

**DECISION NUMBER: PCCG-2022-035**

**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE: Manual of Corporate Governance Annual Review**

**DATE: 8<sup>th</sup> March 2023**

**TIMING: Annual**

**PURPOSE: For Approval**

<b>1.</b>	<b><u>RECOMMENDATION</u></b>
1.1	That the Police and Crime Commissioner (PCC) and Chief Constable approve the proposed amendments to the Manual of Corporate Governance (MoCG).
<b>2.</b>	<b><u>INTRODUCTION &amp; BACKGROUND</u></b>
2.1	On 23 <sup>rd</sup> December 2022, the Head of Assurance and Compliance initiated the annual review of the MoCG via email. Relevant staff and officers were asked to review sections of the document and feed any proposed changes back to the Office of the Police and Crime Commissioner (OPCC).
2.2	A report containing the proposed changes to the MoCG will be presented to the Joint Audit Committee (JAC) at their meeting on 2 <sup>nd</sup> March 2023. Due to the proximity of the JAC and Strategy and Performance Board (SPB) meetings, an oral update will be provided to this SPB, highlighting any queries raised and to confirm whether or not the JAC are satisfied to recommend that the PCC and the Chief Constable approve the amendments.
<b>3.</b>	<b><u>ISSUES FOR CONSIDERATION</u></b>
3.1	<b>Amendments to Manual of Corporate Governance</b> A number of changes have been identified as a result of the annual review process. A detailed list of these can be found at appendix 1.  As part of the MoCG review, the JAC Terms of Reference (ToR) are also reviewed. In November 2022, CIPFA released new guidance for police audit committees. This guidance has been reviewed by Joint Legal Services and a comparison made to the current JAC ToRs. This has highlighted a number of significant changes that initially seem to restrict the role of the JAC.  It must also be noted that the updated CIPFA guidance made suggested changes to the terms and tenure of the JAC Chair. After discussions with other Welsh OPCC's and in light of these proposed changes, we have determined that further discussions need to take place internally regarding the appointment, tenure and remuneration of the Chair as well as in relation

	<p>to the ToRs. These discussions will take place during 2023/24 and a report brought at a future date to confirm the proposed changes.</p> <p><b>Review of Governance Arrangements</b></p> <p>It must be noted that both the force and OPCC will be undertaking a review of their governance arrangements over the coming months. As a result, changes will need to be made to this document during 2023/2024 to reflect this. A report highlighting these changes will be presented for approval at an appropriate time.</p>
<b>4.</b>	<b><u>NEXT STEPS</u></b>
4.1	Once approval has been received from the PCC and Chief Constable, the MoCG will be amended in both English and Welsh, circulated to relevant officers and published to the OPCC's website.
<b>5.</b>	<b><u>FINANCIAL CONSIDERATIONS</u></b>
5.1	There are no financial considerations as a result of this report.
<b>6.</b>	<b><u>PERSONNEL CONSIDERATIONS</u></b>
6.1	There are no personnel considerations as a result of this report.
<b>7.</b>	<b><u>LEGAL IMPLICATIONS</u></b>
7.1	The Joint Legal Services (JLS) department has been involved in the review of the MoCG, ensuring that any legal implications that have arisen have been resolved during the review process.
<b>8.</b>	<b><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></b>
8.1	This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.
8.2	Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.
<b>9.</b>	<b><u>RISK</u></b>
9.1	Any risks identified during the review of the MoCG will be negated by the approval of the amended document.
<b>10.</b>	<b><u>PUBLIC INTEREST</u></b>
10.1	This document can be made available to the public.
<b>11.</b>	<b><u>CONTACT OFFICER</u></b>
11.1	Joanne Regan, Head of Assurance and Compliance.
<b>12.</b>	<b><u>ANNEXES</u></b>
12.1	Appendix 1 – Details of proposed changes to the MoCG.

## Appendix 1

### Review of the Manual of Corporate Governance

Below are the key changes that are proposed in relation to the annual review of the MoCG:

Page Number	Proposed Change
8	Inclusion of the Deputy Police and Crime Commissioner in the Chief Officer Team for the Commissioner.
13	The Principal Statutory Framework has been amended to include references to the Police Act 1996 and the Policing and Crime Act 2017.
22 & 58	References to the Queen's Peace changed to the King's Peace.
25	Paragraph 1.1.26 which references the Joint Audit Committee has been amended to reflect the new CIPFA November 2022 edition of the guidance for audit committees as follows: " <i>The committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance risk and control gives greater confidence to the PCC and chief constable that those arrangements are effective. The committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.</i> "
37	Reserves Strategy added into Strategy and Performance Board Terms of Reference
45	The OPCC Management Board has been replaced by the Strategic Management Board. New terms of reference included.
49	Estate Strategy Board Terms of Reference – removal of references to the HQ Project Board as this meeting is due to end in March 2023.
50	Chief Officer Team Meeting Terms of Reference amended to show that the minutes are now recorded by the Chief Constable's staff officer and not the Head of Joint Legal Services.

52	Ethics Committee Terms of Reference to be included.
54	At the beginning of Section 3 (Communication), the following has been included at the end of the first paragraph: “ <i>The sharing of information will be in accordance with the provisions of relevant legislation and Codes of Practice from time to time, which include without limitation, data protection legislation, the Human Rights Act 1998 and in accordance with the common law duty of confidence and any other duties in relation to the management of data to which Gwent Police are subject from time to time (including the Home Office Code of Practice on Management of Police Information and the College of Policing Authorised Professional Practice (APP) on Information Management)</i> ”.
58	Amendment to the following wording “ <i>A substantive review of performance against the Police and Crime Plan will be undertaken annually (at the end of each financial quarter). This substantive review will identify areas which are inline to achieve the established targets and will also identify those areas where the target is not being met and what action will be taken to address the situation</i> ”.
65, 140, 144	Paragraph 4.9. The Elected Local Policing Bodies (Specified Information) Order has been amended. References to this legislation now read as follows: “the Elected Local Policing Bodies (Specified Information) Order 2011 (as amended by The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021)”.
70	Paragraph 7.6. This has been amended to make clear that the Chief Constable will oversee the day to day management of any consultancy contracts entered into by the PCC on behalf of the force and would not oversee any such agreements entered into for the benefit of the OPCC.
72	<p>Delegations to Legal Services (Part of Delegations to the Deputy Chief Constable) Paragraph 8.1.2</p> <p>The below paragraphs have been amended to acknowledge the ability for Joint Legal Services to authorise up to £20,000 (previously £10,000) before requiring approval from the Deputy Chief Constable. This change was agreed at the Joint Legal Services Board in March 2022.</p> <ul style="list-style-type: none"> <li>○ <i>The settlement of damages in any action for damages sustained and/or loss to property and/or for personal injury up to a limit of <b>£20,000</b> (provided that such claims do not involve any allegations of police misfeasance, malicious prosecution or wrongful</i></li> </ul>

	<p><i>arrest). If such allegations are made, any settlement must be authorised by the Deputy Chief Constable in accordance with the preceding provisions, and</i></p> <ul style="list-style-type: none"> <li>○ <i>To negotiate, settle and pay any third party costs arising from civil claims up to a limit of <b>£20,000</b>. Any settlement of costs above this level must be authorised by the Deputy Chief Constable in accordance with the preceding provisions</i></li> </ul>
73	<p>Delegations to the Assistant Chief Constable Paragraph 8.2.1</p> <ul style="list-style-type: none"> <li>• The Assistant Chief Constable in South Wales Police is the Lead for the Joint Firearms Collaboration, so reference to the Gwent Assistant Chief Constable leading the collaboration has been removed.</li> <li>• 'Strategic Project Management' has been removed as this is part of the delegation to the Deputy Chief Constable.</li> <li>• 'Data Management' has been removed as this is part of the delegation to the Assistant Chief Officer, Resources within 'Information Services'</li> <li>• 'Collaboration(s)' changed to "Operational Collaborations".</li> </ul>
74	<p>Delegations to the Assistant Chief Officer, Resources Paragraph 8.3.1</p> <ul style="list-style-type: none"> <li>• The following delegations have been included: <ul style="list-style-type: none"> <li>○ Airwave</li> <li>○ Information Services; and</li> <li>○ Business and Technology Collaborations</li> </ul> </li> </ul>
114 & 121	<p>Ex-Gratia Payments Included 'in consultation with the CFO' for any ex-gratia payment over £10,000 approved by the Police and Crime Commissioner.</p>
Various	<p>Accounts and Audit (Wales) Regulations 2010 amended to read 2014.</p>