



**west midlands  
police and crime  
commissioner**

**West Midlands Police and Crime  
Commissioner**

**and**

**West Midlands Police Chief Constable**

**Joint Scheme of Corporate Governance**



**1<sup>st</sup> June 2016**

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## 1. INTRODUCTION

- 1.1 This Scheme of Corporate Governance (“the Scheme”) has been prepared in accordance with the requirements of the Home Office Code of Practice on Financial Management, which is made by the Secretary of State under section 17 of the Police Reform and Social Responsibility Act 2011 (the Act) and section 39A of the Police Act 1996.
- 1.2 This Scheme of Corporate Governance has been drawn up in consultation with the Chief Executive (“CE”), Chief Finance Officer (“CFO”), Chief Constable (“CC”) and the Force’s Chief Finance Officer (“FCFO”) and was approved and adopted by the Police and Crime Commissioner (the Commissioner) and Chief Constable on 1<sup>st</sup> April 2014.
- 1.3 The Scheme provides a framework which ensures business is carried out lawfully and efficiently, ensuring that decisions are not unnecessarily delayed and are taken at the appropriate level. It forms part of the overall corporate governance framework of the two corporations sole and should be read alongside the joint Statement of Corporate Governance and the respective Codes of Corporate Governance.
- 1.4 The primary purpose of this Scheme is to:-
  - Set out in detail the terms on which the respective functions of the Commissioner and CC will be exercised, in order to comply with the Police Reform and Social Responsibility Act 2011(‘the Act’), the Policing Protocol Order 2011 and all other legislation and achieve the objectives set out in the Commissioner’s Police and Crime Plan.
  - Set out the extent and any associated conditions attaching to the Commissioner’s consent to the CC’s exercise of the powers to enter into contracts and acquire or dispose of assets, excluding land and property.
  - Set out the extent and details attaching to the delegations to their staff and officers which the Commissioner and CC can exercise.
- 1.5 The Commissioner and CC have a number of statutory responsibilities which they will either discharge, directly, or via delegated/consented responsibilities, as outlined in this scheme.
- 1.6 This Scheme of Corporate Governance is intended to set out all significant decisions which are consented/delegated and which are of a statutory, financial or managerial nature.
- 1.7 The Scheme sets out those functions and decisions for which the Commissioner has given the Deputy Commissioner delegated responsibility.
- 1.8 The Scheme is without prejudice to, and does not in any way affect, the Commissioner’s and CC’s power to make/withdraw specific delegations/consents from time to time on any powers delegated. It is a record of those formal delegations granted by the Commissioner and CC which are in effect at the time of the publication of this scheme.

- 1.9 The Scheme forms part of the Commissioner's and CC's Operating Framework (including contract standing orders, financial regulations, working protocols and associated SLAs as from time to time in place) and should be read in conjunction with the other documents as these contain further detail including the approved process for making decisions and further detailed delegations.
- 1.10 The persons appointed as the Commissioner's Chief Executive (who is also the Monitoring Officer), Commissioner's Chief Finance Officer and the Chief Constable's Chief Finance Officer have statutory powers and duties inherent to their positions, and do not rely on matters being delegated to them when exercising those functions.
- 1.11 Delegation under The Scheme provides a member of the Commissioner's and CC's staff with the legal power to exercise the function of the Commissioner and CC. In exercising the function the member of staff must still comply with all other statutory and regulatory requirements and relevant professional guidance.
- 1.12 For the avoidance of doubt, this Scheme does not apply to those functions which the Commissioner may not delegate under section 18 of the Act, as per the following list;
- Issuing a Police and Crime Plan
  - Determining police and crime objectives
  - Attendance at a meeting of the Police and Crime Panel ("PCP")
  - Preparing an annual report to the PCP
  - The appointment, suspension, or the calling upon to retire or resign, of the CC
  - Calculating a budget requirement and setting the precept
- 1.13 The Scheme allows any person to whom a power has been delegated to sub delegate that power to a member of staff of either the Commissioner or CC.
- 1.14 The Commissioner's/CC's Operating Framework, including the Scheme of Corporate Governance will be reviewed annually.
- 1.15 The Commissioner is supported and scrutinised by the Police and Crime Panel (PCP). This consists of 12 Local Council members and 2 Independent members. The PCP scrutinises and supports the decisions of the Commissioner. The Commissioner holds the CC to account for the exercise of his functions.
- 1.16 None of the consents/delegations in this Scheme constrains the Commissioner's power to hold the CC to account under section 1 of the Act or require the CC to provide "such information on policing matters that the" Commissioner " may require the Chief Constable to give" as provided by s 36 of the Act.
- 1.17 For the avoidance of doubt nothing in this scheme is intended to fetter the CC's operational independence.

## 2. DEFINITIONS

In this document the following specific expressions will have the following meanings unless inconsistent with the context:

'The Commissioner' (PCC)	the person occupying the office of Police and Crime Commissioner for West Midlands
'Deputy Commissioner' (DPCC)	any person appointed by the Commissioner under s18 (1)(a) of the Act.
Chief Executive' (CE)	the person appointed under paragraph 6(1)(a) of Schedule 1 to the Act
The Commissioner's Chief Finance Officer' (CFO)	the officer having responsibility for the proper administration of the Commissioner's financial affairs under paragraph 6(1)(b) of Schedule 1 to the Act
'The Commissioner's Staff'	people employed by the Commissioner and not under the direction and control of the Chief Constable.
'Chief Constable' (CC)	the person appointed under s2 of the Act.
Chief Constable's Chief Finance Officer' (FCFO)	The Director of Resources is the person responsible for the proper administration of the police force's financial affairs under paragraph 4(2)(1) of Schedule 2 to the Act.
'The Chief Constable's Staff'	people employed by and under the direction of control of the Chief Constable in accordance with schedule 15, Part I section 7(10)(b) to the Act
'Chief Officers'	Chief Executive, Chief Finance Officer, Chief Constable, Director of Resources and all other members of the CC's Management Team.
Strategic Policing and Crime Board (SPCB)	Supports and advises the Commissioner in the discharge of his responsibilities. It consists of the DPCC, 3 Assistant PCCs and 4 Non Executive Members
Police and Crime Panel (PCP)	Appointed in accordance with part 2 of schedule 6 of the Act, comprising 12 local councillors and 2 independent members, holding the PCC to account.
Statutory Officers	CFO;CE;FCFO

## 3. ROLES

### Role of the Police and Crime Commissioner

3.1 The details of the role of the Commissioner can be found in the Commissioner's Code of Corporate Governance.

3.2 The role and primary responsibilities of the Commissioner includes:

- Secure the maintenance of the West Midlands police force.
- Secure that the West Midlands police force is efficient and effective.
- Hold the CC to account on behalf of people of the West Midlands for the exercise of the functions of CC and the functions of those under his direction and control.
- To be scrutinised and supported by the West Midlands Police and Crime Panel (PCP) having regard to any report or recommendation made by the PCP in respect of the Police and Crime Plan, the proposed precept and the annual report for the previous year.

- In consultation with the CC set the strategic direction and objectives of the West Midlands Police (WMP) through the Police and Crime Plan, monitoring the performance of the WMP against the agreed priorities.
  - Hold the CC to account for the duty to have regard to the Police and Crime Plan, the Strategic Policing Requirement (SPR) and codes of practice issued by the Secretary of State.
  - Hold the CC to account for the effectiveness and efficiency of his arrangements in respect to:
    - Collaboration Agreements (Section 22A of the Police Act 1996)
    - Engaging with local people (Section 34)
    - Value for money (VFM) (Section 35)
    - Safeguarding of Children and promotion of child welfare
  - Approve the Commissioner's WMP budget and set the precept.
  - Respond to consultation regarding the appointment of the Deputy Chief Constable, and on the appointments and removal of other senior police officers.
  - The dismissal, suspension and removal of the CC.
  - Hold the CC and his officers and staff to account for the exercise of duties relating to equality and diversity.
  - Make crime and disorder reduction grants.
  - Have regard to the views of the people in the West Midlands, including victims of crime.
  - Handle complaints and conduct matters in relation to the Chief Constable.
  - To be open and accountable.
- 3.3 The Commissioner will receive government grants and the council tax precept. Other sources of income received by the Force will be paid into the police fund. How this funding is allocated to operational activities is for the CC to decide in consultation with the Commissioner and in accordance with the priorities and objectives set out in the Police and Crime Plan, the SPR or in accordance with any Government grant terms and conditions.
- 3.4 The Commissioner has wider community safety, crime reduction and criminal justice responsibilities than those solely relating to the responsibilities and activities of the police force and this is referred to in the Code of Corporate Governance.

### **Role of the Chief Constable**

- 3.5 The details of the role of the CC can be found in the CC's Code of Corporate Governance.
- 3.6 The role and primary responsibilities of the CC includes:
- Maintaining the Queen's Peace.
  - Delivery of efficient and effective policing.
  - Efficient management of resources and expenditure which delivers VFM.
  - Having regard in that delivery to the strategic direction and objectives outlined in the Police and Crime Plan, the Strategic Policing Requirement and codes of practice issued by the Secretary of State.
  - Maintain effective and efficient arrangements in respect to:



- Collaboration Agreements Section 22A of the Police Act 1996
- Engaging with local people (Section 34)
- Value for money (Section 35)
- Safeguarding of Children and in the promotion of child welfare.
- Maintaining operational independence in the service of the public.
- Impartial direction and control of all constables and staff within the police force.

### **Role of the Strategic Policing and Crime Board (SPCB)**

3.7 The details of the role of the SPCB can be found in the Commissioner's Code of Corporate Governance.

3.8 The role and primary responsibilities of the SPCB includes:

- To maintain an overview of the implementation of the Commissioner's manifesto in order to ensure consistency in approach but having regards to the differing needs in the West Midlands
- To monitor the implementation and achievement of the Police and Crime Plan and support the Commissioner in any work required to vary the Plan during his term of office
- To scrutinise, support and challenge the overall performance of West Midlands Police including against the priorities agreed within the Plan
- To advise the Commissioner when exercising his functions in setting the budget and precept
- To ensure the effective working of arrangements for consulting with and engaging local residents, communities and victims of crime
- To ensure effective working with the local policing and crime boards and advise the Commissioner on their effectiveness in achieving the outcomes from his award of crime and disorder reduction grants
- To advise and support the Commissioner in his decision making role and in holding the CC to account
- To support the Commissioner more generally in the fulfilment of his statutory duties, to include equalities and human rights obligations

### **Role of the Police and Crime Panel (PCP)**

3.9 The Panel has a dual role to both scrutinise and support the Commissioner. The PCP statutory functions are set out in s28 of the Act as follows:

- Reviewing the draft Police and Crime Plan to ensure local priorities have been considered
- Scrutinising the Commissioner's Annual Report
- Scrutinising the decisions and actions of the Commissioner
- Reviewing, and potentially vetoing, the Commissioner's proposed policing precept (the money collected from Council Tax for policing)
- Holding confirmation hearings for the proposed appointment of a Chief Constable, Deputy Police and Crime Commissioner and senior support staff
- Consideration of non-criminal complaints against the Commissioner or his Deputy

The Commissioner also seeks support from the Panel by asking the Panel to provide advice prior to decisions being made.

#### **4. CONSENTS**

- 4.1 The Commissioner may give consent to the CC to enter into contracts and to acquire or dispose of assets, other than land and buildings, subject to the requirements of Financial Regulations and Contract Standing Orders. However, in order to simplify systems of internal control, contracts will continue to be issued in the name of the Commissioner.
- 4.2 The Commissioner also consents to the CC managing land and buildings in accordance with the approved Estates Strategy and Financial Regulations and Contract Standing Orders.
- 4.3 The Commissioner consents to the CC to enter into s23 agreements where agreed and to enter in Memorandum of Understanding and Memorandum of Agreement where necessary in the discharge of his duties and function as CC.

#### **5. DELEGATIONS**

- 5.1 Throughout this scheme the Commissioner and CC expect that any person carrying out functions or powers on the Commissioner's/CC's behalf, or making any related decision, will act within policies and strategies approved by the Commissioner and/or CC as appropriate and will take appropriate professional advice as necessary, particularly legal and financial advice and where appropriate, operational advice from the CC.
- 5.2 Before any financial liability affecting the Police Fund that is novel, contentious or repercussive is incurred, the appropriate Chief Officer should consult with the Commissioner, who may then decide that a formal written approval should be made.
- 5.3 The scheme is intended to complement the Financial Regulations and Contract Standing Orders and any other relevant arrangements adopted by the Commissioner and CC.
- 5.4 The CE, CFO, CC and FCFO (jointly referred to in this scheme as the Chief Officers) may authorise officers in other named posts under their management or direction and control to act on their behalf in exercising any of their delegated/consented powers. A Chief Officer must authorise an officer in writing to exercise specific delegated/consented powers.
- 5.5 In the absence of the CE, CFO, CC and FCFO respectively, officers designated as deputising may exercise delegated/consented powers.
- 5.6 The Commissioner and/or CC may require that a specific matter be referred to them for a decision and not dealt with under powers of delegation.
- 5.7 Giving delegation to officers under this scheme does not prevent an officer from referring the matter to the Commissioner and/or CC for a decision if the officer thinks that this is appropriate (for example, because of sensitive community and stakeholder issues or any matter which may have a significant operational or financial implications).
- 5.8 All decisions officers make under powers delegated under this scheme, should be recorded and be available for inspection.
- 5.9 The Commissioner and CC may set out their reporting arrangements on actions undertaken by their own staff in respect of the use of powers delegated to them.



## **6. DELEGATIONS BY THE PCC**

### **DELEGATIONS TO THE DEPUTY POLICE AND CRIME COMMISSIONER**

- 6.1** The Police Reform and Social Responsibility Act 2011 provides for a PCC to appoint a Deputy Police and Crime Commissioner. Where a Deputy Commissioner has been appointed and in the absence of the Commissioner the Deputy Commissioner may exercise any function of the Commissioner other than those functions listed in section 18 (7) (a) (issuing a police and crime plan), 18 (7) (e) (appointing the chief constable, suspending the chief constable or calling upon the chief constable to retire or resign) and 18 (7) (f) (calculating a budget requirement). When exercising functions under this paragraph the Deputy Commissioner will consult with the Board and statutory officers as appropriate

### **DELEGATIONS TO THE CHIEF EXECUTIVE**

- 6.2.** The CE is the Head of the Commissioner's staff and the Monitoring Officer for the Commissioner. The delegations below are a record of those formal delegations granted by the Commissioner to the Chief Executive which are in effect at the time of publication of this scheme.

#### **6.3. General**

- Prepare the police and crime plan in consultation with CC and his Management Team for submission to the Commissioner.
- Produce an annual report.
- Provide information to the PCP, as reasonably required to enable the panel to undertake its functions.
- Pursuant to any decision of the Commissioner, to sign all contracts on behalf of the Commissioner which require the Commissioner's approval under this Scheme.
- In addition to the powers set out in the Contract Standing Orders to sign, execute and issue all legal documents necessary to implement decisions made by the Commissioner or anyone exercising the Commissioner's functions.

#### **6.4. Financial administration**

- To manage the Commissioner's budget in consultation with the CFO and in particular to:
  - place orders for goods and services and to incur expenditure for which provision has been made in the revenue budget
  - invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget.
- To agree any fees for copies of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985, the Freedom of Information Act 2000, or the Data Protection Act 1998.
- To approve exceptional cases in the provision of police advice and assistance to international agencies because:-
  - The full cost is £10,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff).
  - It is a sensitive case involving travel to politically sensitive countries

#### **6.5. Management / Human Resource**

- In consultation with the Commissioner and Deputy Commissioner, to approve restructurings of establishment in relation to the office of the Commissioner in conjunction with the CFO subject to:
  - there being budget provision and account taken of equalities considerations for the proposals
  - consultation with the trades union and
  - that the Chief Executive will consult with the Chief Constable and independent Chair of the Joint Audit Committee on any proposed changes to the personnel resource heading the internal audit function.
- To undertake all aspects of the management of staff, including all appointments, suspensions and dismissals, other than Statutory Officers, providing support to the Commissioner, including all traditional personnel and establishment control functions.
- To exercise all the powers of employer including determination of all issues relating to the conditions of service of those staff, provided that any such decisions are made in accordance with the law and with policies adopted by the Commissioner
- To exercise all the powers of employer regarding pension matters.
- To sign on behalf of the Commissioner any indemnity required to enable the Commissioner to exercise any of his/her functions, provided that where the giving of an indemnity could have financial implications, such indemnity shall only be signed with the approval of the CFO.
- Custody Visitors:
  - To appoint custody visitors
  - To remove custody visitors who fail to comply with the Commissioner's guidelines and procedures

## 6.6. Other

In connection with complaints and conduct issues specifically against the CC.

6.6.1. In relation to complaints, to determine (and respond to the complainant accordingly) wherever possible within 5 days of the complaint being received whether or not the Commissioner is the appropriate authority to consider such a complaint;

6.6.2. In consultation with the Deputy Commissioner (if one is appointed), to make decisions in dealing with complaints and conduct matters against the CC including:

- Recording decisions (for conduct matters);
- Initial assessments;
- Suitability for local resolution;
- Referral to the IPCC;
- Referral to the Crown Prosecution Service;
- Application to the IPCC for dispensation or discontinuance;
- Appointment and briefing of the investigator;
- Appointment of misconduct hearing or meeting members (and related determinations);
- Representation at proceedings, meetings, appeals, hearings and for other such related matters.

6.6.3. To affix the seal of the Commissioner to all contracts, agreements or transactions requiring execution as a deed unless otherwise agreed to the Director of Legal Services.

- 6.6.4. To authorise the institution, defence, withdrawal or settlement of any claims or participate in any legal proceedings on behalf of the Commissioner, having considered legal advice (and consulted with the CFO about the financial implications) where such action is necessary to give effect to the decisions of the Commissioner or in any case where the CE considers that such action is necessary to protect the Commissioner's interests. Any decision taken under this provision must be reported to the Commissioner.
- 6.6.5. To authorise, pursuant to s223 Local Government Act 1972 (as amended), any member of the Commissioner's Staff to prosecute or defend or to appear in proceedings before a court or tribunal or to conduct any such proceedings.
- 6.6.6. To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Commissioner.
- 6.6.7. To exercise all the Commissioner's powers and duties in connection with equalities, human rights, health and safety, freedom of information and data protection legislation, with the exception of those powers and duties which relate to the oversight of the CC's arrangements for those matters.
- 6.6.8. To consider and determine complaints against the Commissioner's Staff (except the Chief Executive and the Deputy Commissioner) and to consider grievances made by such staff against other such staff.
- 6.6.9. To review complaints of maladministration against the Commissioner and to approve the provision of any remedy, financial or otherwise.
- 6.6.10. To seek Counsel's opinion or other expert advice and to retain Counsel whenever this is considered to be in the interest and benefit of the Commissioner.
- 6.6.11. To ensure appropriate arrangements are made to meet the consultation duties required of the Commissioner.
- 6.6.12. To manage and administer the award of grants and awards by the Commissioner in accordance with agreed protocols and arrangements.
- 6.6.13. To provide guidance and advice in relation to the operation of the Confidential Reporting Policy and to instigate appropriate action.
- 6.6.14. To carry out the duties of Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 6.6.15. The custody of all title deeds under secure arrangements and the maintenance of a register of all properties owned by the Commissioner, recording the purpose for which held, locations extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.

#### **POWERS DELEGATED TO THE CFO**

- 6.7. The CFO is the financial adviser to the Commissioner and has a statutory responsibility to carry out the functions of the Chief Finance Officer under sections 112 and 114 of the Local Government Finance Act 1988, section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations 2011, ensuring that the financial affairs of the PCC and the WMP are properly administered having regard to their probity, legality and appropriate standards.
- 6.8. The delegations below are a record of those formal delegations granted by the Commissioner which are in effect at the time of the publication of this Scheme.

### **6.9. Financial administration**

- Approve the arrangements for the Treasury management function, including the day to day management, production of Treasury management strategy and supporting policies and procedures.
- Approve the arrangements for securing and preparing the WMPCC group accounts and seek assurances that there are appropriate arrangements in place for the preparation of the WMP accounts.
- To seek assurances there are appropriate arrangements in place within the WMP for the proper financial management of the WMP.
- Approve the opening of all bank accounts.
- Prepare, from time to time, draft Financial Regulations and Contract Standing Orders, in consultation with the WMP, for approval by the Commissioner.
- Maintain an adequate and effective shared Internal Audit provision, in consultation with the FCFO
- Maintain effective Risk Management and Insurance arrangements seeking assurances that appropriate arrangements are in place within the WMP for the proper and effective risk management of the WMP

### **6.10. Other**

- To develop and maintain an appropriate Assurance Framework for the Commissioner
- To exercise all the powers of employer of staff regarding pension matters.
- To act as Money Laundering Officer under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.

## **7. PROCUREMENT**

### **7.1 The Force Chief Finance Officer will:**

- undertake the day to day management of the procurement in accordance with the standing orders relating to contracts.
- sign all contracts on behalf of the Commissioner that do not require signature of the Commissioner, once they have been properly approved, except those which are required to be executed under the common seal of the Police and Crime Commissioner, in such cases the CE is authorised to sign and affix the seal
- Where the approval of the Commissioner is not required by Contract Regulations or this scheme and within the limitations prescribed by Financial Regulations, and in pursuit of the policies and objectives agreed with the Commissioner and reflected in the West Midlands Police and Crime Plan

- approve contract exemptions
- approve all requests to go out to tender
- approve the award of contracts and to sign contracts
- approve all variations, extensions or terminations of contract

## **8. DELEGATIONS BY THE CC**

### **DELEGATIONS TO THE DCC**

- 8.1 To approve the financial settlement of all claims or requests for compensation or damages against the Chief Constable as set out in the Financial Regulations (to include multiple or linked claims/claimants) in consultation with the CE where the matter is novel contentious or repercussive

### **DELEGATION TO THE CC'S CFO**

- 8.2 The Director of Resources is the WMP Chief Finance Officer and financial adviser to the CC and has a statutory responsibility to carry out the functions of the Chief Finance Officer as set out in the Act and sections 112 and 114 of the Local Government Finance Act 1988, section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations 2011, ensuring that the financial affairs of the WMP are properly administered having regard to probity, legality and appropriate standards

- 8.3 Before any financial liability affecting the Police Fund that is novel, contentious or repercussive is incurred, the Commissioner should be consulted, who may then decide that his written approval must be obtained.

- 8.4 The delegations below are a record of those formal delegations granted by the CC to the Director of Resources which are in effect at the time of publication of this scheme.

### **8.5 Financial administration**

- To exercise responsibility for force expenditure (in other words that part of the police fund which is provided to the CC) provided that such responsibility shall be exercised in accordance with the law and as set out within the Commissioner's/CC's Financial Regulations and Contract Standing Orders and any relevant statutory guidance and codes of practice.
- Where the approval of the Commissioner is not required by Financial Regulations or this scheme and within the limitations prescribed by Financial Regulations and in pursuit of the policies and objectives agreed with the Commissioner and reflected in the West Midlands Police and Crime Plan.
  - to approve business cases for revenue and capital expenditure to commit expenditure within the approved budget for the CC
  - in accordance with the requirements of Financial Regulations to vire or move money or budgets between budget headings
- To accept income, grants, offers of sponsorship and gifts for police purposes on behalf of the Commissioner provided that decisions taken in this regard are in accordance with the law and with any guidance or policy which the Commissioner may from time to time determine.
- To determine the rates of charges for policing services to external bodies and give approval to charge for or not to charge for such services in accordance with the law and with any guidance or policy which the Commissioner may from time to time determine.
- To sign on behalf of the CC any indemnity required to enable the CC or to exercise any of the CC's functions, provided that where the giving of an indemnity could



- have significant financial implications not covered by the CC's insurance policies, such indemnity shall be signed only with the approval of the Commissioner's CFO.
- To approve non exceptional cases in the provision of police advice and assistance to international agencies because:-
    - The full cost less than £10,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff).
    - It is a non-sensitive case involving travel to non-politically sensitive country
  - The FCFO may write off debts considered to be irrecoverable up to the amount set out in Financial Regulations subject to periodical reports to the Commissioner. Any individual write-off above the amount set out in Financial Regulations must be referred by the FCFO to the Joint Audit Committee, on behalf of the Commissioner, for approval.
  - To exercise the CC's powers under the following provisions of the Police Act 1996:
    - S.24 agreeing payments for assistance between forces
    - S.25 determination of charges for special services
    - S.26 provision of advice and assistance to international organisations etc'

## 8.6 Human Resources

- To exercise all the powers of employer of Police Staff, including determination of all issues relating to the conditions of service of those staff, provided that any such decisions are made in accordance with the law and with policies adopted by the West Midlands Police and that the Chief Constable will consult the Commissioner on any proposed changes to the personnel resource to support the work of the recognised trade unions or the role of Crime Registrar.
- To exercise all the powers of employer of police officers and Police Staff regarding pension matters.
- To determine ex gratia payments in respect of loss or damage to the personal property of anyone under the direction and control of the CC.

## 8.7 Procurement

- The day to day management and control of contracts is delegated, subject to the provision of the Financial Regulations and Contract Standing Orders and provided that the Commissioner is satisfied that the CC has in place adequate systems, procedures and expertise to discharge these responsibilities.
- To sign all contracts irrespective of value, once they have been properly approved, except for those which are required to be executed under the Common Seal of the Commissioner. In these cases, the CE is authorised to affix the Seal.
- Where required by Contract Regulations or this Scheme and within the limitations prescribed by Financial Regulations, and in pursuit of the policies and objectives agreed with the Commissioner and reflected in the West Midlands Police and Crime Plan
  - to approve contract exemptions
  - to approve all requests to go out to tender
  - to approve the award of contracts and to sign contracts
  - to approve all variations, extensions or terminations of contracts

## 8.8 Property



- In accordance with the Consent of the Commissioner to the CC the FCFO shall undertake the day to day management of the property function subject to the provision of Financial Regulations.
- Undertake the management of the Commissioner's Estate in accordance with the Estate Strategy including the maintenance of his property. All purchases and sales of property shall be in accordance with the Commissioner's Standing Orders and the approval of the Commissioner obtained.

## **DELEGATIONS TO DIRECTOR OF LEGAL SERVICES**

- 8.9 The Director of Legal Services is the CC's Chief Legal Officer and also provides legal advice and support where appropriate to the Commissioner. The delegations below are a record of those formal delegations granted by the CC to the Director of Legal Services which are in effect at the time of publication of this scheme
- 8.10 To institute, defend or participate in any legal proceedings in any case where such action is necessary to protect the interest of the CC subject to prior consultation with the CE and CFO, in cases of a novel, contentious or repercussive nature.
- 8.11 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the CC.
- 8.12 To approve the financial settlement of all claims or requests for compensation or damages against the CC as set out in the Financial Regulations ( to include multiple or linked claims/claimants) in consultation with the CE where the matter is novel contentious or repercussive.
- 8.13 To approve the financial settlement of all legal costs at the most economic level possible reporting any settlements that may be novel contentious or repercussive to the CE

## **9. URGENCY POWER**

### **Commissioner**

- 9.1 The CE in consultation with the Commissioner's CFO, where appropriate, to determine any matter falling to be determined by the Commissioner (other than those matters described in s18 (7) of the Act) where it is necessary to do so in urgent circumstances or where the Commissioner is absent or where the Commissioner has given specific authority for the CE so to act.
- 9.2 Any matter so determined will be reported to the Commissioner as soon as is practicable.

### **CC**

- 9.3 If any matter which would normally be referred to the CC (or DCC) for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer (i.e. any member of the CC's Management Team).
- 9.4 Urgent decisions taken must be reported to the CC as soon as practicably possible

## **10. KEY PRINCIPLES**

- 10.1 Officers and Staff of the CC may be used to assist the Commissioner to exercise his functions: indeed the CC is under a statutory duty to exercise direction and control in such a way as is reasonable to give that assistance (section 2(5) PRSR Act). This scheme set out some of the ways in which that assistance will be given. For the

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avoidance of doubt, these are not delegations from the Commissioner.

- 10.2 The Statutory Officers are responsible for ensuring that members of staff they supervise are aware of and comply with the provisions and obligations of this Scheme.
- 10.3 The Commissioner must not restrict the operational independence of the police force and the CC who leads it.
- 10.4 To enable the Commissioner to exercise the functions of his office effectively he will need reasonable access to information held by the Force and police officers and civilian staff employed by the CC. This access must not be unreasonably withheld or obstructed by the CC.