup> The Good Governance Standards for Public Service published by the Chartered Institute of Public Financial Administration and the Office for Public Management 2004

- Consultation with other stakeholders, as appropriate
  - Consultation with the wider public, as appropriate, giving consideration to the Cabinet Office consultation principles
8. There will be occasions when some information has to remain confidential, examples include, issues of national security, safety of individuals or information which might prejudice the administration of justice. The Commissioner will give careful consideration before determining that information is confidential to ensure that the public has access to the widest range of information possible. The principles of freedom of information will be followed.

Decisions will make use of good quality information, advice and support

9. Decisions will be taken based on quality information and clear advice in order to reduce the risk of taking decisions that fail to achieve the Commissioner's objectives or have unintended consequences. This will include professional policing advice from the Chief Constable, who is required to provide information on policing matters to the Commissioner, and advice from the Commissioner's statutory officers who hold the roles of Chief Executive and Chief Financial Officer.

Decisions will make use of risk management information

10. The risk registers for the Commissioner and Chief Constable will be regularly reviewed by the Joint Audit Committee and will be used to inform decision making.

Decisions will be lawful, reasonable, fair and proportionate

11. The Commissioner will make use of his professional advisers in decision making. He will take into consideration the impact of any decision of all those that live and work in the West Midlands and will give consideration to equality and human rights issues as appropriate. He will make decisions with a view to achieving value for money.

Decisions will be recorded and published

12. The statutory requirements for the recording and publication of decisions are set out in the Elected Local Policing Bodies (Specified Information) Order 2011. The Commissioner's website will be used to publish the decisions made by the Commissioner. [www.westmidlands-pcc.gov.uk/governance/record-of-decisions](http://www.westmidlands-pcc.gov.uk/governance/record-of-decisions)