

**WEST MIDLANDS POLICE
AND CRIME
COMMISSIONER**

**NON-CONFIDENTIAL
NOTICE OF DECISION
011/2014**

Contact Officer: Jacky Courtney

Telephone Number: 0121 626 6060

Email: j.courtney@west-midlands.pnn.police.uk

Title: Scheme of Governance and other corporate governance documents

EXECUTIVE SUMMARY

The Police Reform and Social Responsibility Act 2011 (the Act) created both the Commissioner and Chief Constable as corporations sole with the ability to perform a number of functions, including the employment of staff. In November 2012 all staff previously employed by West Midlands Police Authority transferred to the employment of the Commissioner. In the context of these arrangements the Commissioner approved a scheme of delegations in November 2012 which set out delegations to the Commissioner's statutory officers, the Chief Constable and other senior posts within both the Commissioner's office and West Midlands Police.

Following a direction from the Home Secretary the Commissioner has agreed a Transfer Scheme which will take effect from 1 April 2014. The principles and details of the scheme are reflected in the Commissioner's decision WMPCC 037/2013. The effect of the scheme is to transfer the majority of staff previously employed by the Commissioner to the employment of the Chief Constable. This transfer necessitates the Commissioner to approve a revised scheme of governance to reflect the revised employment arrangements in the light of the provisions of the Act.

A draft of the scheme of governance was reviewed and supported by the Joint Audit Committee at its meeting on 26 March 2014. The governance documentation considered by the Commissioner is attached at Annexes A, B and C to this decision.

DECISION

I approve the Scheme of Governance attached to this decision, together with the accompanying corporate governance documentation.

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.....2 April 2014.....

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

INTRODUCTION AND BACKGROUND

On 22 November 2012 all staff who had previously been employed by West Midlands Police Authority were transferred to the employment of the West Midlands Police and Crime Commissioner through the auspices of the Police Reform and Social Responsibility Act 2011 (the Act). The Act created both the Chief Constable and Commissioner as corporations sole with the ability to employ staff. On 22 November 2012 the Commissioner agreed a Scheme of Delegation which carried forward the delegation arrangements in place from the predecessor Police Authority other than delegations formerly being granted to the Chief Constable being given to the Force Director of Resources. This was required as the 2011 Act does not allow a Commissioner to delegate to the Chief Constable.

On 27 March 2013 the Home Secretary directed that each Commissioner must make and submit a scheme to transfer staff to the employment of the Chief Constable by 16 September 2013 making use of principles set out by the Government which are that:

- all operational staff should pass to the employ of the Chief Constable
- transfer plans must adhere to the principles of the policing protocol
- plans must set out clear roles and responsibilities between commissioners and chief constables

This was submitted with the detail of the submission contained in decision WMPCC 37/2013 of the Commissioner. The transfer scheme has been agreed by the Home Secretary and takes effect from 1 April 2014.

The Commissioner continues to be the owner of all assets. While the Commissioner will retain ownership of all of the estate it is intended that day to day management of estate and assets is undertaken by the Chief Constable to meet operational needs of both the Force and West Midlands Office for Policing and Crime (WMOPC).

The taking effect of the transfer scheme requires the scheme of delegations approved by the Commissioner in November 2012 to be revisited in the light of the new employment arrangements for staff and the provisions of the Act. The scheme has been reviewed with the intention to:

- avoid unnecessary divisions within the workforce to ensure that the two corporations sole work together in an efficient and effective way
- minimise the additional bureaucracy, cost and disruption to staff required to implement the governance arrangements
- ensure appropriate safeguards to protect the corporate requirements and positions of the two corporations sole

The day to day operation of the arrangements in place from 1 April 2014 is incorporated into a Scheme of Corporate Governance, based on CIPFA/SOLACE principles. This includes:

- financial regulations and contract standing orders
- scheme of governance which includes the consents and delegations for statutory and

other senior officers within both the Commissioner's Office and West Midlands Police.

The financial regulations and contract standing orders will be reviewed following approval of the overarching scheme of governance.

These formal governance documents will be supported by an operating protocol which again will be agreed once the overarching governance arrangements have been approved by the Commissioner. The operating protocols, which will be regularly reviewed, will seek to provide clarity where:

- the Commissioner wishes to seek support from the Chief Constable's staff
- the Chief Constable wishes to seek support from the Commissioner's staff
- the Commissioner and the Chief Constable agree jointly on the commissioning of work to be undertaken by either the Commissioner's staff or the Chief Constable's staff or both.

A draft of the Scheme of Governance was considered and supported by the Joint Audit Committee at its meeting held on 26 March 2014.

The Scheme of Governance has been developed to align to that previously agreed by the Commissioner in November 2012. The Scheme of Governance and supporting documentation is attached at Annexes A, B and C.

FINANCIAL IMPLICATIONS

The Scheme of Governance and its supporting governance documentation is intended to ensure that the Commissioner and Chief Constable exercised their statutory roles and functions in accordance with statutory requirements and CIPFA guidance. .

LEGAL IMPLICATIONS

The Home Secretary has indicated that she expects Commissioners to operate with a scheme of governance. A police and crime commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner.

EQUALITY IMPLICATIONS

Consideration has been given to the equalities implications of the transfer scheme which has led to the need to review the Scheme of Delegations. Unions and staff associations were consulted.

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.