

## Policy: Decision Making

### Equality Statement

The Office of the Police and Crime Commissioner (OPCC) is committed to the principles of equality and diversity. No member of the public, member of staff, secondee, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

### Introduction

1. This policy establishes the approach and principles for decision making by the West Midlands Police and Crime Commissioner. It outlines the decision making process and provides 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 timescales 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. The Scheme of Delegation can be found on 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 often webcasts 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
  - 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.

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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

### 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 [www.westmidlands-pcc.gov.uk/governance/record-of-decisions](http://www.westmidlands-pcc.gov.uk/governance/record-of-decisions) will be used to publish the decisions made by the Commissioner.

Version No	Date	Author	Post	Reason for issue	Date agreed by PCC	Review Schedule
1.0	Jul 2018	Polly Reed	Head of Business Services	General Review		Biennial

### Appendix A: Nolan Principles

1. **Selflessness** - holders of public office should act solely in terms of the public interest.
2. **Integrity** - holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity** - holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability** - holders of public office are accountable for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness** - holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty** - holders of public office should be truthful.
7. **Leadership** - holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.