



## **A policy statement on decision making by the Police and Crime Commissioner for Thames Valley**

### **Introduction**

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

### **Statutory framework**

The statutory framework for decision making by the PCC consists of:

- The Police Reform and Social Responsibility Act 2011 creates the PCC as a corporation sole, assigning functions, giving a general power of competence and requiring that their decisions and actions be reviewed and scrutinised by a police and crime panel. It also enables the Local Government Ombudsman to investigate any allegations or apparent maladministration by PCCs.
- The Policing Protocol Order 2011 highlights that the PCC will be responsible for the totality of policing and that their conduct must abide by the seven Nolan principles of good governance in public life. This Order also includes specific reference to decisions giving timescales and requirements for recording and publication of decisions and certain policies.
- The Elected Local Policing Bodies (Specified Information) Order 2011 and The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 set out the information which must be published relating to decision making.
- The Financial Management Code of Practice for the police service provides clarity around financial governance arrangements.
- The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 requires the PCC to swear an oath of impartiality. The oath is designed to provide a platform for PCCs to set out publicly their commitment to tackling their new role with integrity. It commits the PCC to serve members of the public impartially but recognising the importance of the operational independence of the police service.
- Various general social and organisational legislation e.g. Human Rights Act 1998, employment law.

The quality of a decision is usually judged on its outcome after the event. However, a good decision making process is likely to produce more consistent, reliable and objectively sustainable decisions than a poor disorganised one. This policy and associated guidance seeks to set the right framework to facilitate good decisions, which will inevitably range from simple to those of significant public interest.

## **Principles**

The APACE guidance and practice on decision making advice provides detailed reference material. However, the overarching principles for decision making to be adopted by the PCC for Thames Valley are that all decisions will be in accordance with the:

- powers and duties established within the statutory framework.
- good governance principles<sup>1</sup>.
- Nolan principles<sup>2</sup>.

## **Decision making process**

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

- all relevant material, information and facts will be assembled.
- consultation with all interested and affected parties.
- consideration of all available courses of action.
- specialist /significant advice sought.
- information presented which focuses on the core issues, and is consistent with the PCC's ' aims and objectives.

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

## **Recording, transparency and publication**

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

Therefore the Chief Executive will ensure that a record of each decision is made and all associated information retained in accordance with the Record Management and Disposal Policy.

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<sup>1</sup> The Good Governance Standard for Public Services, 2005

<sup>2</sup> Standards in Public Life: First Report of the Committee on Standards in Public Life, 2004

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

The statutory requirements for transparency<sup>1</sup> set out the minimum standards for access, publication and availability of information. However, on behalf of the PCC for Thames Valley, the Chief Executive will ensure that key information used in coming to a decision will be made accessible to local people through a variety of means. The means will be determined by where the decision lies on the sliding scale of public interest including:

- Office of Police and Crime Commissioner's website – decision records and associated papers.
- Media releases.
- Leaflets.
- Social media, e.g. twitter, blogs.
- Web casts.
- Annual reports.

On occasion some information must remain confidential, for example in cases where there may be an issue of national security, information which might prejudice the administration of justice or compromise the safety of individuals. The PCC will always ensure that the public have access to the widest range of information as is practicable. The principles as contained in the Freedom of Information Act and data protection legislation will be adhered to and the following safeguards are in place.

- The risk registers for the PCC and Chief Constable are reviewed regularly by the Joint Independent Audit Committee and used to inform on the decision making process.
- When making a decision, the PCC will use his professional advisors and take into account the following:-
  - The impact on the local community of any decision.
  - Give due consideration to equality and human rights issues.
  - Good use of resources providing value for money.

## **Statutory Officers**

The Chief Executive (monitoring officer) and/or Chief Finance Officer and the Data Protection Officer are part of the legal framework to report contraventions of the law or maladministration. They have statutory responsibility for identifying contraventions and any deviation from the core principles of good governance and to report anything which gives rise to concern over a proposal, decision or omission.

These roles will therefore provide the gatekeeper for ensuring this policy and its principles are implemented.

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<sup>1</sup> Elected local Policing Body Specified Information) Order 2011, Freedom of Information Act 2000 and General Data Protection Regulations

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