

***THE POLICE AND CRIME COMMISSIONER
FOR GWENT***

THE CHIEF CONSTABLE OF GWENT POLICE

MANUAL OF CORPORATE GOVERNANCE

(This document is also available in Welsh)

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Introduction

This integrated Manual of Corporate Governance is the key document in the governance framework between the Police & Crime Commissioner and the Chief Constable. This document replaces the Manual adopted when the Police & Crime Commissioner took up post on 22nd November 2012.

This Manual is made by the Police & Crime Commissioner and the Chief Constable in accordance with their respective powers pursuant to the Police Act 1996 (as amended by the 2011 Act). The Manual is to be read in conjunction with (and is consistent with) all other legal requirements on the Police & Crime Commissioner and the Chief Constable, specifically the provisions of:

- a) the Policing Protocol
- b) the Financial Management Code of Practice (FMCOP), and
- c) the Strategic Policing Requirement.

The Commissioner and the Chief Constable have agreed that the day to day application of the content of this Manual will be informed and influenced by the principles set out in the “Principles of Relationships” document (see Part 3a). These principles set out how the Police & Crime Commissioner and Chief Constable will undertake their respective roles, in a way that fully respects each other’s responsibilities and independence, whilst at the same time being committed to working *together* to ensure the best possible policing service for the people of Gwent.

Officers and staff of the Chief Constable may be used to assist the Commissioner to exercise his functions and the Chief Constable is under a statutory duty to exercise direction and control in such a way as is reasonable to give that assistance. This Manual sets out some of the ways in which that assistance will be given.

The Manual also sets out a process to ensure that any action taken under delegated authority or ‘consent’ is properly recorded and undertaken in accordance with defined procedure. Both the Police & Crime Commissioner and the Chief Constable are committed to demonstrating the highest levels of transparency and accountability to the public.

THIS IS THE MANUAL OF CORPORATE GOVERNANCE FOR GWENT POLICE AND CRIME COMMISSIONER AND GWENT POLICE WHICH WAS APPROVED AND ADOPTED ON 1st DAY OF APRIL 2022.

SIGNED:



POLICE AND CRIME COMMISSIONER

SIGNED:



CHIEF CONSTABLE

PART 1 <u>DEFINITIONS</u>	
The Act	The Police Reform and Social Responsibility Act 2011.
Annual Governance Statement	The Annual Governance Statement (the 'Statement') required by the Accounts and Audit (Wales) Regulations 2010 which the Commissioner and the Chief Constable have elected to publish with their respective Statements of Accounts in a single document. The Statement is a statutory document which explains the governance processes and procedures in place to enable the Commissioner and the Chief Constable respectively to carry out their functions effectively. The Statement highlights the Commissioner's (and the Chief Constable's) internal control environment, comments on its effectiveness and identifies future priorities.
Best Value for Money	The most cost-effective means of meeting the need, which takes account of whole life costs.
Call-off contract	An agreement for a fixed period against which one or more orders can be placed at any given time during the term of that Contract.
Chief Constable	The Office of Chief Constable is an appointment under Section 2(2) of the Act. The Chief Constable is a corporation sole pursuant to Schedule 2, paragraph 2 of the Act. The Chief Constable shall have responsibility for the direction and control of a police force pursuant to Section 2(3) of the Act, which includes both police officers and the civilian staff of the Force.
Chief Executive	The officer appointed as head of the Police and Crime Commissioner's staff with responsibility for the general administration of the Police and Crime Commissioner. This appointment is made under Paragraph 6(1) (a), Schedule 1 of the Act. This officer will undertake the role of 'Chief Executive' as outlined in the Act and is also designated the monitoring officer - under Section 5(1) of the Local Government and Housing Act 1989, with responsibility for ensuring the legality of the actions of the Police and Crime Commissioner and his staff. She is also the 'proper officer' for the recording of all decisions made by the Police and Crime Commissioner and is the designated 'head of paid service' pursuant to section 4 of the Local Government and Housing Act 1989.
Chief Officers/ Chief Officer Team	<p>References to the Chief Constable's Chief Officer team shall (where the context permits) mean the following:</p> <ul style="list-style-type: none"> • Deputy Chief Constable • Assistant Chief Constable • Assistant Chief Officer Resources (Chief Finance Officer) <p>References to the Commissioner's Chief Officer team shall (where the context permits) mean:</p> <ul style="list-style-type: none"> • Chief Executive • CFO (PCC)
CFO (Chief Constable)	The chief financial officer of the police force appointed in accordance with Schedule 2, paragraph 4 of the Act, who is responsible for the proper administration of the police force's financial affairs (section 112 to 114 of the Local Government Finance Act 1988). The CFO (Chief Constable) shall be responsible for:

	<ul style="list-style-type: none"> a) ensuring that the financial affairs of the Force are properly administered and that the Financial Regulations are observed and kept up to date, b) reporting to the Chief Constable, the Police and Crime Commissioner, the Joint Audit Committee and the external auditor, any unlawful, or potentially unlawful, expenditure by the Chief Constable or officers of the Chief Constable, c) reporting to the Chief Constable, the Police and Crime Commissioner, the Joint Audit Committee and to the external auditor where it appears that expenditure of the Chief Constable is likely to exceed the resources available to meet that expenditure, d) advising the Chief Constable on value for money in relation to all aspects of the force's expenditure, e) advising the Chief Constable and the Police and Crime Commissioner on the soundness of the budget in relation to the Force, f) liaising with the external auditor, g) producing statements of account for the Chief Constable, h) providing information to the CFO (PCC) as required to enable the production of group accounts, and i) maintaining, in conjunction with the Deputy Chief Constable, an adequate and effective internal audit function for the Chief Constable.
CFO (PCC)	<p>The chief finance officer with overall responsibility for the proper administration of the Police and Crime Commissioner's financial affairs (section 112 to 114 of the Local Government Finance Act 1988) in accordance with the Accounts and Audit (Wales) Regulations 2005. This appointment is made pursuant to Paragraph 6(1) (b), Schedule 1 of the Act. The CFO (PCC) shall be responsible for:</p> <ul style="list-style-type: none"> (a) providing financial advice to the Police and Crime Commissioner on all aspects of its activities, including the strategic planning and policy making process, (b) ensuring that the financial affairs of the Police and Crime Commissioner are properly administered and that the Financial Regulations are observed and kept up to date and providing a treasury management function; (c) ensuring regularity, propriety and Value for Money (VFM) in the use of public funds, (d) ensuring that the funding required to finance agreed programmes is available from Central Government and Welsh Government funding, precept, other contributions and recharges (e) reporting to the Police and Crime Commissioner, the Police and Crime Panel, the Joint Audit Committee and to the external auditor any unlawful, or potentially unlawful, expenditure by the Police and Crime Commissioner or officers of the Police and Crime Commissioner (f) reporting to the Police and Crime Commissioner, the Police and Crime Panel, the Joint Audit Committee and to the external auditor where it appears that expenditure is likely to exceed the resources available to meet that expenditure, (g) advising the Police and Crime Commissioner on the robustness of the budget and adequacy of financial reserves, and in respect of any consequential medium and long term implications of budgetary issues, (h) ensuring production of the statements of accounts of the Police and Crime Commissioner (i) ensuring receipt and scrutiny of the statements of accounts of the Chief Constable, and ensuring production of the group statutory accounts (j) liaising with the external auditor and use reports of the external auditor to aid monitoring and submit external audit reports to the Home Office.

	<p>(k) advising the Police and Crime Commissioner on the application of value for money principles by the police force to support the Police and Crime Commissioner in holding the Chief Constable to account for efficient and effective financial management,</p> <p>(l) advising, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance</p> <p>(m) arranging for the determination and issue of the precept,</p> <p>(n) maintaining an adequate and effective internal audit function, and</p> <p>(o) managing, in conjunction with the Chief Executive, any grants awarded by the Police and Crime Commissioner pursuant to the Act.</p>
CIPFA Statement	The CIPFA Statement on the role of the Chief Finance Officer of the Police and Crime Commissioner (the CFO (PCC)) and the Chief Financial Officer of the Chief Constable.
Commissioner's Office or OPCC	Shall mean the Office of the Police and Crime Commissioner.
Contract	Any commitment (including purchase orders, memoranda of understanding, leases and service level agreements) to acquire, purchase and/or sell goods, services or building works (including annual or call-off contracts) made on behalf of the Police and Crime Commissioner. This may be made orally or in writing.
Deputy Police and Crime Commissioner (DPCC)	The deputy police and crime commissioner appointed in accordance with section 18 and Schedule 1, paragraph 8 of the Act.
Estimated Value	The anticipated costs of the goods, services or works to be supplied or carried out:
Financial Management Code of Practice	The Financial Management Code of Practice issued pursuant to section 17 of the Act and section 39A of the Police Act 1996, which permit the Secretary of State to issue codes of practice to all Police and Crime Commissioners and Chief Constables. As set out in section 17(4) of the Act and section 39A(7) of the Police Act 1996, the Police and Crime Commissioner and the Chief Constable must have regard to this code in carrying out their functions. The Code provides high level guidance to help ensure effective and constructive relationships in all financial matters.
Financial Regulations	The regulations drawn up by the Police and Crime Commissioner in consultation with the Chief Constable, the CFO (PCC), Chief Executive, and the CFO (Chief Constable) to govern the respective responsibilities of the Police and Crime Commissioner and the Chief Constable on financial matters and the relationship between them on such issues.
Force	This refers to all constables (both regulars and specials) who are under the direction and control of the Chief Constable and also all police staff employed by and under his direction and control by virtue of section 2(3) of the Act.
IOPC	Shall mean the Independent Office for Police Conduct.

Joint Audit Committee (JAC)	Shall mean the joint audit committee established by the Commissioner and the Chief Constable in accordance with the provisions of the Financial Management Code of Practice.
SPG	Shall mean the Strategic Planning Group of Gwent Police
Leadership Team	Shall mean the leadership team of the Commissioner which shall be comprised of the Commissioner, the Deputy Police and Crime Commissioner, the Chief Executive and the CFO (PCC).
Police and Crime Commissioner (PCC)	The Police and Crime Commissioner established under Section 1 of the Act, who is a corporation sole responsible for securing the maintenance of an efficient and effective police force for the Gwent area.
Police and Crime Panel	The Police and Crime Panel established and maintained in accordance with Section 28(1) of the Act to support the effective exercise of the functions of the Police and Crime Commissioner for the Gwent Police area.
Police and Crime Plan	The police and crime plan issued (and as subsequently varied, if applicable) for the Gwent Police area in accordance with Section 5 of the Act.
Policing Protocol	The document issued by the Secretary of State pursuant to section 79 of the Act by means of the Policing Protocol Order 2011 which sets out how the functions of the Police and Crime Commissioner, the Chief Constable and the Police and Crime Panel are to be exercised.
Proper Officer	A proper officer is defined (in accordance with section 270(3) of the Local Government Act 1972), as, in relation to any purpose an officer appointed for the purpose.
Quotation	The amount stated (whether orally or in writing) as the price of the goods, services or works to be supplied or carried out. If a verbal offer is obtained it will be deemed to be of no effect unless confirmed in writing within five working days of the verbal offer being made.
Scheme of Governance	The scheme of governance prepared by the Commissioner in conjunction with the Chief Constable, which sets out those functions which the Commissioner has consented to the Chief Constable exercising and also those matters which the Commissioner has delegated to senior members of his staff. The Scheme also sets out those powers which will be exercised by the Chief Constable, his officers and staff pursuant to the provisions of the Act and the Policing Protocol to assist the Commissioner in the discharge of his functions. This Scheme is set out in Part 3 of this Manual.
Standing Orders relating to contracts	The standing orders prepared by the Police and Crime Commissioner in consultation with the Chief Constable, the CFO (PCC), the Chief Executive, and the CFO (Chief Constable) that govern the handling of contractual issues and the respective responsibilities of the Police and Crime Commissioner and the Chief Constable, in accordance with the provisions of the Scheme.
Strategy and Performance Board (SPB)	The Strategy and Performance Board will be the primary forum at which the Commissioner will hold the Chief Constable to account in accordance with section 1(8) of the Act. The SPB will also be the primary consultation forum for strategic decisions that affect both the Commissioner and the Chief Constable.

SPR	The strategic policing requirement (SPR) is a statement of the collective capabilities that police forces across England and Wales will be expected to have in place in order to protect the public from cross-boundary threats such as terrorism, civil emergencies, public disorder and organised crime.
Tender	An offer made in writing (electronically or otherwise) by one party to another to execute, at an inclusive price or uniform rate, an order for the supply, purchase or disposal of goods or for the execution of work (including such information about price, performance and other terms and conditions as may have been required or are deemed appropriate for the particular proposed contract), the details of which have been submitted by the second party

- Where this is not already expressly provided for herein, the expression 'he' shall refer to both male and female.

PART 2 – STATEMENT AND CODE OF CORPORATE GOVERNANCE

STATEMENT OF CORPORATE GOVERNANCE PRINCIPLES FOR THE POLICE AND CRIME COMMISSIONER AND CHIEF CONSTABLE

Introduction

The purpose of this statement is to give clarity to the way the two corporations sole (the Police and Crime Commissioner and Chief Constable), will govern both jointly and separately, to do business in the right way, for the right reason at the right time.

The PCC must not restrict the operational independence of the police force and the Chief Constable who leads it. The CC has a statutory responsibility for the control, direction and delivery of operational policing services provided by the force.

The core statutory functions of a PCC are to secure the maintenance of the police force, secure that the force is efficient and effective, and hold the CC to account for the exercise of his functions and the functions of persons under his direction and control.

Context

The principle statutory framework within which these two corporations sole will operate is:

- Police Reform and Social Responsibility Act 2011;
- Policing Protocol Order 2011;
- Financial Management Code of Practice; and
- Strategic Policing Requirement.

Core Principles

The core principles to be adopted by both corporations sole will be those highlighted by the good governance standard for public services:

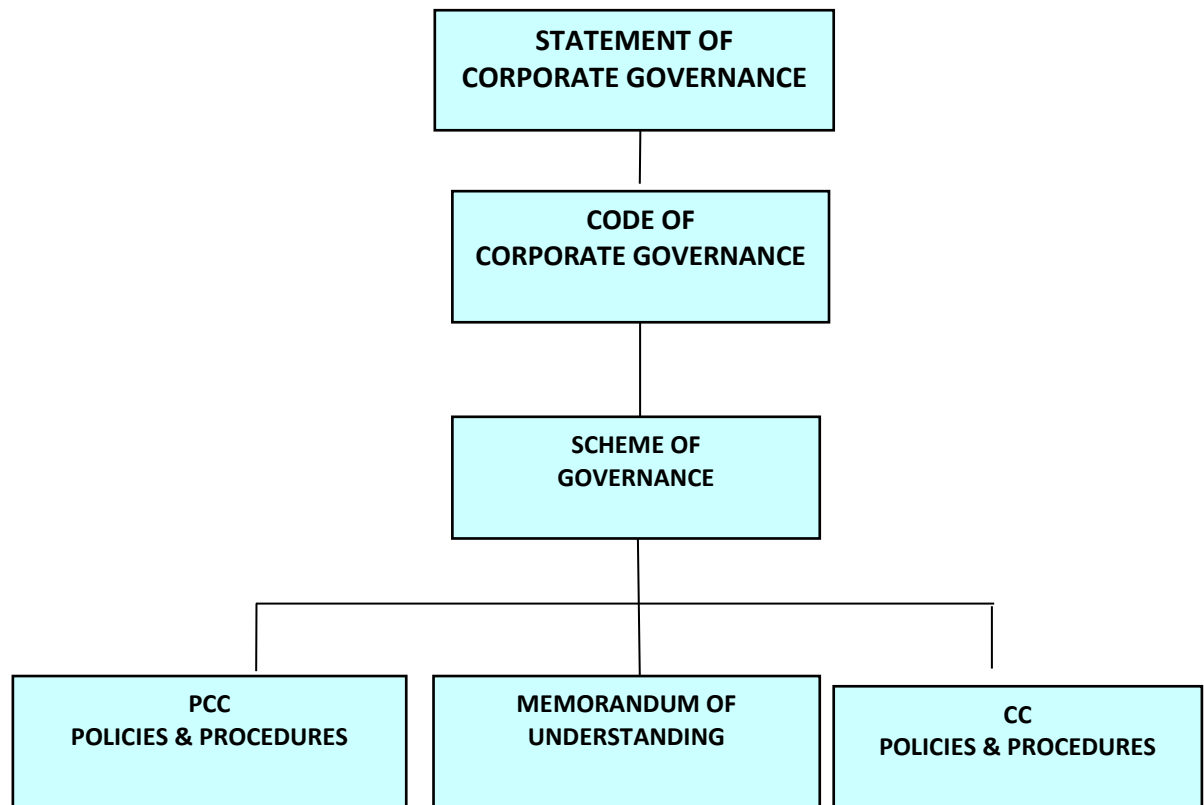
- Focus on outcomes for local people;
- Clarity of roles and functions;
- Promotion of values and demonstrating these through behaviour;
- Informed, transparent decisions & managing risks;
- Developing capacity and capability; and
- Engaging with local people to ensure robust accountability.

Framework / Instruments of governance

The corporate governance framework within which both corporations sole will govern, both jointly and separately will consist of:

- Statement of corporate governance – statutory framework and local policy;
- Code of corporate governance – sets out how the core principles will be implemented;
- Scheme of corporate governance – defines the parameters within which the corporations soles will conduct their business; and

- There will be both joint and separate policies and procedures for each corporation sole with protocols where they operate jointly.



Leadership

The Strategic Planning Group will review the framework on an annual basis. Approval will be via the SPB.

CODE OF CORPORATE GOVERNANCE FOR THE POLICE AND CRIME COMMISSIONER AND CHIEF CONSTABLE

Principles of Relationships

This Code of Corporate Governance is supported by the Principles of Relationships entered into by the Commissioner and the Chief Constable (which is set out at Part 3a of this Manual). These Principles recognise the operational responsibilities of the Chief Constable within a policy and accountability framework that enables the Commissioner to pursue his policy intentions, for those to be reflected in the operational plans of the Force and for the Chief Constable to be held accountable for their delivery

Core Principles

The core principles to be adopted by both corporations shall abide by the **Nolan principles** for conduct in public life¹ as expanded by the Code of Ethics (which introduced two additional principles) and these are as follows:

- **Selflessness:**
Holders of public office should act solely in terms of the public interest.
- **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.
- **Objectivity:**
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability:**
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **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.
- **Honesty:**
Holders of public office should be truthful.
- **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.

¹ The Policing Protocol also requires all parties to abide by the seven Nolan principles of conduct for those in public life.

- **Fairness:**

The Commissioner, Chief Constable, their officers and staff will act with fairness and impartiality.

- **Respect**

The Commissioner, Chief Constable, their officers and staff will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

The **seven core principles of good governance set out in the International Framework for Good Governance in the Public Sector**² will also be applied. They are:

1. *Behave with integrity, demonstrating strong commitment to ethical values and respecting the rule of law*
2. *Ensure openness and comprehensive stakeholder engagement*
3. *Define outcomes in terms of sustainable economic, social and environmental benefits*
4. *Determine the interventions necessary to optimise the achievement of the intended outcomes*
5. *Develop the entity's capacity, including the capability of its leadership and the individuals within it*
6. *Manage risks and performance through robust internal control and strong public financial management*
7. *Implement good practices in transparency, reporting and audit to deliver effective accountability*

These principles will be applied in our policing context as follows:

1. ***Focusing upon the purpose of the Commissioner and the Force, and on outcomes for local people, and creating a vision for the local area.***

The Act requires the police and crime commissioner to issue a ***police and crime plan*** for one year beyond his term of office. It will outline the police and crime objectives (outcomes) and the strategic direction for policing. Each corporation sole must have regard to the plan. Each corporation sole will have a delivery plan which sets out how it will operate to support achievement of these outcomes.

Collaboration agreements will set out those areas of business to be undertaken jointly with other Forces, Local Policing Bodies and others.

² The original Manual was based upon the six core principles taken from The Good Governance Standard for Public Services [2004] developed by the Independent Commission on Good Governance in Public Services with support from the Office for Public Management and CIPFA (as adapted for local government purposes).

To assist in developing the approach to good governance CIPFA/SOLACE issued Delivering Good Governance in Local Government: Framework in 2007. The CIPFA/SOLACE Joint Working Group reviewed the Framework and issued a revised edition in 2012, which incorporates a new Addendum. The Addendum reflects Regulation 4(3) of the Accounts and Audit Regulations which requires all relevant bodies to prepare an annual governance statement rather than a statement on internal control.

This has now been updated by the 2016 Framework which sets out seven principles of good governance taken from the International Framework: Good Governance in the Public Sector (CIPFA/IFAC 2014).

A **medium term financial strategy** will be jointly developed via the Strategic Planning Group and thereafter reviewed at least quarterly to support delivery of these plans.

A **commissioning and award of grants framework** will be developed by the OPCC, which will incorporate commissioning intentions and priorities.

2. **Working together to achieve a common purpose with clearly defined functions and roles**

The Act sets out **the functions of the police and crime commissioner and chief constable** and the Policing Protocol sets out how these functions will be undertaken to achieve the outcomes of the Police and Crime Plan.

The Commissioner may appoint a deputy who will be a member of his staff as highlighted in the Act³. The role description approved by the Commissioner will incorporate functions delegated to the Deputy.

The Act requires the police and crime commissioner to have **a chief executive⁴ and a chief finance officer**. The chief executive will be the head of paid service and will undertake the responsibilities of monitoring officer⁵.

The Act⁶ requires the chief constable to appoint **a chief finance officer**.

The **financial management code of practice and statement of roles⁷** sets out the responsibilities of the respective chief financial officers for the Commissioner and the Chief Constable.

The **scheme of governance (embodied within this Manual)** highlights the parameters for key roles in the corporations sole including consents and delegations from the police and crime commissioner, financial regulations and contract standing orders.

Officers, staff of the OPCC and staff employed by and under the direction and control of the Chief Constable will operate within the following (as applicable):

- OPCC and force policies and procedures
- Manual of Corporate Governance
- Discipline regulations and codes of conduct.

A **Joint Audit Committee** appointed by the Commissioner and the Chief Constable will operate in line with guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Financial Management Code of Practice⁸.

³ PRSR Act 2011, section 18 (1)

⁴ PRSR Act, sch 1, 6 (1) a,

⁵ Local Government and Housing Act, section 5,

⁶ PRSR Act 2011, schedule 2 (4).

⁷ Financial Management Code of Practice for the Police, section 4, & CIPFA statement on role of chief finance officers, 2011

⁸ Financial Management Code of Practice for the Police, section 11.1.3

3. ***Promoting the values for the Commissioner and Force and demonstrating the values of good governance through upholding high standards of conduct and behaviour***

The Policing Protocol requires all parties to abide by the seven ***Nolan principles***⁹ as extended by the Code of Ethics and these will be central to the conduct and behaviour of all. It also highlights the expectation that the relationship between all parties will be based upon the principles of goodwill, professionalism, openness and trust (which is reflected in the Principles of Relationships).

In accordance with the Financial Management Code of Practice the Commissioner and Chief Constable will ensure that the ***good governance principles*** are embedded within the way the two corporations sole operate and that the Code of Ethics is integrated in the force service delivery model.

The Commissioner and the Chief Constable will set out their values in their respective corporate and strategic plans.

4. ***Taking informed and transparent decisions, which are subject to scrutiny and managing risk***

The Decision Making Framework in this Manual sets out principles behind how decisions will be taken by the Commissioner and Chief Constable, and the standards to be adopted.

It requires a combined forward plan of decisions which brings together the business planning cycles for the Police and Crime Plan, the Commissioner's Office, and the force business management process. This will ensure proper governance by bringing together the right information at the right time e.g. needs assessments, costs and budgets.

The national decision making model will be applied to spontaneous incidents or planned operations, by officers or staff within the force as individuals or teams, and to both operational and non-operational situations.

The ***Scheme of governance*** sets out the parameters for decision making, including the delegations, consents, financial limits for specific matters and standing orders for contracts.

The joint ***risk management strategy*** of the Police and Crime Commissioner and the Chief Constable establishes how risk is embedded throughout the various elements of corporate governance of the corporation(s) sole, whether operating solely or jointly.

The ***communication and engagement strategies*** demonstrate how the police and crime commissioner and chief constable will ensure that local people are involved in decision making.

Furthermore both corporations sole will ensure that information relating to decisions will be made readily available to local people, with those of greater public interest receiving the highest level of transparency, except where operational and legal constraints exist.

The forward plan of decisions combined with an open and transparent information scheme will enable the ***Police and Crime Panel*** to be properly sighted on the decisions of the Police and Crime Commissioner.

⁹ Standards in public life, 2005

5. ***Developing the capacity and capability of all to be effective in their roles***

The two corporations sole will set out ***learning and development strategies*** which will set the climate for continued development of individuals. The respective performance development review processes will ensure that these strategies are turned into reality for officers and members of staff.

6. ***Engaging with local people and other stakeholders to ensure robust public accountability***

The Policing Protocol¹⁰ highlights that the police and crime commissioner is ***accountable to local people*** and that he draws on this mandate to set and shape the strategic objectives for the force area in consultation with the chief constable.

The ***police and crime plan*** will clearly set out what the strategic direction and priorities are to be and how it will be delivered.

To complement this, the ***communication and engagement strategies*** of both corporations will set out how local people will be involved with the police and crime commissioner and the chief constable to ensure they are part of the decision making, accountability and future direction. This will be a mixture of being part of the yearly planning arrangements and becoming involved in issues of interest to local people as they emerge.

The police and crime commissioner and chief constable will develop arrangements for effective engagement with key ***stakeholders***, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction.

The publishing of an Annual Governance Statement for both the Commissioner and Chief Constable will provide transparency and assurance regarding the governance arrangements and will report against both the Nolan Principles and the principles as set out in the International Framework for Good Governance in the Public Sector.

¹⁰ Policing Protocol Order 2011, section 14

ROLES AND RESPONSIBILITIES

GENERAL:

The Commissioner and the Chief Constable are established in law as a corporation sole within the Act. As such, both are enabled by law to employ staff and hold funds in their official capacity. The Chief Constable is charged with the impartial direction and control of all constables and staff within his police force. The staff of the OPCC are accountable to the Commissioner as the directly elected holder of that office.

As separate corporate entities created by statute, the Commissioner and the Chief Constable will have those powers:

- expressly stated in legislation;
- necessarily and properly required for carrying into effect the purposes of their incorporation as set out in legislation; and/or
- that may be fairly regarded as incidental to, or consequential on, those things which legislation authorises.

Notwithstanding their distinct legal entities, the functions of the Commissioner and the Chief Constable are acknowledged to have such interdependence as to permit the sharing of significant areas of business support. Such sharing is not regarded as the provision of services by one to the other but rather a cooperative arrangement for the effective delivery of business support essential to the operation of both offices.

Anything that legislation does not expressly or impliedly authorise, is to be taken to be prohibited.

Powers are given to the Chief Constable by laws, orders, rules or regulations. Also national conditions of employment give powers to the Commissioner and the Chief Constable. This Manual does not attempt to identify all the statutory functions of the Police and Crime Commissioner, the Chief Constable and the other officers referred to herein, which are contained in specific legislation and regulations (including the Act), and due regard is to be given to the terms of the same.

There are legislative requirements upon the Commissioner and the Chief Constable to appoint certain officers: -

- The Commissioner must appoint a chief executive who has the duties of a head of paid service under section 4 of the Local Government and Housing Act 1989 and monitoring officer under section 5 of that Act.¹¹
- The Commissioner and the Chief Constable must each appoint a suitably qualified chief finance officer who is responsible for the proper administration of the Commissioner or Chief Constable's financial affairs, in accordance with sections 111 to 116 of the Local Government Finance Act 1988 (paragraph 6(1) and (4) of Schedule 1.¹²
- The roles of the two Chief Finance Officers: they must adhere to the CIPFA guidance contained within the CIPFA Statement on the role of the Chief Finance Officer and the five guiding principles therein and with the Financial Management Code of Practice.
- A Data Protection Officer pursuant to sections 69-71 of the Data Protection Act 2018 and Article 37 of the UKGDPR.

¹¹ Paragraph 6(1) of Schedule 1 and paragraphs 201 and 202 of Schedule 16 Act

¹² Paragraph 4(1) and (3) of Schedule 2 and paragraphs 186 to 190 of Schedule 16 Act.

The Commissioner and the Chief Constable may appoint such other staff as each thinks appropriate to enable him to exercise his functions (or, in the case of the Chief Constable, to otherwise assist the police force)¹³.

The allocation of powers to staff pursuant to the Scheme will not prevent such person from referring a matter to the Commissioner and/or to the Chief Constable for decision if they wish or consider it appropriate.

The Commissioner and the Chief Constable will expect their respective staff to draw to their attention sensitive issues or any matter which may have a significant financial, legal, operational or reputational implication.

This Scheme also does not prejudice the ability of the Commissioner to arrange for his Deputy Police and Crime Commissioner to exercise any function of the Commissioner in accordance with section 18(1)(b)¹⁴, or similarly the ability of a Deputy Chief Constable to exercise and perform all or any of the functions of the Chief Constable pursuant to section 41 of the Act.

The Police and Crime Commissioner

- 1.1.1 The core statutory functions of a Commissioner are to secure the maintenance of the police force, secure that the force is efficient and effective, and hold the Chief Constable to account for the exercise of his functions and the functions of persons under his direction and control. The Commissioner also has specific responsibilities for the delivery of community safety and crime reduction, and has the ability to make crime and disorder reduction grants within the force area. The Commissioner also has responsibilities in relation to the efficiency and effectiveness of the criminal justice system locally and the power to commission or provide victim services in accordance with the Anti-Social Behaviour Act. The Commissioner must not restrict the operational independence of the police force and the Chief Constable who leads it.
- 1.1.2 The Commissioner is the legal contracting body who owns all the assets and liabilities, with responsibility for the financial administration of his office, including all borrowing limits.
- 1.1.3 The Commissioner is the recipient of funding relating to policing and crime reduction, including government grant, council tax precept and other sources of income. All funding for the Force will come via the Commissioner. How this money is allocated is for the Commissioner to determine in consultation with the Chief Constable, and in accordance with any grant terms.
- 1.1.4 The Commissioner is responsible for approving the policy framework and budget, monitoring financial outcomes and the approval of medium term financial plans in consultation with the Chief Constable and other commissioned service providers. He is responsible for approving the overall framework of accountability and control, and monitoring compliance. This includes:
 - Police and Crime Plan
 - Financial strategy
 - Annual revenue budget

¹³ Paragraph 6(3) of Schedule 1 and paragraph 4(2) of Schedule 2 Act

¹⁴ As restricted by the provisions of section 18(7)] of the Act

- Capital programme
 - Medium term financial strategy
 - Treasury management strategy, including the annual investment strategy
 - Reserves strategy
 - Asset management strategy
 - ICT strategy
 - Procurement strategy
 - Fleet strategy
 - Estates strategy
 - Risk management strategy
 - Governance policies such as:
 - Statement of Corporate Governance Principles
 - Code of Corporate Governance
 - Scheme of Delegation
- 1.1.5 The Commissioner is responsible for approving procedures for recording and reporting decisions taken and for monitoring compliance with agreed policy and related executive decisions. The Commissioner is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework.
- 1.1.6 The Commissioner will be responsible for handling any complaints and conduct matters in relation to the Chief Constable, monitoring complaints against his staff, and monitoring the way in which Gwent Police complies with the requirements of the IOPC.
- 1.1.7 The Chief Constable will manage all complaints against the Force, its officers and staff and will ensure that the Commissioner is kept informed. Serious complaints and matters to do with conduct must be passed to the IOPC in line with the law. Complainants who are dissatisfied have a right of review to either the Office of the Police and Crime Commissioner or the IOPC.

The Deputy Police and Crime Commissioner (Deputy Commissioner)

- 1.1.8 The Deputy Commissioner may exercise any function conferred on him by the Commissioner, in accordance with section 18(1)(b) and as restricted by section 18(3)(b) of the Act.

The Chief Constable

- 1.1.9 The Chief Constable has the core function of preserving the Queen's Peace and enforcing the law through the officers of the force and its staff who are under his direction and control ¹⁵
- 1.1.10 The Chief Constable will have day to day responsibility for financial management of the force within the framework of the agreed budget allocation, rules of virement, reporting arrangements and levels of authorisation issued by the Commissioner. In operating day to day financial management, the Chief Constable shall comply with the approved framework of accountability. The Chief Finance Officer will be responsible for the proper administration of the Chief Constable's financial affairs.

¹⁵ *R v Metropolitan Police Commissioner, ex p Blackburn* [1968] CA).

- 1.1.11 The Chief Constable will ensure that the financial management of any budget allocated to the force remains consistent with the objectives and conditions set by the Commissioner. The Chief Constable will discharge this through the CFO (Chief Constable) who will lead for the force on financial management.
- 1.1.12 When the Chief Constable intends to make a significant change of policy or seeks to move significant sums of their budget then the approval of the Commissioner should be sought.
- 1.1.13 The Chief Constable (through the CFO (Chief Constable)) shall prepare Financial Procedures which are consistent with and which supplement the Financial Regulations and provide detailed instructions on the operation of the specific financial processes. The Chief Constable shall ensure that all officers and employees are made aware of the existence of these Regulations and are given access to them. Where appropriate, training shall be provided to ensure that the Regulations can be complied with.

The Chief Executive

- 1.1.14 The Chief Executive is the Head of Paid Service pursuant to section 4 of the Local Government and Housing Act 1989.
- 1.1.15 The Chief Executive is also the Commissioner's designated monitoring officer, pursuant to section 5(1) of the Local Government and Housing Act 1989 and fulfils the role of the Chief Executive as outlined in the Act.

The CFO (PCC)

- 1.1.16 The CFO (PCC) is responsible for proper financial administration and has a personal fiduciary responsibility to the local taxpayer. The CFO (PCC) will act as the strategic lead for the shaping and delivery of the Commissioner's commissioning strategy.
- 1.1.17 The CFO (PCC) statutory responsibilities are set out in:
- Paragraph 6 of Schedule 1 to the Act 2011
 - Section 114 Local Government Finance Act 1988 (formal powers to safeguard lawfulness and propriety in expenditure)
 - The Accounts and Audit (Wales) (Amendment) Regulations 2010
 - S25 of the Local Government Act 2003.
- 1.1.18 The CFO (PCC) has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the Commissioner on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the Commissioner's accounts, including group accounts.
- 1.1.19 The CFO (PCC) is the Commissioner's professional adviser on financial matters. To enable him to fulfil these duties, and to ensure that the Commissioner is provided with adequate financial advice, the CFO (PCC):

- must be a key member of the Commissioner’s Leadership Team, working closely with the Chief Executive, helping the team to develop and implement strategy and to resource and deliver the Commissioner’s strategic objectives sustainably and in the public interest;
- must be actively involved in, and able to bring influence to bear on, all strategic business decisions, of the Commissioner, to ensure that the financial aspects of immediate and longer term implications, opportunities and risks are fully considered, and alignment with the Commissioner’s financial strategy; and
- must lead the promotion and delivery by the Commissioner of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively and must ensure that the finance function is resourced to be fit for purpose.

The CFO (Chief Constable)

- 1.1.20 The CFO (Chief Constable) has responsibility for proper financial administration and has a personal fiduciary responsibility to the local taxpayer.
- 1.1.21 The CFO (Chief Constable) is responsible to the Chief Constable for all financial activities within the Force or contracted out under the supervision of the Force.
- 1.1.22 The CFO’s (Chief Constable) responsibilities are set out in:
- Paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to the Act 2011
 - Section 114 Local Government Finance Act 1988 (formal powers to safeguard lawfulness and propriety in expenditure)
 - The Accounts and Audit (Wales) (Amendment) Regulations 2010
- 1.1.23 The CFO (Chief Constable) has certain statutory duties which cannot be delegated, namely, reporting any unlawful or potentially unlawful expenditure by the Chief Constable or officers of the Chief Constable and preparing each year, in accordance with proper practices in relation to accounts, a statement of the Chief Constable’s accounts. The CFO (Chief Constable) will also need to observe the locally agreed timetable for the compilation of the group accounts by the Commissioner.
- 1.1.24 The CFO (Chief Constable) is the Chief Constable’s professional adviser on financial matters. To enable him to fulfil these duties the CFO (Chief Constable) :
- will be a key member of the Chief Constable’s Chief Officer Team, helping it to develop and implement strategy and to resource and deliver the Commissioner’s strategic objectives sustainably and in the public interest;
 - will be actively involved in, and able to bring influence to bear on, all strategic business decisions of the Chief Constable to ensure immediate and longer term implications, opportunities and risks are fully considered; and
 - will lead the promotion and delivery by the Chief Constable of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively and must ensure that the finance function is resourced to be fit for purpose.

- 1.1.25 It is recognised that the Financial Regulations (Part 3d) cannot foresee every eventuality. The CFO (Chief Constable), in consultation with the CFO (PCC), will be responsible for interpreting the Financial Regulations so as to ensure the efficient and effective operation of services.

The Joint Audit Committee

- 1.1.26 The Commissioner and the Chief Constable agreed to establish a Joint Audit Committee. This is consistent with the Financial Management Code of Practice which states that this should be a combined body which will consider the internal and external audit reports of both the Commissioner and the Chief Constable. This Committee will advise the Commissioner and the Chief Constable according to good governance principles and will:
- provide independent assurance to the Commissioner and the Chief Constable regarding the adequacy of the risk management framework and the associated control environment;
 - provide independent scrutiny of the Force's and the Commissioner's Office's financial performance;
 - oversee the financial reporting process adopted from CIPFA Audit Committees Practical Guidance for Local Authorities.
- 1.1.27 The Joint Audit Committee shall comprise five members who are independent of the Commissioner and the Force.
- 1.1.28 The Joint Audit Committee will have formal terms of reference, covering its core functions, which shall be formally adopted and reviewed on an annual basis.
- 1.1.29 The Commissioner and Chief Constable shall be represented at all meetings of the Joint Audit Committee.

3: SCHEME OF GOVERNANCE

Part 3a: PRINCIPLES OF RELATIONSHIPS

1. Introduction

The Home Secretary required that Stage 2 Transfer Schemes in relation to police staff – made necessary by the terms of the Police Reform and Social Responsibility Act 2011 - were submitted for approval. Both the Commissioner and the Chief Constable were determined that the Gwent Stage 2 Transfer Scheme made a clear statement, being driven by a common understanding of relationships, partnership working and positive culture, rather than legal process.

The Commissioner and the Chief Constable are each a corporation sole, with the Chief Constable having operational independence and the Commissioner having overall responsibility for setting priorities (through the Police and Crime Plan) and for the budget and strategic relationships.

Notwithstanding their formal ‘corporation sole’ status, the relationship between the Commissioner and the Chief Constable must be built on the basis of working together, for the benefit of the people of Gwent.

Who employs the workforce is secondary to the core principle that the Chief Constable will exercise his direction and control over his staff in such a way as to enable and support the Commissioner to exercise his functions, and in this way staff will support both the Commissioner and the Chief Constable in the exercise of their functions. In other words everyone in Gwent Police will have a clear duty to support and provide services as needed to both the Commissioner and the Chief Constable in delivering their respective statutory functions as well as their ultimate joint responsibility of serving the public.

Any arrangements will therefore take due account of the following issues:

- a) What are the underlying relationships?
- b) What are we trying to achieve?
- c) How do we define our governance arrangements?
- d) How do we make it work? How do the Chief Constable and the Commissioner get what they require - individually and jointly- to fulfil their respective roles?

2. What are the underlying relationships?

The relationship between the Commissioner and Chief Constable is built on trust, confidence and transparency. All dealings will be based on the principles set out in the Policing Protocol.

The governance arrangements adopted will be consistent with the need to ensure accountability both between the parties and also accountability to the public. A transparent and auditable approach will therefore apply.

The 2011 Act created a quite different relationship to the one prior to November 2012 by creating two separate corporations sole, which the Commissioner and Chief Constable have agreed to embrace by working together whilst recognising their separate legal status.

Both parties are committed to the continuous review and assessment of the service provided (and any costs associated therewith) on a transparent basis, with open access being given to information, services and professional advice.

3. What are we trying to achieve?

In this context, the Principles for the governance of the relationship between the Commissioner and the Chief Constable will be based on the following:

- Supporting the best interests of the public they serve.
- Ensuring that staff provide a consistent and quality service to both the Commissioner and the Chief Constable, as required and as a matter of day-to-day practice.
- Supporting the effective delivery of the statutory responsibilities of both the Commissioner and the Chief Constable while taking account of the requirements of the Policing Protocol, the Strategic Policing Requirement and the Financial Management Code of Practice
- Supporting the delivery of the Commissioner's Police and Crime Plan and the Force Delivery Plan.
- Recognising the roles and responsibilities of the Commissioner and the Chief Constable, and acknowledging areas where the Commissioner has a leading role.
- Developing a culture of trust and joint endeavour.
- Providing clarity of delivery and accountability.
- Ensuring responsiveness in a timely manner; including the delivery of and access to such information and services as will enable the Commissioner to discharge the duties of his office.
- Ensuring quality of service; with a process to escalate any service failures for speedy resolution.
- Maximising efficiency and minimising bureaucracy in decision making.
- Demonstrating 'Value for Money'.
- Providing flexibility to meet operational need.
- Taking account of and being consistent with the risk appetite of both the Commissioner and the Chief Constable.
- Facilitating collaboration between both the Commissioner and the Chief Constable.
- Supporting wider collaboration and partnership/stakeholder engagement locally, regionally and nationally.

These Principles will be the subject of periodic review, to ensure that they continue to reflect the needs of both the Commissioner and the Chief Constable.

4. How do we define our governance requirements?

The governance arrangements will accord with the 2011 Act, the Statutory Policing Protocol, Home Office Financial Management Code of Practice and existing guidance on financial and governance matters.

A Manual of Corporate Governance comprising of a scheme of consent, a scheme of delegation, financial regulations and standing orders relating to contracts will enable effective accountability and will govern the relationship between the Commissioner and the Chief Constable, but the operation of these documents will be firmly underpinned by these Principles of governance and relationships.

The Commissioner's Strategy and Performance Board chaired by the Commissioner, (and attended by the Deputy Commissioner, Chief Executive and Chief Finance Officer) will hold the Chief Constable to account in securing the maintenance of an efficient and effective police service for Gwent, but will fully involve both the Chief Constable's Chief Officer team and the Commissioner's Leadership team in making policy and key decisions. The terms of reference for the Board is incorporated in this Manual of Corporate Governance. The Commissioner will hold the Chief Constable to account on delivering the Commissioner's objectives effectively and efficiently, through scrutiny of financial and

performance reports from the Chief Constable and one off reports on specific areas of interest or concern which are set out on the forward work planner. The Chief Constable, in turn, will hold his Chief Officers to account for their performance in the monthly Chief Officer Team meetings and through individual Performance Development Reviews.

5. How do we make it work? How do the Chief Constable and the Commissioner get what they require - individually and jointly- to fulfil their respective roles?

Any services provided will be monitored on an on-going basis to ensure they continue to provide an efficient, effective and a Value for Money service.

There will be a clearly defined process for resolving any issues regarding the service received between the Commissioner and the Chief Constable. An escalation process will ensure that any matters are addressed at the appropriate level, with issues being referred in the first instance for resolution between the respective Departmental Head and the Commissioner's respective portfolio lead. It is anticipated that the majority of issues should be capable of resolution at this first stage.

Should a matter need to be escalated then it will be referred to the Commissioner's Chief Executive and the Deputy Chief Constable with escalation to the Commissioner and Chief Constable being a last resort.

6. Conclusion

Both the Commissioner and Chief Constable agree that, whilst being mindful of their respective roles and responsibilities, the importance of clear governance arrangements and the operational independence of the Chief Constable – a 'team' or 'co-operative' approach will be the key basic principle that underpins the organisational culture, and that of the workforce.

Part 3b: DECISION MAKING AND ACCOUNTABILITY FRAMEWORK ("Memorandum of Understanding")

The establishment and maintenance of effective working relationships is fundamental over the coming years. Both the Commissioner and the Chief Constable have indicated that they will work to ensure that goodwill, professionalism, openness and trust will underpin their relationships

This Memorandum of Understanding is intended to support good governance arrangements set out in the Code of Corporate Governance for the Police and Crime Commissioner and the Chief Constable, and encourage transparency and accountability to all those who have adhered to the principles within this document. The direct signatories to the document are:

- The Police and Crime Commissioner for Gwent
- The Chief Constable of Gwent Police

The signatories have bound their respective public bodies, to this Memorandum of Understanding, namely:

- The officers, staff and volunteers of Gwent Police
- The staff and volunteers of the Office of the Police and Crime Commissioner for Gwent

Monitoring and Review

The implementation of the practices contained within this document shall be open for review by the signatories' party to this agreement.

The Chief Executive of the Office of the Police and Crime Commissioner for Gwent has specific statutory duties to undertake as the designated 'monitoring officer'. These duties are set out in more detail within the Monitoring Officer section of this document.

The Chief Finance Officers of both the Office of the Police and Crime Commissioner and the Chief Constable have specific statutory duties to undertake as part of their designated responsibilities under section 151 of the Local Government Act 1972 and sections 112-114 of the Local Government and Finance Act 1988. These duties are set out in more detail in the Chief Finance Officers protocol section of this document.

The contents of this document shall be reviewed annually.

Publication

This document will be made available on the websites of the Office of the Police and Crime Commissioner for Gwent and Gwent Police. Printed copies are available on request from the Office of the Police and Crime Commissioner.

The Basics – Ground Rules

There are core principles that bind us all, and in making our decisions to undertake a role in public life we have carefully considered them. As individuals we have various codes of conduct, codes of ethical practice, regulations and other binding terms and conditions that are attached to our behaviour in office. At the core of these processes, procedures and laws are the fundamental principles that we will strive to treat each other **fairly**, with **dignity** and with **respect**.

It is important to remember that because we hold key positions and have significant responsibilities to discharge on behalf of the people of Gwent that our behaviour matters. Just as we as individuals are committed to leading by example, we will also encourage our respective public organisations to recognise that:

- What we do matters
- What we say matters

Whilst carrying out their duties on behalf of the public uniformed Police Officers, staff and volunteers need to consider, in inspiring the trust and confidence of the people:

- How we look matters

We will work in accordance with the principles of public life as set out in the Code of Corporate Governance:

Section 1: The duty of the Commissioner and the Chief Constable

An effective, constructive working relationship will be achieved where communication and clarity of understanding are at their highest. There needs to be a mutual understanding of, and respect for the statutory functions of each signatory to this document, and this will enhance policing in Gwent.

The aim of this section is to be clear about responsibilities which will in turn ensure that officers, staff and public alike are clear about the duty of the Police and Crime Commissioner and the Chief Constable.

Duty of the Gwent Police and Crime Commissioner

On behalf of the people of Gwent it is the duty of the Police and Crime Commissioner to maintain an effective and efficient police service for Gwent, and to hold the Chief Constable to account for the delivery of policing services to the people who live, work or visit Gwent. In order to achieve this, the Police and Crime Commissioner will:

- Set the strategic direction and police and crime objectives through the Gwent Police and Crime Plan;
- Support and scrutinise the delivery of the police service against the Police and Crime Plan, and where necessary robustly challenge that delivery;
- Support and scrutinise the delivery of services identified within the Strategic Policing Requirement, that will aid in making Gwent, Wales and the UK a safer place;
- Report to the Police and Crime Panel on delivery, and provide an annual report against the Police and Crime Plan;
- Set the level of the policing precept for Gwent following consultation with the Police and Crime Panel (the proportion of Council Tax allocated to policing);
- Provide the Chief Constable with the money required to deliver policing;
- Provide the Chief Constable with the facilities and equipment required to deliver policing;
- Be clear, through the Code of Corporate Governance about how resources are to be managed;
- Work with other Police and Crime Commissioners in Wales and other areas to identify, develop and implement agreements to have shared services that will enhance the capability, efficiency and/or quality of policing services;
- Listen to the views and aspirations for policing from the public of Gwent and where appropriate turn them into legitimate actions;
- Publish appropriate information to enable the public of Gwent to assess the delivery and performance of the Police and Crime Commissioner and Chief Constable;
- Monitor satisfaction with the quality of the policing service received, by scrutinising the complaints and the overall feedback about the service; and
- Manage complaints received about the Chief Constable.
- Manage the review process of relevant recorded complaints originally dealt with by Gwent Police.

Duty of the Chief Constable of Gwent Police

On behalf of the people of Gwent it is the duty of the Chief Constable to deliver effective policing services to Gwent. The Chief Constable will work with the Police and Crime Commissioner to deliver the Gwent Police and Crime Plan, and will be held to account for the delivery against the plan for the

policing services that are provided to the public. In order to discharge this duty the Chief Constable will:

- Lead the force in a way that is consistent with the attestation made by all constables on appointment and seek to ensure that it acts with impartiality;
- Have regard to the Strategic Policing Requirement when exercising and planning the policing functions in respect of the Force's national and international policing responsibilities;
- Support the Police and Crime Commissioner in the delivery of the strategy and objectives set out in the Police and Crime Plan;
- Assist the Police and Crime Commissioner in planning the Force's budget;
- Provide the Police and Crime Commissioner with access to information, officers and staff as required;
- Notify and brief the Police and Crime Commissioner of any matter or investigation on which the Police and Crime Commissioner may need to provide public assurance either alone or in company with the Chief Constable;
- Be the operational voice of policing in the Force area and regularly explain to the public the operational actions of officers and staff under his command;
- Enter into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency and/or effectiveness of policing, and with the agreement of their respective Policing Bodies;
- Remain politically independent of the Police and Crime Commissioner;
- Manage all complaints against the Force, its officers and staff, except in relation to the complaints made against the Chief Constable, and ensure that the Police and Crime Commissioner is kept informed in such a way as to enable the Police and Crime Commissioner to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the IOPC in line with legislation;
- Appoint and employ the forces officers and staff (after consultation with the PCC in the case of Officers above the rank of Chief Superintendent and Police staff equivalents);
- Exercise the power of direction and control in such a way as is reasonable to enable the Police and Crime Commissioner to have access to all necessary information and staff within the Force;
- In consultation with the Chief Financial Officer (Chief Constable) have responsibility for financial management of the Force within the framework of the agreed budget allocation and levels of authorisation issued by the Police and Crime Commissioner; and
- Ensure proper administration of Police Pensions as the Police Pension Authority and Pension Scheme Manager by establishing a Regional Police Pension Board to meet this statutory responsibility.

Direction and Control – a definition

The Chief Constable is responsible for the direction and control of the police force. In order to provide clarity, the direction and control of a Chief Constable includes:

- Total discretion to investigate or require an investigation into crimes and individuals as he sees fit;

- The ability to issue a warrant to an attested officer with which that officer may exercise their police powers;
- Decisions in relation to the appointment and dismissal of officers under the direction and control of the Chief Constable and staff employed by the Chief Constable;
- Decisions concerning the configuration and organisation of policing resources (or) the decision whether, or whether not, to deploy police officers and staff;
- Operational decisions to reallocate resource within the terms of the agreed financial regulations to meet immediate demand; and
- The allocation of specific duties and responsibilities to officers within the Force area to meet the strategic priorities set by the Police and Crime Commissioner.

Section 2: Governance Framework

General Principles

It is sensible for each organisation to maintain discrete processes for collating and circulating reports to various meetings. Each organisation will therefore provide a single point of contact for the smooth operation of the governance arrangements.

It will be the responsibility of each single point of contact to collate and circulate the approved reports for their organisation and only accept reports from other recognised points of contact. Reports from other sources will not be accepted.

ARRANGEMENTS FOR REVIEW OF GOVERNANCE

- A formal review of the Manual of Corporate Governance will be undertaken annually.

The Police and Crime Commissioner and Chief Constable

- The PCC and Chief Constable will produce a joint Annual Governance Statement which will be published on the PCC's website alongside the annual Statement of Accounts. The Annual Governance Statement will identify any significant areas of weakness in internal control and/or corporate governance.

The Chief Constable

- The Chief Constable is responsible for corporate governance issues affecting the Force, ensuring that appropriate reviews, both pro-actively and reactively, are carried out into key areas and highlighted, including:
 - Professional standards and performance.
 - Strategic co-ordination and planning, including risk management and business continuity, and strategic assessments.
 - Crime recording.
- The Assistant Chief Officer, Resources is the police lead responsible for information governance. This role holds the responsibility of Senior Information Risk Owner (SIRO).

The Joint Audit Committee

- The Committee's terms of reference include reference to their role in respect of the corporate governance arrangements and in maintaining an overview of the regulatory framework.

The Strategic Planning Group

- The SPG, which comprises senior officers from the Commissioner's Office and Force, will be responsible for:
 - maintaining an overview of compliance with the Manual during the year, including the system of internal control;
 - preparing the draft Annual Governance Statement(s);
 - recommending any Action Plan(s) necessary to rectify significant areas of weakness;
 - monitoring the implementation of agreed action plans

Reports from the SPG will be presented to both the Chief Officer Team meeting and to the Strategy and Performance Board.

Internal audit

- There is a duty upon both the Commissioner and the Chief Constable to maintain an effective internal audit function. The Commissioner and the Chief Constable wish to minimise duplication and bureaucracy, and to maximise value for money, when designing their internal audit arrangements. The annual audit plan will be prepared in consultation with both the Commissioner and the Chief Constable, and will be considered and approved by the Joint Audit Committee. This plan will also detail how reports are to be received, distributed and followed up.
- The primary role of internal audit is to give an assurance to the Commissioner and Chief Constable, through their respective chief finance officers, on the effectiveness of the controls in place to manage risks. To this end Internal Audit will deliver an annual opinion on the effectiveness of the controls reviewed by the Internal Audit team. This annual opinion, set out in the annual report of the Internal Auditor, will be one of the key sources of evidence in support of the Annual Governance Statement(s).
- Internal Audit will provide regular update reports to the Joint Audit Committee, including areas of concern.
- Major control weaknesses are reported to the SPB and to the Joint Audit Committee.
- The review of both the corporate governance and risk management arrangements periodically feature in the annual audit plan. Corporate governance and risk management issues may arise through other reviews carried out by Internal Audit. In this case the issues will be dealt with initially in the relevant audit report. Significant governance failures identified through general audit work will also be referred to the Joint Strategic Planning Group.

External Audit

- The external auditor will audit the financial statements of the Commissioner and Chief Constable, as well as the Group accounts and will also review the Annual Governance Statement(s).
- External audit plans and reports, including the Annual Audit Letter, are considered by the Joint Audit Committee at appropriate times in the annual cycle of meetings.

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)

- The role of HMICFRS is to promote the economy, efficiency and effectiveness of policing in England, Wales and Northern Ireland through inspection of police organisations and functions to ensure agreed standards are achieved and maintained; good practice is spread and performance is improved. It also provides advice and support to the tripartite partners (Home Secretary, Commissioners and Chief Constables).
- HMICFRS reports are sent to the Commissioner for consideration and approval. The Chief Constable and Head of Continuous Improvement are also sighted on the response. HMICFRS, working alongside external audit, will play a key role in informing the Commissioner and the public on the efficiency and effectiveness of their forces and, in so doing, will facilitate the accountability of police and crime commissioners to the public.

- Commissioners have a duty in law to comment on any HMICFRS report which includes information on their force and to publish these along with any comments submitted by their Chief Constable. Commissioners must also send a copy of their published comments to the Home Secretary. The Commissioner will seek the views of the Chief Constable before responding.
- This process will be managed by the Chief Executive (for the Commissioner) and the Deputy Chief Constable (for the Chief Constable).

The Strategy and Performance Board

The Strategy and Performance Board will be a decision making forum for the Police and Crime Commissioner.

The Strategy and Performance Board will be the primary forum at which the commissioner will hold the Chief Constable to account in accordance with section 1(8) of the Police Reform and Social Responsibility Act 2011. The Board will also be the primary consultation forum for Strategic decisions affecting both the Commissioner and Chief Constable.

Terms of Reference

The Strategy and Performance Board will monitor and consider changes to the following:

- Any matters relating to the effectiveness and efficiency of the policing service delivered in Gwent.
- The monitoring and management of delivery against the Police and Crime Plan.
- The assessment of the viability of, and decisions on entering into collaborative initiatives.
- The review of the delivery of operational policing through performance information.
- The review and monitoring of the management of the budget by the Chief Financial Officer (Chief Constable).
- The overview of the distribution and level of staffing and resources for the delivery of policing services.
- The review and identification of community concerns about policing and implementation of plans to address those issues.
- The discussion of any issues arising from the implementation of the Memorandum of Understanding, scheme of consent and other key policies and procedures.
- The provision of updates on on-going critical incidents and strategic threat and risks. Due to the sensitivity of some matters and their classification level under the governments protective marking scheme, the records relating to these items shall be subject to appropriate publication limitations.
- Strategies:
 - Strategic Equality Plan
 - Risk Management
 - People and Learning and Development
 - Asset Management
 - ICT
 - Estates
 - Procurement
 - Fleet
 - Communications/Engagement (Force and OPCC)

Frequency of Meetings

The Strategy and Performance Board shall meet at least four times per year. The frequency of meetings will be subject to review by the members of the board. Meetings may be open for the public to attend.

Extraordinary Meetings

Extraordinary meetings of the Board may be called in order to address urgent matters, which may include critical incident briefings. Records from extraordinary meetings shall be kept in accordance with those for ordinary meetings.

Membership

The Membership of the Board shall comprise of:

- The Police and Crime Commissioner;
- Deputy Police and Crime Commissioner;
- The Chief Constable;
- The Chief Executive of the Office of the Police and Crime Commissioner ;
- Chief Finance Officer of the Police and Crime Commissioner;

and supported by the Office of the Police and Crime Commissioner Governance Officer who is responsible for the administration of the Board.

Both the Police and Crime Commissioner and the Chief Constable may invite other attendees at their discretion to provide professional advice to the Board.

Quorum

If the Chief Constable or the Police and Crime Commissioner are not available, then the meeting will be reconvened if possible.

Maintenance of records

The Office of the Police and Crime Commissioner shall be responsible for the maintenance of records relating to the Strategy and Performance Board, which includes the management and publication of minutes and the compilation of meeting agendas and papers. The single point of contact for the Chief Constable is his Staff Officer who shall be responsible for communicating actions and decisions to relevant staff in the Force.

Meeting agendas

Meeting agendas shall be distributed 3 working days in advance of the meetings of the Strategy and Performance Board unless urgent items are received or awaited by the Office of the Police and Crime Commissioner. Urgent or late reports will need to be approved by the Chief Executive before inclusion for consideration by the Board. Quality Assurance of reports will be via the Chief Executive and other officers from the Office of the Police and Crime Commissioner. Agendas will generally cover the following key areas: People, Performance, Finance, Consultation, Organisational Change Programme and Risk. A forward work programme is in place to ensure that the meetings are effective and focus on matters at appropriate intervals throughout the year.

Communication

The summary of the records of the Strategy and Performance Board shall be published on the website of the Police and Crime Commissioner. Matters which have operational sensitivity, relate to personal information or have commercial sensitivity will either be made public at an appropriate time in the future or be retained by the Office of the Police and Crime Commissioner. The decisions relating to the public release of information will be made in accordance to the Freedom of Information Act and other statutory instruments or regulations which are applicable to the policing service and the Commissioner.

The records of the Strategy and Performance Board shall be made available for inclusion on agendas of the Force Boards.

Joint Audit Committee

The Joint Audit Committee (JAC) provides comments, advice and assurance on matters relating to the internal control environment of the Force and the Office of the Police and Crime Commissioner.

1. Terms of Reference

Financial Management

- Review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit of the financial statements that need to be brought to the attention of the PCC and/or the Chief Constable.
- Consider the external auditor's report to those charged with governance on issues arising from the audit of the financial statements.
- Monitor the integrity of any published financial statements and any formal announcements relating to financial performance.
- Consider and comment upon any policy or strategy regarding reserves.
- Consider and comment upon the budget planning process.
- Consider and comment upon the Financial Strategy (Medium Term Financial Plan).
- Consider and comment upon any policy or strategy regarding loans, investments or borrowing.

Governance, Risk and Control

- Review and recommend approval of the joint annual governance statement prior to final approval and consider whether it properly reflects the governance, risk and control environment and supporting assurances and identify any actions required for improvement.
- Recommend approval of any Code of Corporate Governance for the Force or the OPCC.
- Consider the arrangements to secure Value for Money and review assurances and assessments on the effectiveness of these arrangements.
- Consider the board assurance framework and ensure that it adequately addresses the risks and priorities of the OPCC and Force.
- Monitor the effective development and operation of risk management, review the risk profile, and monitor progress of the PCC and the Chief Constable in addressing risk-related issues reported to them.
- Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To have an understanding of any ethical risks and any initiatives to improve ethical behaviour within the Force and OPCC.
- Consider and comment upon anti-fraud and anti-corruption arrangements including "whistle blowing".
- Consider and comment upon the business interests and gift & hospitality policies
- To review the governance and assurance arrangements for significant partnerships or collaborations.
- Consider and comment upon the information governance annual reports
- Consider and comment upon any policy or strategy regarding asset management.
- Commission assurance work e.g. specialist advice or audit.
- Consider and comment upon any reports from external organisations that are considered to be of relevance by officers.

Internal Audit

- Review the internal audit plan and any proposed revisions to the internal audit plan.
- Have oversight of the appointment approach and consider the adequacy of the performance of the internal audit service and its independence.
- Consider the head of internal audit's annual report and opinion.
- Receive a regular summary of the progress of internal audit activity against the audit plan.
- Receive and review internal audit reports and monitor the progress of implementing any recommendations, providing challenge against completion times.
- Ensure that the performance of all internal audit providers complies with the Public Sector Internal Audit Standards.

External Audit

- Consider the external auditor's annual management letter, relevant reports and the report to those charged with governance.
- Consider the level of fees charged.
- Comment on the scope and depth of external audit work, its independence and whether it gives satisfactory value for money.
- Consider specific reports as agreed with the external auditor.
- Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- Receive a regular summary of the progress of external audit activity and monitor the progress of implementing any recommendations, providing challenge against completion times.

Accountability Arrangements

- On a timely basis report to the PCC and the Chief Constable with its advice and recommendations in relation to any matters that it considers relevant to governance, risk management and financial management.
- Provide an Annual Report to the PCC and the Chief Constable on its findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- Review its performance against its terms of reference and objectives on an annual basis and report the results of this review to the PCC and the Chief Constable.
- Undertake an annual self-assessment process to ensure the JAC is carrying out its duties effectively and is receiving the support required.

- 2. Reporting Line:** The Joint Audit Committee will report directly to the PCC and the Chief Constable. Any concerns that needed to be raised by the external auditors would be done so via the Chair of the Committee who would liaise with the Chief Finance Officer or the Monitoring Officer.
- 3. Links:** In the course of its work the Committee may forge links (direct or indirect) with the following and any other organisations deemed appropriate:
 - Chief Financial Officers of both the PCC and Chief Constable
 - Monitoring Officer
 - Head of Internal Audit
 - External Auditors
 - Her Majesty's Inspector of Constabulary and Fire & Rescue Services
 - The Police and Crime Panel
 - Regional Committees and Collaborations

- Partnerships

4. Committee Composition: 5 people, independent of the Chief Constable and the PCC.

5. Quorum: 3

6. Election of Chair & Vice-Chair

- Chair and Vice-Chair to be elected annually by the committee.
- Chair may be re-elected but to serve no more than 3 consecutive years as Chair.

In exceptional circumstances, members will be allowed to re-elect the same individual to the Chair for one further year.

7. Number of meetings: 5 formal committee meetings scheduled each year (additional formal meetings may be required).

8. Information publicly available: the agenda, reports and minutes of formal meetings will be made available on the OPCC and Force websites.

9. Attendance at Audit Committee Meetings

The PCC and the Chief Constable should attend or be appropriately represented at formal meetings of the Joint Audit Committee.

Also in attendance

- Chief Executive, OPCC
- Chief Finance Officer, OPCC
- Chief Superintendent, Head of Continuous Improvement
- Internal Audit
- External Audit
- Other Officers of both the OPCC and Force, when required.

Joint Strategic Planning Group

Introduction

This document sets out the terms of reference, structure, membership and accountabilities of the Joint Strategic Planning Group.

Terms of Reference

The Joint Strategic Planning Group exists to have ownership of and manage strategic planning activity for Gwent Police's delivery of the police and crime priorities in Gwent.

It is a joint group with members from both the Police Force and the Office of the Police and Crime Commissioner (OPCC). Key responsibilities will be to:

- develop the financial and strategic planning process to integrate long, medium and short term requirements;
- oversee and manage the integration of the financial and strategic planning cycle, directing activity to ensure effective planning and delivery;
- maintain a framework for the effective co-ordination of key strategic planning products (see Annex A below);
- monitor and evaluate the outcomes of the planning process;
- deliver and review the joint corporate governance framework (the Manual of Corporate Governance and associated documentation) for the OPCC and the Force.

Membership

The Group is constituted as follows:-

Role	Post Holder
Chair	Chief Executive
Vice Chair	Deputy Chief Constable
Secretary	OPCC
Members	Chief Superintendent, Head of Continuous Improvement OPCC Chief Finance Officer OPCC Head of Strategy Assistant Chief Officer, Resources Head of Finance Head of CID Head of Corporate Communications OPCC Head of Communications and Engagement OPCC Head of Assurance and Compliance Assurance Officer Other officers can be invited to attend as appropriate

Meeting Frequency

Up to six times a year.

Dissemination of Actions

The secretary will disseminate a list of actions within 3 days of the meeting.

Sub-Groups

The detailed work of this group may require the establishment of a number of sub-groups with specific roles and responsibilities. It will be preferable to use task and finish groups where possible.

Annex A Key Strategic Planning Products

The production of the following documents will be co-ordinated by the Joint Strategic Planning Group:

- Police and Crime Plan;
- Force Delivery Plan;
- Annual Report;
- Strategic Assessment and Control Strategy;
- Co-ordination of the Budget setting timetable
- Any Joint Strategies
- The Annual Governance statements on behalf of the Commissioner and the Chief Constable
- To co-ordinate the production and review of the joint Manual of Corporate Governance

The Office of the Police and Crime Commissioner Management Board

The Office of the Police and Crime Commissioner (OPCC) Management Board will agree the strategic direction of the OPCC and will be where the Police and Crime Commissioner (PCC) monitors progress against the OPCC business plan. The OPCC Management Board will also be responsible for monitoring the effective operation of the OPCC.

Terms of Reference

The OPCC Management Board is responsible for:

- Identifying matters to be brought to the attention of the Chief Constable, Police and Crime Panel and other public, private or voluntary sector stakeholders;
- Providing updates on key areas of work within the OPCC such as compliance with legislation, good practice and areas of risk;
- Planning, reviewing and ensuring delivery of key OPCC documents including:
 - Police and Crime Plan
 - OPCC Business Plan
 - Annual Report
 - Strategic Financial documents
- Consultation on the development of new areas of work for the OPCC and their subsequent progress; and
- Assessing any potential impact of both local and national issues on the OPCC.

Frequency of Meetings

The Management Board shall meet on a monthly basis.

Meeting agendas

Meeting agendas shall be distributed three working days in advance of the meeting.

Membership

The Membership of the Board shall comprise of:

- The Police and Crime Commissioner (Chair)
- The Deputy Police and Crime Commissioner (Vice Chair)
- The Chief Executive
- The Chief Finance Officer
- The Head of Assurance and Compliance
- The Head of Strategy
- The Head of Communications and Engagement
- The Principal Finance and Commissioning Manager.

The PCC may invite officers or staff either from the OPCC, Gwent Police or other organisations to the Board, as required.

The Management Board will be supported by the Personal Assistant to the Executive Team (Chief Executive and Chief Finance Officer).

Maintenance of records

The OPCC shall be responsible for the maintenance of records relating to the Board.

Communication

A briefing note of relevant key issues from the OPCC Management Board shall be sent to the Chief Constable as appropriate.

Estate Strategy Board

The Estate Strategy Board will be a decision making forum for the Police and Crime Commissioner.

The Estate Strategy Board will be the primary forum for receiving reports regarding the purchase, disposal, maintenance and any other cost related issues for Gwent Police's estate.

Terms of Reference

To ensure an Estate that is fit for purpose, which will:

- consider and approve the Commissioner's Estate Strategy;
- approve implementation plans;
- agree engagement plans with partners and public;
- monitor the capital expenditure and revenue cost implications; and
- demonstrate value for money.

The Commissioner's vision for the Estate includes the following:

- **Future Focussed**

The Estate must be fit for purpose for the next 20-25 years and accommodate the way policing will change to meet differing demands and policing tactics – e.g. investigating crime from computer screens.

- **Sustainable**

To support the principles of Sustainable Development reflected in the Wellbeing of Future Generations (Wales) Act.

- **Reassures**

Consider the role that physical presence in communities plays in reassuring the members of those communities linking to the Chief Constable's strategic aim to have 'Engaged Communities'.

- **Motivates and Enables**

Support staff are our most important asset and must take pride in their estate, which in turn will provide them with the tools and surroundings to do their job linking to the Chief Constable's strategic aim to be an 'Employer of Choice'.

- **Excellence in Service Delivery**

Aspire to excellence which links to the Chief Constable's strategic aim to be a 'Service that Works'.

- **Partners**

Working with partners through our 'One Public Service' ethos in order to enable us to manage demand, provide an improved service and also provide better outcomes for the public and communities.

- **Financially Viable**

To be grounded in the reality of the financial situation we face and also the stewardship of public funds.

By adhering to the above, this will deliver the estate strategy objectives:

- an Estate which provides a citizen-focussed policing service;
- an Estate which supports operational policing requirements; and

- an Estate which demonstrates value for money.

Frequency of Meetings

The Estate Strategy Board shall meet every two months. The frequency of meetings will be subject to review by the members of the Board.

Extraordinary Meetings

Extraordinary meetings of the Board may be called in order to address urgent matters. Records from the extraordinary meetings shall be kept in accordance with those for ordinary meetings.

Membership

The membership of the Board shall comprise of:

- Police and Crime Commissioner (Chair)
- Deputy Police and Crime Commissioner (Chair in the absence of the Police and Crime Commissioner)
- Chief Executive, Office of the Police and Crime Commissioner, and/or Chief Finance Officer, Office of the Police and Crime Commissioner
- Chief Constable
- Deputy Chief Constable
- Assistant Chief Constable
- Assistant Chief Officer – Resources
- Representative of Joint Legal Services
- Representative of Unison
- Representative of the Police Federation

and supported by the Personal Assistant to the Police and Crime Commissioner, who is responsible for the administration of the Board. Suitable representatives may be nominated to attend if necessary.

Both the Police and Crime Commissioner and the Chief Constable may invite other attendees at their discretion.

Quorum

Five (5)

The Quorum must include the following:

- Police and Crime Commissioner or Deputy Police and Crime Commissioner
- Chief Executive or Chief Finance Officer, Office of the Police and Crime Commissioner
- Chief Constable, Deputy Chief Constable, Assistant Chief Constable or Assistant Chief Officer Resources

Maintenance of Records

The Office of the Police and Crime Commissioner shall be responsible for the maintenance of records relating to the Estate Strategy Board, which includes the management and distribution of minutes and the compilation of meeting agendas and papers. The single point of contact for the Force is the Chief Constable's Staff Officer, who shall be responsible for communicating actions and decisions to relevant staff in the Force.

Meeting Agendas

Meeting agendas shall be distributed no later than three working days in advance of the meetings of the Estate Strategy Board unless urgent items are received or awaited by the Office of the Police and Crime Commissioner. Agendas will generally cover the following key areas:

- the Estate Strategy;
- the implementation plan and engagement with stakeholders and partners;
- reports on the new HQ development; and
- highlight reports from the Estate Implementation Group.

Reports/Business Cases will be considered by the Office of the Police and Crime Commissioner Management Board or Chief Officer Team as appropriate prior to consideration at the Estates Strategy Board.

Responsible for:

Estate Implementation Group
HQ Project Board

Chief Officer Team Meeting

Terms of Reference

The Chief Officer Team (COT) Board is the mechanism for the Chief Constable to review, support and challenge the activities of Chief Officers against the delivery of the Police and Crime Plan, Chief Constable Delivery Plan and their various portfolio responsibilities. It is also the oversight for the Scrutiny Executive Board, Service Improvement Board and People Strategy Board.

1. Objectives

- a. To develop the strategic direction and operational policing priorities for the Force
- b. To monitor and facilitate performance against the Police and Crime Plan and the Chief Constable's Delivery Plan
- c. To ensure legal compliance and statutory obligations are achieved
- d. Oversee the operational policing model and organisational structure
- e. Provide a forum for discussion and agreement of reports for the OPCC and publication
- f. To approve the annual accounts and MTFP
- g. Identify risks and opportunities for collaboration including those emerging national and regional boards
- h. Challenge the current ways of working, consider emerging potential future partnerships, new technology and data sources

2. Scope

Scrutiny Executive Board: COT will oversee and scrutinise the decisions, other actions taken and performance under the Scrutiny Executive Board.

Service Improvement Board: COT will oversee and scrutinise the decisions, other actions taken and performance under the Service Improvement workstream.

People Strategy Board: COT will oversee and scrutinise the decisions, other actions taken and performance under the People Strategy workstream.

COT will oversee and scrutinise the decisions, other actions taken and performance under any other boards the force establishes outside of the governance structure.

3. Membership and responsibilities

Membership of the Board will consist of:

- Chief Constable (Chair)
- Deputy Chief Constable
- Assistant Chief Constable
- Assistant Chief Officer Resources
- Ch. Supt Continuous Improvement
- Head of Joint Legal Services (Minutes)
- Head of Corporate Communications
- Staff Officers
- PA to the Chief Constable

Additional attendees may be requested by the Chair in accordance with the agenda.

Members must agree and adhere to the Terms of Reference contained within this document and follow the rules and principles including:

- Take decisions in line with the code of ethics and abide by them
- Be honest, respectful, open and constructive
- Champion the work of the group and raise awareness at senior level
- Approve strategies, implementation plans, scope and milestones
- Resolve strategic and policy issues
- Communicate with another key organisational representative
- Provide functional expertise
- Represent their work stream/department

4. Outcomes

The Board is held to account for the final outcomes of the:

- Police and Crime Plan
- Chief Constable Delivery Plan

5. Decision making

The Chief Officer Team board has overall responsibility for strategic decisions.

Decisions relating to the OPCC may be discussed but not made by the Chief Officer Team Board.

When making decisions, consideration will be given to the following criteria:

- legal constraints
- collaborative opportunities
- sustainability including costs
- code of ethics

6. Meeting etiquette

The meeting should recognise the importance of constructive challenge and ensure there is an equal degree of accountability, integrity, openness, fairness, leadership, respect, honesty, objectivity and selflessness between members. All meetings should run in line with the Force values:

- Caring
- Fair
- Trusted
- Responsive
- Professional

7. Frequency and administration

The Chief Officer Team Board will be held monthly on the first Monday following the Scrutiny Executive Board.

Digital recording for this board will be undertaken by the PA for the Chief Constable.

Minutes of the board will record actions and decisions made by the board and will be recorded by the Head of Joint Legal Services and circulated within 7 days of the meeting being held.

The action log will be maintained by the Chief Constable Staff Officer.

Setting meeting dates, generating and circulating the agenda is the responsibility of the Governance Officer.

8. Approval, review and variation of terms of reference

The Chief Officer Board terms of reference will be reviewed, updated as required and approved by members at least annually.

Police Force Boards/Steering Groups

As part of the Police Force governance model, work is organised into various Force Boards/Steering groups, which have responsibility for the management of specific activities. Police Force Boards may be commissioned to manage specific projects or programmes of work.

All of the police Force Boards/Steering groups report into the parent boards/meetings. They report on relevant progress and refer appropriate decisions.

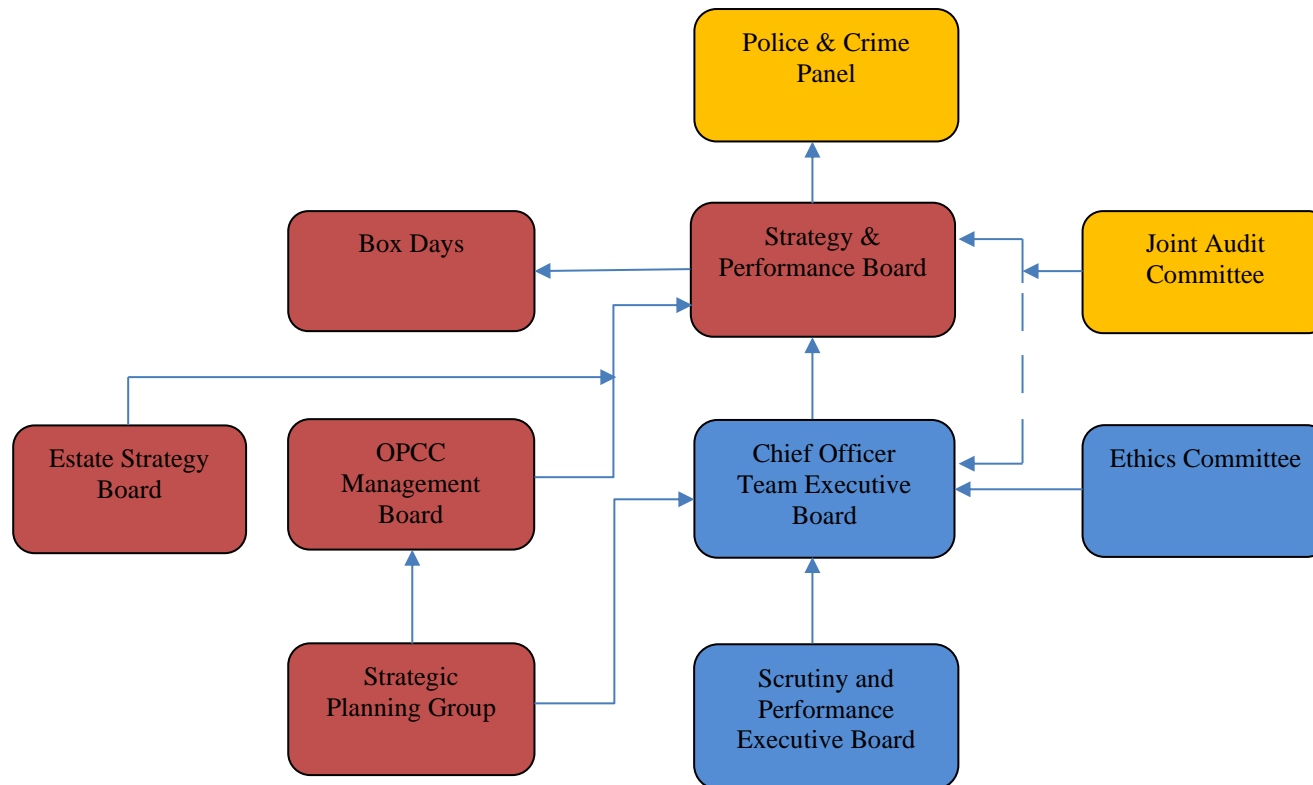
The Commissioner may attend a Police Force Board at the invitation of the Chief Constable when it is agreed that the work is key to the delivery of the police and crime objectives. Additionally when staff from the Office of the Police and Crime Commissioner are invited to attend relevant Force Meetings it is as the representative of the Commissioner. Briefings will subsequently be provided to the Commissioner.

Role of the staff of the Office of the Police and Crime Commissioner on Police Force Boards

Staff of the Office of the Police and Crime Commissioner, attending Police Force Boards on behalf of the commissioner will:

- Report on the actions, progress and decisions made at Force Boards to the Commissioner.
- If issues, proposals or decisions are identified within the business of the Board, that may not reflect the strategic direction of the Commissioner, staff will request that the final decision relating to that activity is brought to the Police and Crime Commissioner for consideration.
- Attend in an observer/critical friend capacity and not part of the decision making unless the terms of reference allow.

The Governance of Policing in Gwent



Section 3: Communication and Information Sharing

The Commissioner and the Chief Constable have responsibilities to provide information to each other but they also have a duty to provide information about police and crime matters to the public.

The sharing of information will be critical in ensuring that each party are able to discharge their duties effectively, whilst maintaining the law of the land.

Publication Schemes

Office of the Police and Crime Commissioner Publication Scheme

The Freedom of Information Act requires the OPCC to establish and maintain a publication scheme, designed to inform members of the public about information published about the OPCC.

The intention is wherever possible the OPCC will proactively publish information that the public have an interest in viewing, to develop a greater culture of openness. The scheme is organised into the following headings:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities and how we are doing
- How we make decisions
- Our Policies and procedures
- Lists and registers
- Services we offer

Gwent Police Publication Scheme

The Freedom of Information Act requires Gwent Police to establish and maintain a publication scheme, designed to inform members of the public about information published about Gwent Police Force.

The intention is wherever possible the Force will proactively publish information that the public have an interest in viewing, to develop a greater culture of openness. The scheme is organised into the following headings:

- Who we are and what we do
- What we spend and how we spend it
- Our priorities and how we are doing
- How we make decisions

- [Policies and procedures](#)
- [Lists and registers](#)
- [Services provided by the police force](#)
- [Force Statistics](#)
- [Useful Policing/Organisational Information](#)

Police and Crime Panel Publication of Information

The Gwent Police and Crime Panel are hosted by Caerphilly County Borough Council. Caerphilly County Borough Council have adopted the Information Commissioner's Model Publication scheme in order to make public access to information held by the Authority easier. The [Publication Scheme](#) can be viewed on the Council's website.

Digital, Printed and Broadcast Communications

Police and Crime Commissioner and Chief Constable

The Police and Crime Commissioner and the Chief Constable have a duty to provide appropriate and relevant information to the public through internal and external media channels. The role of Corporate Communications team is to keep the public informed of key policing issues of public interest. The Police and Crime Commissioner will have a dedicated Head of Communications and Engagement to deal with all matters relating to the PCC.

To aid the development of the new working relationship of the Chief Constable and the Commissioner with the local media and provide clarity to the public on the respective roles, the principles outlined in the table below have been agreed. These are guiding principles and each matter needs to be decided on its merits as it is impossible to pre-determine how media activity will develop. A dialogue between the Chief Constable/NPCC/Head of Corporate Communications, the Commissioner and his Head of Communications and Engagement will often take place prior to significant media releases. It is recognised that there may be times when comment from both the Chief Constable and the Commissioner is appropriate to reinforce a shared message.

The Force operates to an agreed Media Manual that provides direction on what can and cannot be released and methods of engagement with the media, particularly in an investigative context. At present, this manual is updated regularly in consultation with Joint Legal Services, other UK Police Forces and the NPCC.

Area	Gwent Police	OPCC
Performance	Respond to questions about performance	Lead on release of performance information – crime figures, statistics, crime mapping
Service Delivery issues – general	Lead on announcements about changes to service and frontline operations	Respond or question as appropriate. Lead on matters relating to consultation
Service Delivery issues – complaints	Respond to questions about performance and trends	Lead on release of details about complaints made to OPCC and challenge on any trends. (Note that this will largely depend on specifics of complaint)

Area	Gwent Police	OPCC
Court outcomes	Lead on release of information and statements from officers/staff	Not appropriate to comment in most cases unless of significance
Operations – crime	Lead on release of detail about crimes and trends	Challenge on crime trends
Operations – initiatives/ campaigns	Promote initiatives including those with partner agency involvement	Lead initiatives particularly as part of partner agency involvement
Investments – financial	Responds about the financial impact on frontline policing and operations	Lead on use of budget and how money is allocated
Investments – estates	Comment on what the strategy or change means to operational policing	Lead on announcement or changes to police estate, particularly consultation and engagement
Investments – equipment	Responds about what the investment will mean to frontline policing	Lead on significant investments in new equipment or technology, and use of budget in such ways
HMICFRS reports (depends on nature of report)	Responds as appropriate depending on the subject area	Responds as appropriate depending on the subject area
IOPC reports	Provide response to trends and reports into GP conduct	Offers a challenge and statement as appropriate, particularly on any trends
National report on PCC	Does not comment	Provides response for Gwent
PCC commissioned inspection	Responds as appropriate	Takes primary lead on response to findings
Panel commissioned inspection	Responds as appropriate	Takes lead on response to inspection
Budget issues/announcements	Respond to issues about resourcing and the impact on frontline policing	Leads on financial updates and issues on budget management
Critical incidents	Lead on the response to critical incident	Support or challenge as appropriate
Emergencies/warning & Informing	Lead on response to the emergency. Lead on providing information in partnership with local authorities and other emergency services	Support or challenge as appropriate
Redundancies/job losses	Lead on the impact of budget issues to policing	Lead on budget announcements and efficiency programmes
Neighbourhood meetings/communication	Promotes neighbourhood teams and activity including public meetings and outcomes	Comment on the systems and processes around neighbourhood meetings. Lead on engagement and consultation
Consultation work	Responds to the results of consultation with details of changes to service or developments for the future	Lead on consultation with the public
Policing of events	Lead on the details about the policing operation	Comment around resourcing issues, cost etc
Ministerial visits	Lead on media as appropriate to subject area of visit	Lead on media as appropriate to subject area of visit
Policing plan/priorities	Outline activities being developed to deliver policing priorities	Lead on the promotion of the policing plan and the priorities

Police and Crime Panel

All media interview requests relating to the work of the Panel will be referred to the Lead Officer to the Panel in Caerphilly County Borough Council who will inform the Chair and Police and Crime Commissioner's Head of Communications and Engagement.

The Police and Crime Commissioner will be informed in advance where the Panel intends to issue a media release, for information purposes.

Critical Incidents

The NPCC definition of a critical incident is:

"Any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community"

A critical incident can happen at any time of the day or night and due to the type of incidents which tend to be critical in nature, the immediacy in providing the initial police response takes priority.

Where appropriate the on duty Chief Officers or their delegate will brief the Police and Crime Commissioner and/or Deputy together with the Chief Executive and the Head of Communications and Engagement on any declared Force level critical incident and media considerations can be discussed at that briefing. The timing of these briefings very much depends on the type of incident. Whilst there has to be appreciation that the Police and Crime Commissioner will want to be informed and may want to provide timely reassurance or visibility to communities in Gwent, it must be recognised that in the initial stages of a critical incident the facts are being established and this may take some time.

Updates for on-going critical incidents and any threat/risk associated with them can be discussed at the Chief Officer Team Meeting.

Section 4: Performance

Responsibilities

Responsibility of the Police and Crime Commissioner

The Police Reform and Social Responsibility Act 2011 established Police and Crime Commissioners within each Force area and charged them with responsibility for securing that the Force is efficient and effective, holding the Chief Constable to account for the exercise of his functions and the functions of persons under his direction and control. The public accountability for the delivery and performance of the police service is placed into the hands of the force area electorate and their directly elected Police and Crime Commissioner. The Police and Crime Commissioner draws on their mandate to set and shape the strategic objectives of their Force area in consultation with the Chief Constable. The Police and Crime Commissioner of each Force area is accountable to the electorate.

Responsibility of Police and Crime Panel

The Police and Crime Panel within each Force area is empowered to maintain a regular check and balance on the performance of the Police and Crime Commissioner.

Responsibility of the Chief Constable

The Chief Constable is responsible for maintaining the Queen's peace and has direction and control over the Force's officers and staff. The Chief Constable holds office under the Crown, but is appointed by the Police and Crime Commissioner. The Chief Constable is accountable to the law and the Police and Crime Commissioner for the delivery of policing in the police area but remains free to exercise the power of duties of a constable without fear or favour.

Reporting Mechanism

Police and Crime Commissioner reporting timely updates to the Police and Crime Panel

The Police and Crime Commissioner will provide a quarterly update on performance against the Police and Crime Plan to the Panel.

In order to discharge their statutory responsibilities the Panel can request additional information on areas of performance in line with Panel operating procedures.

The Panel will produce an annual work programme for each Annual General Meeting (AGM) of the Panel.

Chief Constable reporting to Police and Crime Commissioner on Performance

The Chief Constable is accountable to the Police and Crime Commissioner in delivering against the policing objectives in the Police and Crime Plan.

Emerging performance issues will be identified for review at the Strategy and Performance Board. A quarterly monitoring report will be discussed at the board.

A substantive review of performance against the Police and Crime Plan will be undertaken at the end of each financial quarter, this substantive review will identify areas which are on line 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.

At the request of the Chief Constable, officers or staff may be required to attend the Strategy and Performance Board Meeting to provide specific performance detail.

Section 5: Safeguards

At the outset of this document a commitment was made for all parties subject to this Memorandum of Understanding to work in an effective, transparent and appropriate way by reinforcing the commitment to the principles of public life.

This section provides details of the safeguards in place and how to support this commitment.

Arrangements for Gwent Police

Police and Crime Commissioner

The Police and Crime Commissioner for Gwent will have responsibility for handling any allegations of misconduct or complaints about the Chief Constable as well as being the appropriate authority to undertake reviews in relation to certain complaints recorded by Gwent Police as per the Policing and Crime Act 2017. In addition to this he will also have a duty to monitor all complaints made against the Chief Constable's officers and staff under his employment and direction and control. To carry out this duty he will monitor and publish the quarterly complaints statistics prepared by the Force and meet with the IOPC Director (Wales) and undertake a dip sampling process of all finalised complaints.

Chief Constable

The Chief Constable is responsible for the handling of misconduct allegations or complaints against the Chief Officer team.

Deputy Chief Constable

The Deputy Chief Constable is the lead for Professional Standards at a Force level which records and reviews all complaints about misconduct and integrity and leads on the investigation of incidents of gross misconduct.

Recognising that the Commissioner has a role to play in monitoring complaints, the following mechanisms will be set up to support this work being done effectively.

- Generation of a statistical report provided on a quarterly basis and presented to the Strategy & Performance Board
- Establishment of a quarterly meeting with the Deputy Chief Constable and Head of Professional Standards to discuss incidents or trends of note

The Conduct of the Police and Crime Commissioner, the Deputy Commissioner and of Officers of the Office of the Police and Crime Commissioner

The Commissioner and the Deputy Commissioner have agreed to follow the Code of Ethics, the [National Code of Conduct for Police and Crime Commissioners](#), and to ensure adherence to the Police Staff standards of professional behaviour.

The Conduct of the Police and Crime Panel

The members of the Police and Crime Panel in Gwent will work to their own Council codes of conduct if they are Council members. Independent members of the panel will adopt the code of conduct for the lead authority – Caerphilly County Borough Council.

Monitoring Officer Role

The Monitoring Officer undertakes to discharge the responsibilities outlined in this section with determination and in a manner which will enhance the reputation of the Office of the Police and Crime Commissioner for Gwent.

In general terms the ability to discharge these duties depends on excellent working relations with colleagues but also the flow of information and access to debate particularly at early stages.

The role of the Monitoring Officer is enshrined within the Police Reform and Social Responsibility Act 2011. The role of the Monitoring Officer is to report to the Police and Crime Commissioner if it appears that any proposals, decisions or omissions within the organisation constitution has given rise to or is likely to or would give rise to a breach of the law or code of practice. The Monitoring Officer must send a copy of that report to the Police and Crime Panel.

The following arrangements and understandings between the Monitoring Officer and colleagues and are designed to help ensure the effective discharge of functions:

- Advance notice of meetings whether formal or informal between Chief Officers and the Police and Crime Commissioner will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise;
- Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues, and the Chief Constable's legal advisors will have full access to the Monitoring Officer;
- The Monitoring Officer will have copies of all reports when sent to the Police and Crime Commissioner;
- The Monitoring Officer is expected to develop liaison and working relations with the Police and Crime Panel, the Joint Audit Committee, HMICFRS, the IOPC, Audit Wales and the Internal Auditor including the giving and receiving of relevant information;
- In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer will have unqualified access to any relevant information held by the Police and Crime Commissioner and any employee (for the purpose of this protocol such term to also include any police officer or member of police staff under the control and direction of the Chief Constable) who can assist in the discharge of her functions;
- The Monitoring Officer will have control of a budget sufficient to enable her to seek Counsel's opinion on any matter concerning his functions; and
- The Monitoring Officer may appoint a deputy whom he will keep briefed on emerging issues

Chief Finance Officers Protocol

Protocol between the CFO to the PCC and the CFO to the Chief Constable

The Chief Finance Officer of the PCC and of the Chief Constable each has a personal fiduciary duty by virtue of their appointment as the person responsible for proper financial administration under the Act.

This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure. An effective, cooperative and constructive working relationship between the two Chief Finance Officers is fundamental and is more likely to be achieved where communication and clarity of understanding are at their highest. Mutual understanding of and respect for each party's statutory functions will serve to enhance policing in Gwent.

It is expected that the principles of goodwill, professionalism, openness and trust will underpin the relationship and that both parties will do their utmost to make the relationship work. It is also acknowledged that good relationships between the Chief Finance Officers and the Chief Executive are fundamentally important and need to be underpinned by the same principles.

The statutory duties of both Chief Finance Officers are largely identical in nature although clearly their responsibilities are linked to two separate corporations sole. The two CFOs should operate effectively and without conflict, to reflect the legal and financial implications of having two corporations sole. Both Chief Finance Officers have a fiduciary duty to the local taxpayer as both have a responsibility for securing the efficient use of public funds. This implies public reporting responsibilities in certain circumstances for both Chief Finance Officers. However, given that the PCC has a statutory responsibility for the Police Fund the Chief Finance Officer of the PCC will have responsibility for all statutory reports relating to the adequacy of the overall resource envelope available to meet police force expenditure. There is a reciprocal fiduciary duty on both Chief Finance Officers to support the other in the execution of their duties in relation to policing matters.

It is therefore recommended that if either of the Chief Finance Officers intends to exercise their statutory powers under section 114 of the 1988 Act, they should inform the other (as well as the Chief Executive) as soon as possible.

The two CFOs will also arrange one to one meetings at fortnightly intervals, and as necessary in between, for the purpose of discussing issues of mutual interest.

PART 3c SCHEME OF CONSENT AND DELEGATION

1. Introduction

- 1.1 Section 18 of the Act permits a Commissioner to delegate his functions. The Commissioner is however prohibited from delegating his function(s) to:
- a) A constable (whether or not in England and Wales)¹⁶
 - b) Another Police and Crime Commissioner
 - c) The Mayor's Office for Policing and Crime
 - d) The Deputy Mayor for Policing and Crime
 - e) The Mayor of London
 - f) The Common Council of the City of London
 - g) Any other person or body which maintains a police force
 - h) A member of staff of any person/body referred to in (a) to (g) above.
- 1.2 The Commissioner is also prevented from arranging for another person to exercise any of the following functions:
- a) issuing a police and crime plan
 - b) determining police and crime objectives
 - c) attending meetings of a police and crime panel in compliance with a requirements by the panel to do so (pursuant to section 29 of the Act)
 - d) preparing an annual report to a policing and crime panel
 - e) appointing and suspending the Chief Constable or calling upon the Chief Constable to retire or resign¹⁷
 - f) calculating a budget requirement (pursuant to section 43 of the Local Government Finance Act 1992).
- 1.3 This Scheme identifies those powers which may be exercised by the Police and Crime Commissioner and the Chief Constable but which, for the benefit of good practice, shall be exercised by their respective officers. It also sets out any constraints on those powers, including requirements to report back or advise the Commissioner, and addresses circumstances which will require consultation between the officers of the Police and Crime Commissioner and the Chief Constable.
- 1.4 The persons appointed as the Chief Executive, the CFO (PCC) and the CFO (Chief Constable) have statutory powers and duties relating to their positions, and therefore do not rely upon matters being delegated to them to carry out such powers and duties.
- 1.5 With the exception of any matters specifically reserved, any person (with appropriate authority) may delegate a matter further (subject to the restrictions of Section 18(6) Act which prohibits delegations to officers and staff employed by the Chief Constable)¹⁸. The formal responsibility and accountability for the effective

¹⁶ This includes any Chief Constable

¹⁷ Any extensions to the Chief Constable's term of office will be a matter for the Commissioner in accordance with the Police Regulations 2003 (as amended by the Police (Amendment) Regulations 2006, the Police (Amendment) Regulations 2011 and the Police (Amendment No.4) Regulations 2012)

¹⁸ In addition to the specific delegations in the Scheme authorising specified officers to undertake certain functions, there is case law (DPP v Haw [2007]) that where the responsibilities of an office created by statute are such that delegation is inevitable, there is an implied power to delegate. In such circumstances there is a presumption that,

discharge of such sub-delegated powers shall remain with the person to whom the power was delegated by the Commissioner.

- 1.6 The Police and Crime Commissioner and/or the Chief Constable may also require that a specific matter is referred to him/her for decision and not dealt with pursuant to the specific provisions of this Scheme.
- 1.7 This Scheme also includes matters where the Chief Constable is acting in his own right and/or pursuant to the statutory duty upon the Chief Constable to exercise his power of direction and control in such a way as is reasonable to assist the Commissioner to exercise his functions (section 2(5) of the Act).

2. General Principles

- 2.1 Paragraph 7(1) of Schedule 2 allows the Chief Constable to do anything incidental to the exercise of the Chief Constable's own functions (which encompasses the use of the Chief Constable's staff to provide services to support the Commissioner).

Specific examples of the provision of such support are detailed in the Financial Regulations (part 3d) and the Standing Orders relating to Contracts (Part 3e). The provision of such services by staff and officers under the direction and control of the Chief Constable are provided in support of the Chief Constable's statutory obligation and are not exercised pursuant to a specific consent or delegation from the Commissioner.

- 2.2 The powers allocated pursuant to this Scheme must be exercised in accordance with the provisions of the:
- Financial Regulations (Part 3d of this Scheme)
 - Standing Orders relating to contracts (Part 3e of this Scheme)
 - Policies, principles, procedures, precedents, plans, strategies and budgets of the Police and Crime Commissioner and the Chief Constable, including without limitation the provisions of the Police and Crime Plan, each as current from time to time.
- 2.3 Any reference in this Scheme to any Statute or Statutory Instrument or any Section or Regulation thereof shall also be to the same as at any time amended or where such Act, Instrument, Section or Regulation has been replaced, consolidated or re-enacted, with or without amendment, such reference shall be to the provisions of the replacing, consolidating or re-enacting Statute or Instrument.
- 2.4 The Commissioner expects anyone exercising delegated powers or consents under this Scheme to draw to the attention of the Commissioner, any issue which is likely to be regarded by the Commissioner as novel, contentious or repercussive.
- 2.5 The Scheme does not attempt to list all matters which form part of everyday management responsibilities.

where statutory powers and duties are conferred, there is a power to delegate the same unless the statute conferring them expressly or by implication provides to the contrary

3. Duties upon Officers

- 3.1 All decisions made by officers pursuant to the provisions of this Scheme shall be properly documented and available for inspection at any time by the Police and Crime Commissioner and/or the Chief Constable, as appropriate.
- 3.2 Each of the officers referred to herein shall be responsible for ensuring that the provisions and obligations of this Scheme are properly drawn to the attention of members of staff under his direction and control.
- 3.3 Where a statutory officer is considering a matter that is within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action (and references to statutory officers include any persons duly authorised to act on their behalf).
- 3.4 Officers must, when considering a professional or technical matter that is within the sphere of competence of another member of professional staff, consult with the appropriate person before authorising the action.
- 3.5 Deputy Police and Crime Commissioner: The Act provides for a PCC to appoint a Deputy Police and Crime Commissioner (DPCC). Where a DPCC has been appointed, and in the absence of the Commissioner, a DPCC may exercise any function of the Commissioner other than issuing a police and crime plan (section 18(7)(a)), appointing, suspending or calling upon the chief constable to resign or retire (section 18(7)(e)) and calculating a budget requirement (section 18(7)(f)). The decision as to whether or not the Commissioner is absent shall in the first instance rest with the Commissioner or, if so required, shall rest with the Chief Executive.

4. Delegations to the Chief Executive

- 4.1 To chair the SPG whose work shall include developing the next iteration of the Police and Crime Plan.
- 4.2 To provide information to the Police and Crime Panel, as reasonably required to enable the Panel to carry out its functions.
- 4.3 To ensure, in consultation with the Chief Constable, that appropriate arrangements are made to gather the community's views on the policing of Gwent and the prevention of crime.
- 4.4 To appoint and dismiss staff employed by the Police and Crime Commissioner pursuant to paragraph 6(3) of Schedule 1 of the Act, to make recommendations to the Police and Crime Commissioner relating to their Terms and Conditions of Service, to make all discretionary decisions under the Local Government's Pension Scheme in respect of those staff (in consultation with the CFO (PCC)) and to authorise, in accordance with the Terms and Conditions of Service for such staff, the suspension of staff and/or the termination of their employment, to deal with performance and attendance issues (and to make all discretionary decisions in relation to the reduction of pay in extended absences), in all cases in consultation with the CFO (PCC).

- 4.5 To approve payments for staff employed by the Police and Crime Commissioner in line with current HR policies.
- 4.6 To approve requests from staff employed by the Police and Crime Commissioner to undertake additional outside work.
- 4.7 To approve the retirement of staff employed by the Police and Crime Commissioner on the grounds of ill health and (in conjunction with the CFO (PCC)) to approve the payment of ordinary and ill health pensions and gratuities as appropriate, with due regard to the advice of a selected medical practitioner.
- 4.8 To acquire, in consultation with the CFO (PCC), vehicles, plant, equipment and services required by the Police and Crime Commissioner and to make any arrangements for their use, disposal and replacement as appropriate and as contemplated by the capital programme.
- 4.9 To act as Proper Officer to deal with various administrative matters involving the Police and Crime Commissioner, including without limitation any issues arising in respect of the Data Protection Act, the Freedom of Information Act and the Elected Local Policing Bodies (Specified Information)(Amendment) Order 2012 .
- 4.10 In conjunction with the CFO (PCC) to manage the budget required by the Police and Crime Commissioner to exercise his functions, and in particular:
(a) to place orders for goods and services and to incur expenditure for which provision has been made in the revenue budget;
(b) to invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget.
- 4.11 To affix (or duly authorise a representative to affix) the Common Seal of the Police and Crime Commissioner and to sign on behalf of the Police and Crime Commissioner any document (including any contract or legal agreement) to give effect to any decisions made by the Police and Crime Commissioner.
- 4.12 To evaluate and sign on behalf of the Police and Crime Commissioner any indemnity required to enable the Police and Crime Commissioner and Chief Constable to exercise any of its functions, provided that where the financial implications of giving of such an indemnity are anticipated be significant, such indemnity shall only be signed with the prior approval of the CFO (PCC).
- 4.13 To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on behalf of the Police and Crime Commissioner in consultation with the Joint Legal Services where appropriate (and in consultation with the CFO (PCC) in the event that the financial implications of such proceedings are anticipated to exceed the insured amount). Any decisions taken under this provision must be reported to the Police and Crime Commissioner as soon as practicable.
- 4.14 To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings which are not covered in paragraph 6.5 below on behalf of the Commissioner in consultation with the CFO and with Joint Legal Services. Any decisions taken under this provision must be reported to the Police and Crime Commissioner as soon as practicable thereafter.

- 4.15 To be responsible for all relevant reviews in relation to complaints recorded by Gwent Police pursuant to Regulation 50, Police (Complaints and Misconduct) Regulations 2020.
- 4.16 To consider any complaint made against the Chief Constable in line with any IOPC guidance, and where deemed appropriate, to make arrangements for the appointment of an Investigating Officer to investigate the complaint. To make decisions in dealing with complaints and conduct matters against the Chief Constable to include recording decisions (for conduct matters), initial assessments, suitability for local handling, referral to the IOPC, referral to the CPS, appointment and briefing of the investigator, appointment of misconduct hearing or meeting members (and related determinations) and representation at proceedings, meetings, appeals, hearings and for such other related matters.
- 4.17 To consider and determine complaints against the Commissioner's staff (except for the Deputy Commissioner) and to consider grievances made by such staff against other staff. To review any complaints of maladministration against the Commissioner and to approve the provision of any remedy, financial or otherwise.
- 4.18 To prepare (and review annually) this Manual in conjunction with the CFO (PCC) and in consultation with the Chief Constable and the CFO (Chief Constable), and to monitor compliance with the terms of the same.
- 4.19 Where legally permissible, to issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 4.20 To appoint Independent Custody and Animal Welfare Visitors following satisfactory training and vetting checks (and to remove any such visitors not making the minimum number of visits required or failing to comply with the guidelines and procedures issued by the OPCC). To vary the payment of allowances made to such visitors in accordance with any revisions made by the Home Office in relation to the same.
- 4.21 To seek Counsel's opinion or other expert advice and to retain Counsel wherever this is considered to be in the interest of and to the benefit of the Commissioner.
- 4.22 To prepare, in conjunction with the Chief Constable and the CFO (PCC) an information sharing protocol (ISP) and to monitor compliance with the terms of the same.
- 4.23 To authorise, pursuant to section 223 of the 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.

5. Delegations to the CFO (PCC)

- 5.1 To act as the Proper Officer to deal with various financial matters involving the Police and Crime Commissioner. As the financial advisor to the Commissioner to ensure that the financial affairs of the Commissioner are properly administered having regard to their probity, legality and appropriate standards.

- 5.2 To manage all income received (including any collected pursuant to section 25 of the Police Act 1996) and to advise the Police and Crime Commissioner in consultation with the Chief Constable and the CFO (Chief Constable) as to the allocation of such funds.
- 5.3 To be responsible for the investment of the Police and Crime Commissioner's money and borrowing of money as necessary in accordance with the Treasury Management Strategy approved by the Police and Crime Commissioner and the provisions of the Financial Regulations. To manage and administer the award of grants and awards by the Commissioner in accordance with any agreed protocols and arrangements.
- 5.4 To take all appropriate steps to ensure that the Police and Crime Commissioner's approved capital programme is implemented.
- 5.5 To authorise payments without prior approval (irrespective of whether or not provision has been made in the revenue budget) in relation to:
- (a) payments required by statute;
 - (b) payments ordered by a court;
 - (c) payments due under any agreement entered into by or on behalf of the Police and Crime Commissioner.
- Any decisions taken under this provision must be reported to the Police and Crime Commissioner as soon as practicable.
- 5.6 To be responsible for all banking arrangements together with the authorisation, creation or closure of any account. With the approval of the Commissioner, any arrangements for the management of such banking arrangements may be undertaken in conjunction with and by the CFO (Chief Constable) in accordance with section 7 below.
- 5.7 To authenticate cheques bearing lithograph signatures where such authentication is required under the Police and Crime Commissioner's banking arrangements.
- 5.8 To exercise the powers and duties pursuant to the Police (Property) Regulations 1997 (in conjunction with the Chief Executive) and in so doing to:
- (a) authorise, where appropriate, requests for the donation of unclaimed found property subject to prior consultation with the Police and Crime Commissioner;
 - (b) approve the retention of such property where it can be put to good use for police purposes;
 - (c) make periodic recommendations to the Police and Crime Commissioner as to how the proceeds of sales and any money to which the Regulations apply should be disbursed
- 5.9 To act as the 'Money Laundering Reporting Officer' pursuant to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2019.
- 5.10 To pay damages, settlement amounts and costs in respect of legal proceedings (in accordance with Schedule 2, paragraph 8 and Schedule 16, Part 1, paragraph 42 of the Act), in consultation with the Chief Executive.
- 5.11 To ensure adequate risk management processes are in place in conjunction with the Chief Executive.

- 5.12 To be responsible for the effective management of the internal audit function with the CFO (Chief Constable) and produce the audit plan for approval by the Joint Audit Committee in accordance with the requirements of the Financial Management Code of Practice and both the CIPFA and Treasury Guidance.
- 5.13 To determine appeals, as the 'Scheme Manager' against decisions of the senior officer of pension staff in respect of the LGPS in accordance with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996, as amended by the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.
- 5.14 To ensure that adequate procedures exist to ensure compliance by the Police and Crime Commissioner with the provisions of the Bribery Act 2010.
- 5.15 To accept in consultation with the Chief Executive offers of sponsorship and gifts on behalf of the Police and Crime Commissioner provided that decisions taken are in accordance with any national guidance or policy and any other guidance document which the Police and Crime Commissioner may from time to time determine.
- 5.16 To make payments of appellant's costs which fall to be met from the Police Fund under Paragraph 9 of Schedule 6 of the Police Act 1996.
- 5.17 To ensure the administration of the local government pension scheme (LGPS) for staff employed by the Police and Crime Commissioner. To ensure appropriate maintenance of such LGPS and the provision of the relevant accounts.
- 5.18 To maintain strategic oversight of the insurance function of the Police and Crime Commissioner and to ensure that effective insurance arrangements are in place.
- 5.19 To submit proposals for and make objections to the rating valuation lists in conjunction with the CFO (Chief Constable).
- 5.20 To authorise, within any policies approved by the Commissioner, in conjunction with the Chief Executive and the CFO (Chief Constable), the disposal of obsolete, non-repairable and surplus assets, and in respect of properties to agree the terms of such disposals in accordance with the recommendations of a qualified valuer. To ensure the safe custody of all title deeds under secure arrangements and the maintenance of a register of all properties owned by the Commissioner, recording the locations extent and plan reference, purchase details, particulars of nature of interest and rests payable and particulars of any tenancies granted.
- 5.21 To consider, and approve, in consultation with the Chief Executive, the provision of indemnity and/or insurance to individual staff of the Commissioner.
- 5.22 To enter into contracts, in consultation with the Chief Executive, for the maintenance of equipment and operating system licences, following appropriate advice from the CFO (Chief Constable), provided that the necessary financial provision has been made in the revenue budget.
- 5.23 To approve the provision of services by the Commissioner and the Commissioner's Office to other organisations provided that the value of the same is not significant (in which case this must be referred to the Police and Crime Commissioner) and to ensure that the same comply with the provisions of section 15(3) of the Act (that the Police and Crime Commissioner may not enter into an agreement with another elected local

policing body in respect of a matter which could be the subject of a collaboration agreement pursuant to section 22A of the Police Act 1996).

- 5.24 To serve notices to quit and notices to terminate the use and occupation of the land and property owned by the Commissioner and to institute Court proceedings to recover arrears of rent and other payments, or to recover possession from occupiers and users.
- 5.25 To implement national agreements on salaries, wages and conditions. Notwithstanding this, to undertake negotiations and reach agreement(s) with recognised Trade Unions and Staff Associations on any matters suitable for local determination in respect of staff employed by the Police and Crime Commissioner.
- 5.27 In relation to telephone and radio communications and other technical services - to enter into line rental agreements relating to such facilities. To enter into or approve the granting of licences for the use of radio masts and to approve the payment of consideration to or by the Police and Crime Commissioner in respect of the same.
- 5.28 To affix (or duly authorise a representative to affix) the Common Seal of the Police and Crime Commissioner and to sign on behalf of the Police and Crime Commissioner any document (including any contract or legal agreement) to give effect to any decisions made by the Police and Crime Commissioner.
- 5.29 To prepare (and review annually) this Manual in conjunction with the Chief Executive and in consultation with the Chief Constable, the Deputy Chief Constable and the CFO (Chief Constable), and to monitor compliance with the terms of the same.

6. Consents to the Chief Constable

The Commissioner consents to the Chief Constable undertaking the following, subject at all times to compliance with the provisions of this Scheme and the Accountability arrangements set out herein:

- 6.1 To oversee the day to day financial management of the Force within the framework of any agreed budget allocation, the levels of authorisation and any objectives/conditions specified by the Police and Crime Commissioner in respect of the same.
- 6.2 To take all appropriate steps to ensure that the capital programme is implemented (in accordance with any conditions specified by the Police and Crime Commissioner).
- 6.3 To approve, in conjunction with the CFO (PCC) all sponsorship below £100,000 in value, provided that any such decision is taken in accordance with any national guidance or policy and any other guidance document which the Police and Crime Commissioner may from time to time determine and in accordance with the provisions of the Financial Regulations.
- 6.4 To settle any action (including payments into Court) which is covered by the public and employers liability insurance arrangements of the Police and Crime Commissioner, and to provide reports to the CFO (PCC) on a quarterly basis detailing such settlements.
- 6.5 To settle any action (including payments into Court, and including Employment Tribunal cases) which is not covered by the insurance policies referred to in

paragraph 6.4 above, up to a limit of £100,000. For the avoidance of any doubt the Police and Crime Commissioner's approval will be required in respect of all settlements over £100,000. Any decisions taken under this provision must be reported to the Police and Crime Commissioner as soon as practicable thereafter.

- 6.6 To authorise ex gratia payments (where no legal obligation has been established) up to a value of £1,000 for damage and loss to property or for personal injury or costs incurred.

7. Assistance to be provided by the Chief Constable:

There is a statutory requirement upon the Chief Constable pursuant to section 2(5) of the Act to exercise direction and control over his staff in such a way as is reasonable to assist the Commissioner to exercise the Commissioner's functions. Accordingly it is agreed by the Commissioner that it shall be for the Chief Constable:

- 7.1 In accordance with the Financial Regulations and any authorisation from the Police and Crime Commissioner, to authorise the transfer or movement of budgets between budget headings on a temporary or permanent basis, save that the prior consent of the Police and Crime Commissioner shall be secured in the event that any such transfers do not accord with the policies of the Police and Crime Commissioner, where they may create a future commitment or where the resources to be transferred were originally provided to meet expenditure of a capital nature.
- 7.2 To oversee the institution and defence of legal proceedings on behalf of the Police and Crime Commissioner and/or the Chief Constable in consultation with the Chief Executive (which shall include the obtaining of legal advice and, where appropriate, the instruction of Counsel or other expert advice).
- 7.3 To oversee the day to day management of the estate used by the Force and for this purpose to incur expenditure within the maintenance budget approved by the Police and Crime Commissioner (which shall include the management of all building works and civil engineering contracts).
- 7.5 To approve increases in rates of motor vehicle and subsistence allowances following national agreement.
- 7.6 To oversee the day to day management of works, goods, services and consultancy contracts entered into by the Police and Crime Commissioner. The Chief Executive and the CFO (PCC) are to be informed immediately if any contractual difficulties or disputes arise.
- 7.7 To oversee the revision by the CFO (PCC) of fees and charges for services of members of the Force lent to public authorities and private persons on special occasions pursuant to section 25 of the Police Act 1996, provided that due regard is given to any national guidance and charging practices issued in respect of the same.
- 7.8 To authorise the use of property owned by the Police and Crime Commissioner by outside bodies or staff associations, provided that such use is temporary and that no tenancy or other legal interest is created and to periodically report on these arrangements to the CFO (PCC).

- 7.9 To oversee any application for planning permission for the development of any property on behalf of the Police and Crime Commissioner, which shall be managed by the CFO (Chief Constable) in conjunction with the CFO (PCC)).
- 7.10 To oversee the development and implementation of asset management plans and to ensure contingency plans for the security of assets and continuity of service in the event of disaster or system failure, and to maintain inventories in conjunction with the CFO (PCC) of all items with a value in excess of £1,000.
- 7.11 To oversee the management of the insurance function in conjunction with the CFO (PCC) and to arrange all necessary insurance cover.
- 7.12 To manage, within the terms of any policies approved by the Police and Crime Commissioner in conjunction with the CFO (PCC) (and in accordance with the Asset Management Plan agreed by the Commissioner), the disposal of obsolete, non-repairable and surplus assets, and in respect of surplus police properties to agree the terms of such disposals in accordance with the recommendation of a qualified valuer.
- 7.13 To manage land and property transactions not exceeding £80,000 in value in accordance with the Asset Management Plan agreed by the Commissioner, and to agree the terms of such transactions in accordance with recommendations made by a qualified valuer and in consultation with the CFO (PCC). For this purpose land and property transactions include purchases, the taking and granting of leases or tenancies for a period not exceeding seven years, licences, wayleaves and easements, and the disposal of land and property no longer required by the Police and Crime Commissioner.
- 7.14 To settle, in conjunction with the CFO (PCC), dilapidation claims and compensation payments at the termination of leases and lettings in accordance with advice received from a qualified valuer.
- 7.15 To oversee the administration of the local government pension scheme (LGPS) for staff employed by the Chief Constable. In each instance, to ensure appropriate maintenance of such LGPS and the provision of the relevant accounts.

8. **Delegations from the Chief Constable**

The Chief Constable shall ensure that all necessary documents are in place to record any delegations from him to others in the force. Such delegations will include delegations to the Deputy Chief Constable, Assistant Chief Constables, Assistant Chief Officer (Chief Constable's Chief Financial Officer).

8.1 **The Deputy Chief Constable**

- 8.1.1 To be responsible for corporate governance issues affecting the Force, ensuring that appropriate reviews (both pro-actively and reactively) are carried out into key areas and highlighted, including:
 - Organisational Performance
 - Leading the organisational change programme
 - Professional standards (including being the Appropriate Authority for police complaints, except those made against the Chief Constable)

- Media and Marketing
- Strategic co-ordination and planning including business change
- Risk management and business continuity
- Legal matters (as set out below)
- People Services including Diversity Lead
- Delivery and Development of Records Management Systems
- Fast Track
- Sponsorship & Income Generation
- Line management of the ACC and ACOR

8.1.2 The delegations in relation to Legal matters include:

- To institute and defend legal proceedings when requested to do so, in consultation with the Chief Executive.
- To seek Counsel's opinion or other expert advice and to retain Counsel whenever this is considered to be in the interest and to the benefit of the Chief Constable.
- To institute (on the instructions of the Chief Finance Officer) legal proceedings for the recovery of any debt.
- To settle any action (including payments into Court) which is covered by the public and employers liability insurance arrangements of the Commissioner and the Chief Constable up to a limit of £100,000, and to provide reports to the Chief Constable, Chief Executive and CFO(PCC) on a quarterly basis detailing such settlements.
- To settle any action (including payments into Court, and including Employment Tribunal cases) which is not covered by the insurance policies referred to in the above, up to a limit of £100,000. For the avoidance of any doubt the Commissioner's prior approval will be required in respect of all settlements which exceed £100,000. Any decisions taken under this provision must be reported to the Commissioner as soon as practicable thereafter.
- [To oversee the settlement of any action by the Head of Joint Legal Services for damage and loss to property or for personal injury or costs incurred up to a limit of £20,000 (provided that such claims do not involve any allegations of police misfeasance, malicious prosecution or wrongful arrest). If such allegations are made, any settlement must be authorised by the DCC in accordance with the preceding provisions].
- To negotiate, settle and pay any third party costs arising from civil claims up to a limit of £20,000. Any settlement of costs above this level must be authorised by the Deputy Chief Constable in accordance with the preceding provisions
- To evaluate and sign on behalf of the Chief Constable any indemnity required to enable the Force to exercise any of its functions, provided that where the financial implications of giving of an indemnity are anticipated to be significant, such indemnity shall only be signed with the approval of the Chief Executive in consultation with the CFO(PCC).
- To undertake the day to day management of the insurance function, in conjunction with the CFO(PCC) and the CFO (Chief Constable) and to arrange all necessary insurance cover.
- To approve in consultation with the Superintendent of the Force Professional Standards Department, within Police Regulations and any Police Staff Council

guidelines, requests from police officers and staff (under the direction and control of the Chief Constable) to undertake additional outside work.

- To make appointments of police surgeons and deputy police surgeons and nurse practitioners in accordance with the terms and conditions agreed by the JNC for Forensic Medical Examiners, provided that it is within budgetary provision.

8.1.3 The delegations within the People's Services include:

- To manage the numbers, locations, ranks and grading of police staff and of police officers within the overall workforce budget approved by the Commissioner (with the exception of chief officers).
- To lead the People Services function in respect of staff employed by the Chief Constable and to make recommendations to the Chief Constable relating to their terms and conditions of Service and to authorise, in accordance with the terms and conditions of service for such staff, the suspension of staff and/or the termination of their employment.
- To implement national agreements on salaries, wages and conditions. Notwithstanding this, to undertake negotiations and reach agreement(s) with recognised Trade Unions and Staff Associations on any matters suitable for local determination.
- To review any payment requests by way of bonus, productivity or performance related payment schemes and honoraria payments in recognition of additional duties and responsibilities or similar special payments.
- To maintain the number of designated first aiders and closely monitor the maintenance of Officer Safety Training and Health and Safety Training across the force, taking action to mitigate risk.
- To recommend the appointment or secondment of police officers for central service or overseas duty.

8.2 The Assistant Chief Constable

8.2.1 To be responsible for the daily corporate and operational policing functions of Gwent Police, including but not being restricted to the following key areas highlighted, including:

- Operational Performance
- Local Policing including Public Contact
- Crime Investigation
- Public Protection
- Policing Operations and Operational Support
- Special Constabulary
- Firearms Licensing Delegated Authority (revocation of licenses and seizure of weapons)
- Leading the Firearms Collaboration
- Strategic Project Management
- Criminal Justice and Custody
- Collaboration(s)
- Data Management
- Victims Services

8.3 Assistant Chief Officer Resources (CFO (Chief Constable))

8.3.1 The responsibilities within this portfolio include the following functions:

- Finance
- Payroll
- Procurement
- Estate & Facilities
- IT - Including IT Collaboration/SRS
- Fleet Services
- Uniform Stores
- Audit
- Information Security
- Information Assurance / Data Protection Act
- Senior Information Risk Owner (SIRO)
- Firearms Licensing Service

8.3.2 The responsibilities for the role include that of Chief Finance Officer which include the following statutory requirements:

- To undertake the day to day financial management of the Force within the framework of any agreed budget allocation, the levels of authorisation and any objectives/ conditions specified by the Commissioner and the Chief Constable in respect of the same.
- To take all appropriate steps to ensure that the capital programme is implemented (in accordance with any conditions specified by the Commissioner and the Chief Constable).
- In accordance with the Financial Regulations and any authorisation(s) from the Commissioner and the Chief Constable, to transfer or move budgets between budget headings on a temporary or permanent basis, and to ensure that the Police and Crime Commissioner and Chief Constable are kept informed of the same, save that the prior consent of the Commissioner shall be secured in the event that any such transfers do not accord with the policies of the Commissioner, where they may create a future commitment or where the resources to be transferred were originally provided to meet expenditure of a capital nature.
- To approve, in conjunction with the Chief Constable and the CFO (PCC) all sponsorship below £100,000 in value provided that any such decision is taken in accordance with any legislation, national guidance or policy and any other guidance document which the Commissioner may from time to time determine and in accordance with the provisions of the Financial Regulations.
- To authorise ex gratia payments (where no legal obligation has been established) up to a value of £1,000 for damage and loss to property or for personal injury or costs incurred.
- To be responsible for the provision of payroll and general financial administration in relation to all people employed within Gwent Police and specifically in relation to police officers and persons employed by the Chief

Constable and to do so in accordance with paragraph 6 of Schedule 2 of the PRSRA and regulations made pursuant to the same.

- To ensure the administration of the police officer pension schemes (in accordance with the Police Pensions Act 1976) and the appropriate maintenance and provision of the relevant accounts. To ensure that, subject to the prior approval of the Chief Constable, accurate and up to date information is provided to the Home Office in respect of the Force's pension account and future forecasts for police pension income and expenditure.
- To ensure the administration of the local government pension scheme for staff employed by the Chief Constable. In each instance, to ensure appropriate maintenance of such Scheme and the provision of the relevant accounts.
- To be responsible to the Chief Constable and to the Commissioner for the management of the estate used by the Force, and for this purpose to incur expenditure within the maintenance budget approved by the Commissioner (which shall include the management of all building works and civil engineering contracts).
- To implement increases in rates of motor vehicle and subsistence allowances following national agreement.
- To be responsible for the day to day management, supervision and effective monitoring of all works, goods, services and consultancy contracts entered into by the Commissioner, in accordance with the procurement strategy and plan agreed with the Commissioner. The Chief Constable, Chief Executive and the CFO(PCC) are to be immediately informed should any contractual difficulties or disputes arise.
- To make, in consultation with the Chief Constable and the CFO(PCC), revisions to the fees and charges for services of members of the Force lent to public authorities and private persons on special occasions pursuant to section 25 of the Police Act 1996, provided that due regard is given to any national guidance and charging practices issued in respect of the same.
- To raise charges for any item of personal uniform and equipment held after replacement, the amount (if any) to be determined taking into account the age and condition of the article at the time of the loss, damage or replacement.
- Where permitted by statute, to advise the Chief Constable in respect of the provision of services provided to other organisations (other than mutual aid pursuant to sections 24 and 26 of the Police Act 1996), and to determine appropriate fees and charges for the same, and to ensure that appropriate insurance arrangements are in place].
- To develop and implement asset management plans and to maintain an asset register which shall provide information about fixed assets so that they are safeguarded, used efficiently and effectively, adequately maintained and valued, to ensure contingency plans for the security of assets and continuity of service in the event of disaster or system failure, and to maintain inventories in conjunction with the CFO(PCC) of all items with a value of £1,000.
- To ensure that adequate procedures exist to ensure compliance by the Chief Constable with the provisions of the Bribery Act 2010.
- To approve claims for reimbursement of removal expenses in accordance with Police Regulations.

- To reimburse expenses in respect of voluntary transfers between forces below Chief Officer level in line with any determinations by the Secretary of State and in accordance with Police Regulations.
- To determine appeals, as the 'Scheme Manager' against decisions of the senior officer of pension staff in respect of the Local Government Pension Scheme and Police Pension Schemes in accordance with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996, as amended by the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The Chief Finance Officer shall consult with the CFO (PCC) in relation to the same.
- With the agreement of the CFO (PCC), to serve Notices to Quit and Notices to Terminate the use and occupation of land and property owned by the Commissioner and to institute Court proceedings to recover arrears of rent and other payments or to recover possession from occupiers and users.
- To apply for planning permission for the development of any property on behalf of the Commissioner, in conjunction with the CFO (PCC).
- To manage in conjunction with the CFO(PCC), and in accordance with the Asset Management Plan agreed by the Commissioner, the disposal of obsolete, non-repairable and surplus assets, and in respect of surplus police properties to agree the terms of such disposals in accordance with the recommendation of a qualified valuer.
- To manage land and property transactions not exceeding £80,000 in value in accordance with the Asset Management Plan agreed by the Commissioner and to agree the terms of such transactions in accordance with recommendations made by a qualified valuer and in consultation with the Chief Executive and CFO(PCC). For this purpose land and property transactions include purchases, the taking and granting of leases or tenancies for a period not exceeding seven years, licences, wayleaves and easements, and the disposal of land and property no longer required by the Commissioner.
- In relation to the two paragraphs above, the sale of land and buildings may take place by public auction, public tender or private treaty. The disposal method shall be the one which, in the view of the CFO (Chief Constable) having received appropriate advice from a qualified Valuer, maximises value for money to the Police and Crime Commissioner.
- To settle, in conjunction with the Chief Executive and CFO(PCC), dilapidation claims and compensation payments at the termination of leases and lettings in accordance with advice received from a qualified valuer.
- To approve, in consultation with the Chief Constable, business cases for revenue below £100,000 in aggregate per annum and for capital below £200,000 in aggregate per annum. In committing expenditure within the approved budget, to also ensure that such expenditure meets the objectives and conditions agreed with the Police and Crime Commissioner, and reflects the provisions of the Police and Crime Plan.
- To arrange for the provision of telephone and radio communications and other technical services and to enter into line rental agreements relating to facilities, provided that the necessary financial provision has been made in the revenue budget.

- To enter into or approve the granting of licences for the use of radio masts and to approve the payment of consideration to or by the Police and Crime Commissioner in respect of the same.
- To make arrangements, in consultation with the Chief Constable, for the administration of any car loan scheme or car leasing scheme in accordance with any conditions imposed by the Police and Crime Commissioner.
- To allocate housing to police and other staff, and to deal with any associated matters including the recovery of possession.
- To submit proposals for and make objections to the rating valuation lists.

9. Urgent Matters

9.1 If any matter arises which would normally be referred to the Commissioner for a decision and cannot be delayed in their absence, the matter may be decided by the appropriate chief officer.

9.2 Appropriate chief officers authorised to decide urgent matters are:

- Chief Executive – all issues in line with their portfolio;
- Chief Finance Officer of the Commissioner – all issues in line with their portfolio

9.3 Urgent decisions taken must be reported to the Commissioner as soon as practicably possible.

10. Permanent Absence of the Police and Crime Commissioner

10.1 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 permanent 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 statutory officers as appropriate.

9.4 PART 3d FINANCIAL REGULATIONS

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Introduction

Public sector accounting is covered by a range of government legislation and accounting standards that are designed to ensure proper accountability for public funds. Section 17 of the PRSRA 2011 and section 39 of the Police Act 1996 permit the Secretary of State to issue codes of practice to all PCCs and Chief Constables, and the Home Office has issued the Financial Management Code of Practice (Revised July 2018).

The PCC is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the PCC. How this money is allocated is a matter for the PCC in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.

The Financial Regulations are designed to establish overarching financial responsibilities, to confer duties, rights and powers upon the PCC, the Chief Constable and their officers and staff and to provide clarity about the financial accountabilities of groups or individuals. They apply to every member and officer of the service and anyone acting on their behalf. Chief Officers are responsible for ensuring that all officers, employees, contractors and agents are aware of the existence and content of these Financial Regulations, Financial Procedures and other internal regulatory documents and that they comply with them and that they are complied with.

A modern organisation should also be committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.

The PCC and all officers and employees have a general responsibility to take reasonable action to provide for the security of assets under their control and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value. They have a duty to abide by the highest standards of probity (i.e. honesty, integrity and transparency) in dealing with financial issues.

Financial Regulations explain the working financial relationship between the PCC and the Chief Constable and their respective Chief Financial Officers.

The PCC and Chief Constable are jointly responsible for approving or amending Financial Regulations. The CFO (PCC) is responsible for maintaining a review of the 'Financial Regulations' element of the Scheme of Governance, and submitting any additions or amendments to the PCC and Chief Constable, after consulting with the CFO (Chief Constable) and the Chief Executive.

Breaches of Financial Regulations of a serious nature may result in disciplinary proceedings. Such cases shall be reported to CFO (PCC) who shall determine, after consulting with the Monitoring Officer, whether the matter shall be reported to the PCC and/or Chief Constable.

The Financial Regulations are divided into a number of sections, each with detailed requirements relating to the section heading. References are made throughout the individual sections to consented limits of authority. These are also summarised in Section 6.

- Section 1 - Financial management

- Section 2 - Financial planning
- Section 3 - Management of risk and resources
- Section 4 - Systems and procedures
- Section 5 - Joint Working Arrangements
- Section 6 - Summary of consented limits

Section 1 - Financial Management

1.1 Financial Management Standards

Why is this important?

- 1.1.1 The PCC, Chief Constable, all employees and officers have a duty to abide by the highest standards of probity (i.e. honesty, integrity and transparency) in dealing with financial issues.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 1.1.2 To ensure the proper administration of the financial affairs of GP. To avoid doubt, any reference to GP refers to the Group position i.e. the financial affairs of both the PCC and CC.
- 1.1.3 To ensure that proper practices are adhered to.
- 1.1.4 To advise on the key strategic controls necessary to secure sound financial management.
- 1.1.5 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- 1.1.6 To ensure that all officers and staff are aware of, and comply with, proper financial management standards, including these Financial Regulations.
- 1.1.7 To ensure that all officers and staff are properly managed, developed, trained and have adequate support to carry out their financial duties effectively.

1.2 Accounting Records and Returns

Why is this important?

- 1.2.1 Maintaining proper accounting records is one of the ways in which the PCC and Chief Constable will discharge their responsibility for stewardship of public resources. The Commissioner and the Chief Constable each have a statutory responsibility to prepare annual accounts to present fairly their operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed, and give a true and fair view of the financial position and income and expenditure included in those accounts. The external auditor will also conclude on whether quality arrangements have been made for securing economy, efficiency and effectiveness in the use of GP resources.

Joint Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 1.2.2 To determine the accounting procedures and records for GP, in accordance with recognised accounting practices, and approve the strategic accounting systems and procedures employed by the Chief Constable and the PCC. All officers and employees shall operate within the required accounting policies and published timetables.
- 1.2.3 To make proper arrangements for the audit of the accounts of the PCC and the CC in accordance with the Accounts and Audit (Wales) (Amendment) Regulations 2010 (as amended).
- 1.2.3 To ensure that all claims for funds including grants are made by the due date.
- 1.2.4 To ensure that bank reconciliations and other key control accounts are reconciled on a timely and accurate basis.
- 1.2.5 To prepare and publish the audited accounts in accordance with the statutory timetable.

Responsibilities of the Chief Constable and CFO (Chief Constable)

- 1.2.6 To obtain the approval of the CFO (PCC) before making any fundamental changes to accounting records and procedures or accounting systems.
- 1.2.7 To ensure that all transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
- 1.2.8 To maintain adequate records to provide a management trail leading from the source of income and expenditure through to the accounting statements.

1.3 The Annual Statement of Accounts

Why is this important?

- 1.3.1 The PCC and the CC each have a statutory responsibility to prepare accounts to present fairly its operations during the year. They must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom ("The Code"). The accounts will comprise separate statements for the Group (including PCC and the Pension Account) and the Chief Constable.
- 1.3.2 The accounts are subject to detailed independent review by the external auditor. This audit provides assurance that the accounts are prepared correctly, that proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of GP resources.

Responsibilities of the CFO (PCC)

- 1.3.3 To draw up the timetable for final accounts preparation, in consultation with the CFO (Chief Constable) and external auditor.
- 1.3.4 To prepare, sign and date the Group statement of accounts, stating that it presents fairly the financial position of GP at the accounting date and its income and expenditure for the financial year just ended.
- 1.3.5 To publish the approved and audited accounts of GP each year, in accordance with the statutory timetable.

Joint Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 1.3.6 To select suitable accounting policies and apply them consistently.
- 1.3.7 To make judgements and estimates that are reasonable and prudent.
- 1.3.8 To comply with the Code of Practice on Local Authority Accounting.

Responsibilities of the CFO (Chief Constable)

- 1.3.9 To comply with accounting guidance provided by the CFO (PCC) and supply appropriate information upon request within a reasonable timescale.
- 1.3.10 To prepare, sign and date the CC's statement of accounts, stating that they present fairly the financial position of the CC at the accounting date and his income and expenditure for the financial year just ended.

Responsibilities of the PCC

- 1.3.11 To consider and approve the annual accounts in accordance with the statutory timetable.
- 1.3.12 To sign and date the Group statement of accounts, stating that they present fairly the financial position of GP at the accounting date and its income and expenditure for the financial year just ended.

Responsibilities of the CC

- 1.3.13 To sign and date the CC's statement of accounts, stating that they present fairly the financial position of the CC at the accounting date and his income and expenditure for the financial year just ended.

Section 2: Financial Planning

Why is this important?

- 2.1.1 The PCC and Chief Constable share a responsibility to provide effective financial and budget planning for the short, medium and longer term.
- 2.1.2 GP is a complex organisation responsible for delivering a range of policing activities. It needs to develop systems to enable resources to be allocated in accordance with priorities. Financial planning is essential if it is to function effectively.
- 2.1.3 The financial planning process should be directed by the strategic planning process and the need to meet key objectives.
- 2.1.4 The planning process should be continuous and the planning period should cover at least 3 years. The process should include a more detailed annual plan - the budget, covering the forthcoming financial year. This allows GP to plan, monitor and manage the way funds are allocated and spent.

Medium Term Financial Planning

Responsibilities of the PCC

- 2.1.5 To identify and agree, in consultation with the Chief Constable and other relevant partners and stakeholders, a medium term financial plan which includes funding and spending plans for both revenue and capital. The plan should take into account multiple years, the inter-dependencies of revenue budgets and capital investment, the role of reserves and consideration of risks. It should have regard to affordability and also to CIPFA's Prudential Code for Capital Finance in Local Authorities. The plan should be aligned with the Police and Crime Plan.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 2.1.6 To determine the format and timing of the medium term financial plans to be presented to the PCC. The format is to comply with all legal requirements and with latest guidance issued by CIPFA and section 25 of the Local Government Act 2003.
- 2.1.7 To prepare a medium term financial plan of proposed income and expenditure for submission to the PCC. When preparing the plan, the CFO (Chief Constable) shall have regard to:
 - the police and crime plan
 - policy requirements approved by the PCC as part of the policy framework
 - the strategic policing requirement
 - unavoidable future commitments, including legislative requirements
 - initiatives already underway
 - revenue implications of the draft capital programme
 - proposed service developments and plans which reflect public consultation
 - the need to deliver efficiency and/or productivity savings

- government grant allocations
 - potential implications for local taxpayers
 - any commissioning strategy of the PCC
- 2.1.8 To prepare a medium term financial plan of potential resources, including options for the use of general balances, reserves and provisions, and an assumption about future levels of government funding.
- 2.1.9 A gap may be identified between available resources and required resources. Requirements should be prioritised by the Chief Constable to enable the PCC to make informed judgements as to future funding levels and planning the use of resources.

Annual Revenue Budget

- 2.1.10 The revenue budget provides an estimate of the annual income and expenditure requirements for the delivery of the PCC's strategic policies. It provides the CC with authority to incur expenditure and a basis on which to monitor the financial performance of the Force.
- 2.1.11 The PCC should consult with the Chief Constable and other relevant partners and stakeholders in planning the overall annual budget which will include a separate force budget. This will take into consideration funding from government and from other sources, and balance the expenditure needs of the policing service against the level of local taxation. This should meet the statutory requirements to achieve a balanced budget (Local Government Act 2003) and be completed in accordance with the statutory timeframe.
- 2.1.12 The impact of the annual budget on the priorities and funding of future years as set out in the Police and Crime Plan and the medium term financial plan should be clearly identified.

Responsibilities of the PCC

- 2.1.13 To agree the planning timetable with the Chief Constable.
- 2.1.14 To obtain the views of the local community on the proposed expenditure (including capital expenditure) in the financial year ahead of the financial year to which the proposed expenditure relates.
- 2.1.15 To present the proposed budget and council tax precept recommendations to the Police and Crime Panel for approval.

Responsibilities of the CFO (PCC)

- 2.1.16 To determine the format of the revenue budget to be presented to the PCC. The format is to comply with all legal requirements and with latest guidance issued by CIPFA.

- 2.1.17 To obtain timely and accurate information from billing authorities on the council tax base to inform budget deliberations.
- 2.1.18 To advise the PCC on the appropriate level of general balances, earmarked reserves or provisions to be held.
- 2.1.19 To submit a report to the PCC on (1) the robustness of the estimates and the adequacy of reserves and (2) the suite of prudential indicators for the next three years, arising from the Prudential Code for Capital Finance in Local Authorities. These indicators shall be consistent with the approved annual revenue budget and capital programme.
- 2.1.20 Upon approval of the annual budget, to submit the council tax requirement return to Welsh Government and precept requests to Unitary Authorities in accordance with the legal requirement.
- 2.1.21 To produce and issue to the billing authorities, in accordance with statutory requirements, the council tax information leaflet.
- 2.1.22 To consult with representatives of both Council Tax payers and those paying National Non-Domestic rates during the budget setting process.

Responsibilities of the Chief Constable and CFO (Chief Constable)

- 2.1.23 To prepare detailed budget estimates for the forthcoming financial year in accordance with the timetable agreed with the CFO (PCC).
- 2.1.24 To submit estimates in the agreed format to the PCC for approval.

2.2 Budgetary Control

Why is this important?

- 2.2.1 Budget management ensures that once the PCC has approved the budget, resources allocated are used for their intended purpose and are properly accounted for. Budgetary control is a continuous process, enabling both the Chief Constable and PCC to review and adjust their budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 2.2.2 The key controls for managing and controlling the revenue budget are that:
 - a) there is a nominated budget manager for each cost centre heading who is accountable for the budgets under his direct control; and
 - b) the management of budgets must not be seen in isolation. It should be measured in conjunction with service outputs and performance measures.

Revenue Monitoring

Why is this important?

- 2.2.3 By continuously identifying and explaining variances against budgetary targets, GP can identify changes in trends and resource requirements at the earliest opportunity. To ensure that GP in total does not overspend, the Chief Constable and CFO (PCC) are required to manage expenditure within their budget allocations, subject to the rules of virement.

Responsibilities of the Chief Constable and CFO (Chief Constable)

- 2.2.4 To provide appropriate financial information to enable budgets to be monitored effectively.
- 2.2.5 To ensure that each element of income or expenditure has a nominated budget manager to take responsibility for that part of the budget. Budget responsibility should be aligned as closely as possible to the decision making process that commits expenditure.
- 2.2.6 To ensure that total spending for operational policing remains within the overall allocation of resources and takes corrective action where significant variations from the approved budget are forecast. Where total projected expenditure exceeds the total allocation of resources due to circumstances beyond the control of the Chief Constable, both the CFO (PCC) and PCC shall be alerted immediately and proposals for remedy should be put forward as part of the regular reporting process to the PCC. The same responsibilities apply to the Chief Executive and the CFO (PCC) for their budgets.
- 2.2.7 To submit a group budget monitoring report to the PCC on a regular basis throughout the year, containing the most recently available financial information. The reports shall be in a format agreed with the PCC and CFO (PCC).

Responsibility of the CFO (PCC)

- 2.2.8 To co-ordinate a joint budget monitoring report for presentation to the Police and Crime Panel, as necessary, containing the most recently available financial information.

Virement

Why is this important?

- 2.2.9 A virement is an approved reallocation of resources between budgets or heads of expenditure. A budget head is a line in the approved budget report. The scheme of virement is intended to enable Chief Officers to manage their budgets with a degree of flexibility within the overall policy framework determined by the PCC and, therefore, to provide the opportunity to optimise the use of resources to emerging needs.

2.2.10 The CFO (Chief Constable) (upon the instruction of the Chief Constable) should only be required to refer back to the PCC when virement would incur substantive changes in the policy of the PCC or where a virement might create a future year or continuing commitment. Revenue expenditure can only be funded from revenue funding.

2.2.11 Key controls for the scheme of virement are:

- a) it is administered by Chief Officers within consented powers given to the CFO (Chief Constable) by the PCC. Any variation from this scheme requires the approval of the PCC.
- b) the overall budget is agreed by the PCC. Chief Officers and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget.
- c) virement does not create additional overall budget liability.
- d) each Chief Officer shall ensure that virement is undertaken as necessary to maintain the accuracy of budget monitoring.

Responsibilities

2.2.12 The CFO (Chief Constable) upon the instruction of the Chief Constable may use revenue provision to purchase capital items or carry out capital works (subject to obtaining prior approval from the PCC where the proposed transfer exceeds £500,000) and explaining the revenue consequences.

2.2.13 The CFO (Chief Constable) can approve any virement where the additional costs are fully reimbursed by other bodies.

2.2.14 For all other budgets each Chief Officer shall ensure that virement is undertaken as necessary to maintain the accuracy of budget monitoring, subject to the following approval levels

Revenue

- | | |
|-----------------------|-----------------------|
| a) Up to £500,000 | CFO (Chief Constable) |
| b) More than £500,000 | PCC |

In relation to any revenue pursuant to (a) to (b) above inclusive, the aggregate expenditure amount must not exceed 1% of Net Revenue Expenditure. If the aggregate revenue amount exceeds this, the prior consent of the PCC must be secured.

Capital

- | | |
|--------------------|-----------------------|
| Up to £500,000 | CFO (Chief Constable) |
| More than £500,000 | PCC |

2.2.15 The approval of the PCC shall be required if the virement involves:

- a) a substantial change in policy,
- b) a significant addition to commitments in future years, or

- c) where resources to be transferred were originally provided to meet expenditure of a capital nature.

2.3 Capital Programme

Why is this important?

- 2.3.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to GP such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and may create financial commitments in the form of financing costs and revenue running costs.
- 2.3.2 GP is able to undertake capital investment providing the spending plans are affordable, prudent, sustainable and demonstrate VFM. CIPFA's Prudential code sets out the framework under which spending plans are considered.
- 2.3.3 The capital programme is linked to the approved medium term financial plan.

Responsibilities of the Chief Constable

- 2.3.4 To develop and implement asset management plans.

Responsibilities of the CFO (PCC), CFO (Chief Constable) and Chief Constable

- 2.3.5 To prepare a medium term financial plan for consideration and approval by the PCC.

Responsibilities of the PCC

- 2.3.6 To approve the asset management strategy.
- 2.3.7 To approve the annual medium term financial plan.

Medium term Capital Programme

Responsibilities of the Chief Constable & CFO (Chief Constable)

- 2.3.8 To prepare a rolling programme of proposed capital expenditure for consideration by the PCC. Each scheme shall identify the total capital cost of the project and any additional revenue commitments.
- 2.3.9 To prepare project appraisals (i.e. the Business Cases) for all schemes in the draft medium term year capital programme and shall be submitted to the CFO (PCC) and PCC for consideration and scheme approval. This will include all additional revenue and capital costs.
- 2.3.10 Each capital project shall have a named officer responsible for sponsoring the scheme, monitoring progress and ensuring completion of the scheme.

- 2.3.11 To identify, in consultation with the CFO (PCC), available sources of funding for the medium term capital programme, including the identification of potential capital receipts from disposal of property.
- 2.3.12 A gap may be identified between available resources and required capital investment. Requirements should be prioritised by the CFO (Chief Constable) in consultation with the Chief Constable to enable the PCC to make informed judgements as to which schemes should be included in the capital programme, the minimum level of funding required for each scheme and the potential phasing of capital expenditure.
- 2.3.13 All schemes within the draft medium term capital programme should incorporate an estimate of future price inflation.
- 2.3.14 Approval of the medium term capital programme by the PCC in February each year authorises the CFO (Chief Constable) to seek planning permissions, incur professional fees and preliminary expenses as appropriate.

Responsibilities of the CFO (PCC)

- 2.3.15 To make recommendations to the PCC on the most appropriate level of revenue support, reserve utilisation and appropriate levels of borrowing, under the Prudential Code, to support the capital programme.

Responsibilities of the PCC

- 2.3.16 To approve a fully funded medium term capital programme.

Annual Capital Programme

Responsibilities of the PCC

- 2.3.17 To agree the annual capital programme, and how it is to be financed.

Responsibilities of the CFO (Chief Constable)

- 2.3.18 Approval of the annual capital programme by the PCC authorises the CFO (Chief Constable) to incur expenditure on schemes. Any increase in the overall programme must be subject to the prior approval of the PCC.
- 2.3.19 To ensure that finance leases or other credit arrangements are not entered into without the prior approval of the CFO (PCC).
- 2.3.20 To ensure that, apart from professional fees (e.g. feasibility studies and planning fees), no other capital expenditure is incurred before the scheme is approved by the PCC.

Monitoring of Capital Expenditure

Responsibilities of the Chief Constable

- 2.3.21 To ensure that adequate records are maintained for all capital contracts.

Responsibilities of the Chief Constable and CFO (Chief Constable)

- 2.3.22 To monitor expenditure throughout the year against the approved programme.
- 2.3.23 To submit capital monitoring reports to the PCC on a regular basis throughout the year. These reports are to be based on the most recently available financial information. The monitoring reports will show spending to date and compare projected income and expenditure with the approved programme. The reports shall be in a format agreed by the PCC and CFO (PCC).
- 2.3.24 To prepare a business case for all new capital schemes [after the annual programme has been agreed] for submission to the PCC for consultation and approval. Amendments to the programme increasing its overall cost must demonstrate how such changes are to be funded.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 2.3.25 To report on the outturn of capital expenditure as part of the statutory accounts.

2.4 Maintenance of Balances and Reserves

Why is this important?

- 2.4.1 The PCC must take into account the level of general reserves he wishes to retain before he can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable Gwent Police to provide for cash flow fluctuations and unexpected costly events and thereby help protect it from overspending the annual budget, should such events occur. Reserves for specific purposes may also be maintained where it is likely that a spending requirement will occur in the future.

Responsibilities of the CFO (PCC)

- 2.4.2 To advise the PCC on reasonable levels of balances and reserves.
- 2.4.3 To report to the PCC on the adequacy of reserves and balances before he approves the annual budget and council tax.
- 2.4.4 To approve appropriations to and from each earmarked reserve. These will be separately identified in the Annual Group Statement of Accounts.

Responsibilities for the CFO (Chief Constable)

- 2.4.5 To ensure that the annual revenue budget is sufficient to finance foreseeable operational needs without having to request additional approval.
- 2.4.6 To present (following consultation with the Chief Constable) a business case to the CFO (PCC) and PCC for one-off expenditure items to be funded from earmarked and/or general reserves.

Responsibilities of the PCC

- 2.4.7 To approve a policy on reserves and balances, including lower and upper parameters for the level of general balances.
- 2.4.8 To approve the creation of each earmarked reserve. The purpose, usage and basis of transactions should be clearly identified for each reserve established.
- 2.4.9 To approve the allocation of monies to and from general and earmarked reserves, as part of the annual budget setting process.

Section 3 Risk Management and Business Continuity

Why is this important?

- 3.1.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all potential significant corporate and operational risks to GP. This should include the proactive participation of all those associated with planning and delivering services.
- 3.1.2 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk cannot be eliminated altogether. However, risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of GP and to ensure the continued corporate and financial wellbeing of GP. In essence it is, therefore, an integral part of good business practice.

Responsibilities of the PCC and Chief Constable

- 3.1.3 The PCC and Chief Constable are jointly responsible for approving the risk management policy statement and strategy, and for reviewing the effectiveness of risk management.

Responsibilities of Chief Officers

- 3.1.4 To prepare the GP risk management policy statement and for promoting a culture of risk management awareness throughout GP and reviewing risk as an on-going process.
- 3.1.5 To implement procedures to identify, assess, prevent or contain material known risks, with a monitoring process in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be formalised and conducted on a continuing basis
- 3.1.6 To ensure that appropriate business continuity plans are developed, implemented and tested on a regular basis.

Responsibilities of the CFO (PCC)

- 3.1.7 To advise the PCC on appropriate arrangements for insurance. Acceptable levels of risk should be determined and insured against where appropriate. Activities leading to levels of risk assessed as unacceptable should not be undertaken.
- 3.1.8 To arrange for an actuary to undertake a regular review of GP's own self-insurance fund and, following that review, to recommend to the PCC a course of action to ensure that, over the medium term, the fund is able to meet all known liabilities.

Responsibilities of the CFO (Chief Constable)

- 3.1.9 To ensure, in consultation with the CFO (PCC), that appropriate insurance cover is provided.
- 3.1.10 To ensure that claims made by GP against insurance policies are made promptly.
- 3.1.11 To make all appropriate officers and employees aware of their responsibilities for managing relevant risks.
- 3.1.12 To ensure that officers and employees, or anyone covered by GP insurance, is instructed not to admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- 3.1.13 To ensure that a comprehensive risk register is produced and updated regularly, and that corrective action is taken at the earliest possible opportunity to either transfer, treat, tolerate or terminate the identified risk.

Responsibilities of the Chief Executive

- 3.1.14 To evaluate and authorise any terms of indemnity that GP is requested to give by external parties.

3.2 Internal Control System

Why is this important?

- 3.2.1 Internal control refers to the systems of control devised by management to help ensure GP objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that GP's assets and interests are safeguarded.
- 3.2.2 GP is complex and requires an internal control framework to manage and monitor progress towards strategic objectives. GP has statutory obligations, and, therefore, requires a system of internal control to identify, meet and monitor compliance with these obligations.
- 3.2.3 GP faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. A system of internal control is necessary to manage these risks. The system of internal control is established in order to provide achievement of:
- efficient and effective operations
 - reliable financial information and reporting
 - compliance with laws and regulations
 - risk management

Responsibilities of Chief Officers

- 3.2.4 To implement effective systems of internal control, in accordance with advice from the CFO (PCC) and CFO (Chief Constable). These arrangements shall ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They shall ensure that public resources are properly safeguarded and used economically, efficiently and effectively.
- 3.2.5 To ensure that effective key controls are operating in managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance information and taking appropriate anticipatory and remedial action where necessary. The key objective of these control systems is to define roles and responsibilities.
- 3.2.6 To ensure that effective key controls are operating in financial and operational systems and procedures. This includes physical safeguard of assets, segregation of duties, authorisation and approval procedures and robust information systems.

Responsibilities of the PCC, Chief Executive and CFO (PCC)

- 3.2.7 To produce an Annual Governance Statement for consideration and approval by the PCC. Following approval, the Annual Governance Statement should be signed by the PCC, Chief Executive and CFO (PCC).

Responsibilities of the Chief Constable and CFO (Chief Constable)

- 3.2.8 To produce an Annual Governance Statement for consideration and approval by the Chief Constable. Following approval, the Annual Governance Statement should be signed by the Chief Constable and CFO (Chief Constable).

3.3 Audit Requirements

Internal Audit

Why is this important?

- 3.3.1 Internal audit is an assurance function that provides an independent and objective opinion to the organisation on its control environment, by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.
- 3.3.2 The requirement for an internal audit function for local authorities is either explicit or implied in the relevant local government legislation (section 151 of the Local Government Act 1972), which requires that authorities 'make arrangements for the proper administration of their financial affairs'. In the Police Service in Wales, the PCC and Chief Constable are required to maintain an effective audit of their affairs by virtue of the Accounts and Audit (Wales) (Amendment) Regulations 2010 which state that a 'relevant body must maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control'. The guidance accompanying the legislation states that proper internal control practices for internal audit are those contained in the CIPFA Code of Practice.
- 3.3.3 In fulfilling this requirement the PCC and Chief Constable should have regard to the Code of Practice for Internal Audit in Local Government in the United Kingdom issued by CIPFA. In addition, the Statement on the Role of the Head of Internal Audit in Public Service Organisations issued by CIPFA sets out best practice and should be used to assess arrangements to drive up audit quality and governance arrangements.
- 3.3.4 In addition to enabling the PCC and the Chief Constable to fulfil their requirements in relation to the relevant Accounts and Audit Regulations, internal Audit is needed:
- to satisfy the PCC and the Chief Constable that effective internal control systems are in place; and
 - to satisfy the external auditor that financial systems and internal controls are effective and that the Police Fund is managed so as to secure value for money.

Responsibilities of the Joint Audit Committee

- 3.3.5 To approve the terms of reference within which internal audit operates.

3.3.6 To approve the internal audit strategy, which sets out:

- Internal Audit objectives and outcomes;
- how the head of such internal audit service (whether this is provided externally or otherwise) will form and evidence his opinion on the control environment to support the Annual Governance Statement;
- how Internal Audit's work will identify and address significant local and national issues and risks;
- how the service will be provided, i.e. internally, externally, or a mix of the two; and what resources and skills are required for the delivery of the strategy; and
- the resources and skills required to deliver the strategy.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

3.3.7 To ensure the provision of an adequate and effective internal audit service.

Responsibilities of the Chief Constable, CFO (PCC) and CFO (Chief Constable)

3.3.8 To ensure that internal auditors, having been security cleared, have the authority to:

- access GP premises at reasonable times;
- access all assets, records, documents, correspondence, control systems and appropriate personnel, subject to appropriate security clearance;
- receive any information and explanation considered necessary concerning any matter under consideration;
- require any employee to account for cash, stores or any other GP asset under their control; and
- access records belonging to contractors, when required. This shall be achieved by including an appropriate clause in all contracts.

3.3.9 Internal Audit shall have direct access to all Chief Officers, officers and employees, where necessary.

Responsibilities of the appointed Internal Auditor

3.3.10 To prepare an annual audit plan that conforms to the CIPFA Code of Practice. The CFO (PCC) and CFO (Chief Constable) are jointly responsible for approving the plan and any subsequent revisions. The plan shall be submitted to the Joint Audit Committee for final approval.

3.3.11 To attend or be represented at meetings of the Joint Audit Committee and to present to each Committee a report on the progress in delivering the annual plan, the matters arising from completed audits, and the extent to which agreed actions in response to issues raised in the audit reports have been delivered.

3.3.12 To present an annual report to the Joint Audit Committee, including an opinion on the reliance that may be placed on the internal control framework and summarising the work completed during the financial year in support of this opinion.

Responsibilities of Chief Officers

- 3.3.13 To consider and respond promptly to control weaknesses, issues and recommendations in audit reports and ensure that all critical or significant agreed actions arising from the audit are carried out in accordance with the agreed action plan included in each report.

Responsibilities of the CFO (Chief Constable)

- 3.3.14 To ensure that new systems for maintaining financial records or records of assets, or significant changes to existing systems, are discussed with and agreed by the CFO (PCC) and internal audit prior to implementation.
- 3.3.15 To notify the CFO (PCC) immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of GP property or resources. Pending investigation and reporting, the Chief Constable should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration. Investigation of internal financial irregularities shall normally be carried out by the Professional Standards Department, who shall consult with the appointed Internal Auditor as appropriate and keep him informed of progress. At the conclusion of the investigation the appointed Internal Auditor shall review the case to identify any internal control weaknesses that allowed the financial irregularity to happen and shall make recommendations to ensure that the risk of recurrence is minimised. The operation of this Regulation shall be in accordance with the agreed protocol between the Head of Professional Standards, the CFO (CHIEF CONSTABLE) and the appointed Internal Auditor.

External Audit

Why is this important?

- 3.3.16 The Auditor General for Wales is responsible for appointing external auditors to each local authority in Wales, including police. The Code of Audit Practice prescribes the way in which auditors appointed by the Audit Wales carry out their functions under the Public Audit (Wales) Act 2004. The external auditor has rights of access to all documents and information necessary for audit purposes.
- 3.3.17 The basic duties of the external auditor are defined in the Public Audit (Wales) Act 2004, and meet the requirements of the Code of Audit and Inspection Practice issued by the Auditor General for Wales under Section 16 of the 2004 Act. The Code sets out the auditor's objectives to review and report upon:
- the financial aspects of the audited body's corporate governance arrangements;
 - the audited body's financial statements; and
 - aspects of the audited body's arrangements to secure Value for Money.
- 3.3.18 In auditing the annual accounts the external auditor must satisfy themselves that:
- the accounts are prepared in accordance with the relevant regulations;

- they comply with the requirements of all other statutory provisions applicable to the accounts;
- proper practices have been observed in the compilation of the accounts; and
- the body whose accounts are being audited has made proper arrangements for securing economy, efficiency and effectiveness.

Responsibilities of the Joint Audit Committee

- 3.3.19 The Joint Audit Committee (JAC) will consider the internal and external audit reports of both the PCC and the Chief Constable. The JAC will advise the PCC and the Chief Constable according to good governance principles and will:
- provide independent assurance to the PCC and the CC regarding the adequacy of the risk management framework and the associated control environment;
 - provide independent scrutiny of the Force's and the OPCC's financial performance;
 - oversee the financial reporting process adapted from CIPFA Audit Committees Practical Guidance for Local Authorities;
 - consider the annual work plan and fee;
 - recommend approval of the annual governance statement.
 - receive the annual audit letter.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 3.3.20 To liaise with the external auditor and advise the PCC and Chief Constable on their responsibilities in relation to external audit and ensure there is effective liaison between external and internal audit.
- 3.3.21 To provide Welsh Government/Home Office with a copy of the annual audit letter.

Responsibilities of the Chief Constable and CFO (PCC)

- 3.3.22 To ensure that for the purposes of their work the external auditors are given the access to which they are statutorily entitled in relation to GP premises, assets, records, documents, correspondence, control systems and personnel, subject to appropriate security clearance.
- 3.3.23 To respond to draft action plans and to ensure that agreed recommendations are implemented in a timely manner.

3.4 Preventing Fraud and Corruption

Why is this important?

- 3.4.1 GP will not tolerate fraud or corruption in the administration of its responsibilities, whether from inside or outside GP.
- 3.4.2 GP's expectation of propriety and accountability is that officers and employees at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

- 3.4.3 GP also expects that individuals and organisations (e.g. suppliers, contractors, and service providers) with whom it comes into contact will act with honesty and integrity.

Responsibilities of the PCC and Chief Constable

- 3.4.4 To adopt and adhere to the whistle blowing policy, and to update accordingly.
- 3.4.5 To approve and adopt a policy on registering of interests and the receipt of hospitality and gifts.
- 3.4.6 To maintain an effective anti-fraud and anti-corruption policy.
- 3.4.7 To ensure that adequate and effective internal control arrangements are in place.
- 3.4.8 To maintain a policy for the registering of interests and the receipt of hospitality and gifts covering both officers and employees. A register of interests and a register of hospitality and gifts shall be maintained for officers and employees.
- 3.4.9 To maintain a whistle blowing policy to provide a facility that enables officers, employees, the general public and contractors to make allegations of fraud, misuse and corruption in confidence, and without recrimination, to an independent contact. Procedures shall ensure that allegations are investigated robustly as to their validity that they are not malicious and that appropriate action is taken to address any concerns identified. The Chief Constable shall ensure that all officers and employees are aware of any approved whistle blowing policy.
- 3.4.10 To implement and maintain a clear internal financial control framework setting out the approved financial systems to be followed by all officers and employees.

3.5 Assets

Security

Why is this important?

- 3.5.1 The PCC holds assets in the form of land, property, vehicles, equipment, furniture and other items, together worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, that there are arrangements for the security of both assets and information required for service operations and that proper arrangements exist for the disposal of assets. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Context

- 3.5.2 The PCC will own and fund all assets regardless of whether they are used by the PCC, by the CC or by both.

3.5.3 The Chief Constable is responsible for the direction and control of the force and should therefore have day-to-day management of all assets used by the force.

3.5.4 The PCC should consult the Chief Constable in planning the budget and developing a medium term financial plan. Both these processes should involve a full assessment of the assets required to meet operational requirements, including in terms of human resources, infrastructure, land, property and equipment.

Responsibilities of the CFO (Chief Constable)

3.5.5 To ensure that:

- a) an asset register is maintained to provide information about fixed assets so that they are safeguarded, used efficiently and effectively, adequately maintained and valued in accordance with statutory and management requirements;
- b) assets and records of assets are properly maintained and securely held and that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place;
- c) lessees and other prospective occupiers of PCC land are not allowed to take possession or enter the land until a lease or agreement has been established as appropriate;
- d) title deeds to PCC property are held securely;
- e) no asset is subject to personal use by an officer or employee without proper authority;
- f) valuable and portable items such as computers, cameras and video recorders are identified with security markings as belonging to GP;
- g) all officers and employees are aware of their responsibilities with regard to safeguarding GP assets and information, including the requirements of the Data Protection Act and software copyright legislation;
- h) assets no longer required are disposed of in accordance with the law and the regulations of GP and in accordance with the asset management plan referred to at paragraph 2.3.4 ; and
- i) all officer and employees are aware of their responsibilities with regard to safeguarding the security of GP ICT systems, including maintaining restricted access to the information held on them and compliance with the information and security policies.

Valuation

Responsibilities of the CFO (Chief Constable)

3.5.6 To maintain an asset register for all fixed assets with a value in excess of the limits shown below, in a form approved by the CFO (PCC). Assets are to be recorded when they are acquired by GP. Assets shall remain on the asset register until disposal. Assets are to be valued in accordance with the *Code of Practice on Local authority Accounting in the United Kingdom* and the requirements specified by the CFO (PCC).

<i>Land & Buildings</i>	<i>£6,000</i>
<i>Vehicles</i>	<i>£6,000</i>
<i>ICT hardware</i>	<i>£6,000</i>
<i>Plant & Equipment</i>	<i>£6,000</i>

Inventories

Responsibilities of the CFO (Chief Constable)

- 3.5.7 To ensure that inventories are maintained in a format approved by the CFO (PCC) and CFO (Chief Constable) that record an adequate description of items with a value in excess of £1,000. Other items of equipment should also be recorded if they are deemed to be both desirable and portable (e.g. laptops).

Stocks and Stores

Responsibilities of the CFO (Chief Constable)

- 3.5.8 To make arrangements for the care, custody and control of the stocks and stores of GP and to maintain detailed stores accounts in a form approved by the CFO (PCC).
- 3.5.9 To undertake a complete stock check at least once per year either by means of continuous or annual stocktake. The stocktake shall be undertaken and certified by an authorised member of staff who is independent of the stock keeping function. This procedure shall be followed and a complete stock check undertaken whenever stock keeping duties change.
- 3.5.10 Discrepancies between the actual level of stock and the book value of stock may be written-off, in consultation with the CFO (PCC).
- 3.5.11 To write-off obsolete stock, in consultation with the Chief Constable and the CFO (PCC) in accordance with the asset management plan.

Intellectual Property

Why is this important?

- 3.5.12 Intellectual property is a generic term that includes inventions and writing.
- 3.5.13 It is GP policy that if any Intellectual Property is created by the officer or employee during the course of service/employment, then, as a general rule, this will belong to the employer, not the officer/employee. Various acts of Parliament cover different types of intellectual property. Certain activities undertaken within GP may give rise to items that could be patented, for example, software development. These items are collectively known as intellectual property.

- 3.5.14 In the event that GP decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the terms of any intellectual property policy of the PCC and in accordance with any national guidance. Matters should only proceed after legal advice.

Responsibilities of the Chief Constable

- 3.5.15 To ensure that officers and employees are aware of these procedures.
- 3.5.16 To prepare guidance on intellectual property procedures and ensuring that officers and employees are aware of these procedures.

Responsibilities of the Chief Constable and PCC

- 3.5.17 To approve the intellectual property policy.

Asset Disposal

Why is this important?

- 3.5.18 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and in consultation with the PCC.

Responsibilities of the CFO (Chief Constable)

- 3.5.19 To dispose of assets at the appropriate time and at the most advantageous price. Where this is not the highest offer, the CFO (Chief Constable) (following instruction from the Chief Constable) shall consult with the CFO (PCC).
- 3.5.20 All asset disposals shall be recorded in the asset register or inventory as appropriate.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 3.5.21 To ensure that income received for the disposal of an asset is properly banked and accounted for.
- 3.5.22 To ensure that appropriate accounting entries are made to remove the value of disposed assets from GP records and to include the sale proceeds.

3.6 Treasury Management and Banking Arrangements

Treasury Management

Why is this important?

- 3.6.1 GP is a large organisation that handles hundreds of millions of pounds in each financial year. It is important that GP money is managed properly, in a way that balances risk with return, but with the prime consideration being given to the security of the GP capital sum.

3.6.2 GP will create and maintain, as the cornerstones for effective treasury management:

- A treasury management strategy, stating the policies, objectives and approach to risk management of its treasury management activities;
- Suitable Treasury Management Practices (TMPs) setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

Responsibilities of the PCC

3.6.3 To adopt CIPFA's Treasury Management in the Public Services: Code of Practice; and Prudential Code for Capital Finance in Local Authorities (the Codes).

3.6.4 To approve:

- The prudential Indicators relating to capital expenditure;
- The Minimum Revenue Provision policy;
- The Treasury Management Strategy; and
- The Investment Strategy.

3.6.5 To receive and approve mid-year and annual treasury management performance monitoring reports.

Responsibilities of the CFO (PCC)

3.6.6 To implement and monitor treasury management policies and practices in line with the CIPFA Codes and other professional guidance and to execute and administer treasury management in accordance with the CIPFA Codes and the approved strategies and policies.

3.6.7 To prepare reports on the treasury management policies, practices and activities, including, as a minimum, an annual strategy, mid-year monitoring and annual reports.

3.6.8 To arrange borrowing and investments, in compliance with the CIPFA Codes and the Treasury Management Strategy and to ensure that all investments and borrowings are made in the name of GP.

Responsibilities of the Joint Audit Committee

3.6.9 To consider and comment upon any policy or strategy regarding loans, investments or borrowing.

Banking Arrangements

Why is this important?

- 3.6.10 GP's banking activities are controlled by a single contract which aims to provide a wide range of complex and specialist banking services. A consistent and secure approach to banking services is essential in order to achieve optimum performance from GP bankers and the best possible value for money.

Responsibilities of the CFO (PCC)

- 3.6.11 To have overall responsibility for the banking arrangements for GP.
- 3.6.12 To produce a policy on the establishment and maintenance of bank accounts, in consultation with the CFO (Chief Constable).
- 3.6.13 To authorise the opening and closing of all GP bank accounts. No officer or employee shall open a bank account unless they are performing a statutory function (e.g. treasurer of a charitable body) in their own right.
- 3.6.14 To undertake bank reconciliations on a timely and accurate basis.
- 3.6.15 To determine signatories on all GP bank accounts.

Imprest Accounts / Petty Cash

Why is this important?

- 3.6.16 Cash advances may be made to an individual in order that relatively small incidental payments may be made quickly. A record of disbursements from the account should be maintained to control the account and so that the expenditure may be substantiated, accurately reflected in the GP accounts and correctly reimbursed to the account holder.

Responsibilities of the CFO (Chief Constable)

- 3.6.17 To provide appropriate officers and employees of GP with cash from imprests to meet minor expenditure on behalf of GP. The CFO (Chief Constable) in conjunction with the Chief Constable shall determine reasonable petty cash limits and maintain a record of all transactions and petty cash advances made, and periodically review the arrangements for the safe custody and control of these advances.
- 3.6.18 To prepare detailed Financial Procedures for dealing with petty cash, to be agreed with the CFO (PCC), and these shall be issued to all appropriate officers and employees.

Money Laundering

Why is this important?

- 3.6.19 GP is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money.
- 3.6.20 Suspicious cash deposits in any currency in excess of €15,000 (or equivalent) should be reported to the Serious Organised Crime Agency (SOCA).
- 3.6.21 GP will monitor its internal control procedures to ensure they are reliable and robust.

Responsibilities of the CFO (PCC)

- 3.6.22 To be the nominated Money Laundering Reporting Officer (MLRO).
- 3.6.23 Upon receipt of a disclosure to consider, in the light of all information, whether it gives rise to such knowledge or suspicion.
- 3.6.24 To disclose relevant information to the Serious Organised Crime Agency (SOCA).

Responsibilities of CFO (Chief Constable)

- 3.6.25 To undertake appropriate checks to ensure that all new suppliers and counterparties are bona fide.

Responsibilities of officers and employees

- 3.6.26 To notify the CFO (PCC) as soon as they receive information which may result in them knowing or having reasonable grounds for knowing or suspecting money laundering, fraud or use of the proceeds of crime.
- 3.6.27 Cash banking from a single source over €15,000 should be reported to the CFO (PCC). This instruction does not apply to seizures and subsequent bankings under the Proceeds of Crime Act (see Financial Regulation 3.9).

3.7 Establishment Control

Why is this important?

- 3.7.1 Staffing costs form the largest element of the annual policing budget. An appropriate HR strategy will exist, in which staffing requirements and budget allocations are matched. The Chief Constable is responsible for approving the overall HR strategy in consultation with the PCC.

Responsibilities of the Chief Constable

- 3.7.2 To ensure that officers and employees are appointed, employed and dismissed in accordance with relevant statutory regulations, national agreements and personnel policies, budgets and strategies agreed by the PCC.

Responsibilities of the CFO (Chief Constable)

- 3.7.3 To advise the PCC on the budget necessary in any given year to cover estimated staffing levels.
- 3.7.4 To adjust the staffing numbers to meet the approved budget provision, and varying the provision as necessary within policy constraints in order to meet changing operational needs.
- 3.7.5 To have systems in place to record all matters affecting payments to staff, including appointments, resignations, dismissals, secondments, suspensions, transfers and all absences from work.
- 3.7.6 To approve, in consultation with the CFO (PCC), policy arrangements for premature retirements on grounds of ill-health or efficiency for all staff and redundancy arrangements.

Responsibilities of the Chief Executive

- 3.7.7 To have the same responsibilities as above for staff employed directly by the PCC.

3.8 Trust Funds

Why is this important?

- 3.8.1 Trust Funds have a formal legal status governed by a Deed of Trust. Officers and employees acting as trustees must ensure that they are conversant with the requirements of the Trust Deed and the law and comply fully with them e.g. GP Benevolent Fund.
- 3.8.2 The GP financial procedures and financial regulations should be viewed as best practice, which ought to be followed whenever practicable.
- 3.8.3 No officer or employee shall open a trust fund without the specific approval of the Chief Constable, CFO (PCC) and CFO (Chief Constable) (as applicable).

Responsibilities of Trustees

- 3.8.4 All officers and/or employees acting as trustees by virtue of their official position shall ensure that accounts are audited as required by law and submitted annually to the appropriate body, and the CFO (PCC) and/or CFO (Chief Constable) shall be entitled to verify that this has been done.

3.9 Administration of Evidential and Non-Evidential Property

Why is this important?

- 3.9.1 The Chief Constable is required to exercise a duty of care and safeguard evidential or non-evidential property pending decisions on its ownership, or private property of an individual e.g. a suspect in custody.

Responsibilities of the Chief Constable

- 3.9.2 To determine procedures for the safekeeping of the private property of a person, other than a member of staff, under his guardianship or supervision. These procedures shall be made available to all appropriate employees. For more detailed information please refer to the Evidential and Non-Evidential Operating Procedure.
- 3.9.3 To determine procedures for the safekeeping of evidential or non-evidential property. These procedures shall be made available to all appropriate officers and employees and shall make specific reference to the need for insurance of valuable items.
- 3.9.4 To issue separate Financial Procedures for dealing with cash, including seized cash under the Proceeds of Crime Act.

Responsibilities of all officers and employees

- 3.9.5 To notify the Chief Constable immediately in the case of loss or diminution in value of such private property.

3.10 Gifts, Loans and Sponsorship

- 3.10.1 This does not include the receipt of hospitality and gifts – please see Section 3.4.

Why is this important?

- 3.10.2 In accordance with the Police Act 1996, the PCC may decide to accept gifts of money and gifts or loans of other property or services (e.g. car parking spaces) if they will enable the police either to enhance or extend the service which they would normally be expected to provide. The terms on which gifts or loans are accepted may allow commercial sponsorship of some police force activities.

Context

- 3.10.3 Gifts, loans and sponsorship are particularly suitable for multi-agency work such as crime prevention, community relations work and victim support schemes.

- 3.10.4 Gifts, loans and sponsorship can be accepted from any source which has genuine and well intentioned reasons for wishing to support specific projects. In return, the provider may expect some publicity or other acknowledgement. It is acceptable to allow the provider to display the organisation's name or logo on publicity material, provided this does not dominate or detract from the purpose of the supported project.

Responsibilities of the PCC

- 3.10.5 To approve, and update appropriately, the policy on gifts, loans and sponsorship.

Responsibilities of the CFO (Chief Constable)

- 3.10.6 To accept gifts, loans or sponsorship within agreed policy guidelines and in consultation with the Chief Constable.
- 3.10.7 To refer all gifts, loans and sponsorship above £100,000 to the PCC for approval before they are accepted.
- 3.10.8 To present an annual report to the PCC listing all gifts, loans and sponsorship.
- 3.10.9 To maintain a central register, in a format agreed by the CFO (PCC), of all sponsorship initiatives and agreements including their true market value, and to provide an annual certified statement of all such initiatives and agreements. The register will be made available to the CFO (PCC), who shall satisfy himself that it provides a suitable account of the extent to which such additional resources have been received.
- 3.10.10 To bank cash from sponsorship activity in accordance with normal income procedures.

Section 4 Systems and Processes - Introduction

Why is this important?

- 4.1.1 There are many systems and procedures relating to the control of GP assets, including purchasing, costing and management systems. GP is reliant on computers for financial management information. This information must be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 4.1.2 The CFO (PCC) and CFO (Chief Constable) both have a statutory responsibility to ensure that GP financial systems are sound and should therefore be notified of any proposed new developments or changes.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 4.1.3 To make arrangements for the proper administration of GP financial affairs, including to:

- issue advice, guidance and procedures for officers, employees and others acting on behalf of GP;
- determine the accounting systems, form of accounts and supporting financial records;
- establish arrangements for the audit of GP financial affairs;
- approve any new financial systems to be introduced; and
- approve any changes to existing financial systems.

4.1.4 To ensure, in respect of systems and processes, that:

- systems are secure, adequate internal control exists and accounting records (e.g. invoices, income documentation, etc.) are properly maintained and held securely. This is to include an appropriate segregation of duties to minimise the risk of error, fraud or other malpractice;
- appropriate controls exist to ensure that all systems input, processing and output is genuine, complete, accurate, timely and not processed previously;
- a complete audit trail is maintained, allowing financial transactions to be traced from the accounting records to the original document and vice versa; and
- systems are documented and staff trained in operations.

4.1.5 To ensure that there is a documented and tested business continuity plan to allow key system processing to resume quickly in the event of an interruption. Effective contingency arrangements, including back up procedures, are to be in place in the event of a failure in computer systems.

4.1.6 To establish a scheme of delegation, which will include provisions identifying staff authorised to act on behalf of the PCC and the CC in respect of income collection, placing orders, making payments and employing staff.

4.2 Income

Why is this important?

4.2.1 Income is vital to GP and effective systems are necessary to ensure that all income due is identified, collected, receipted and banked promptly.

Context

4.2.2 The PCC and Chief Constable should adopt the NPCC national charging policies and national guidance when applying, for example, charges under section 25 of the Police Act 1996. It should keep in mind that the purpose of charging for special services is to ensure that, wherever appropriate, those using the services pay for them. All such income is attributable to the PCC and should be banked accordingly.

- 4.2.3 The PCC will ensure that there are arrangements in place to ensure that expected charges are clearly identified in the budget and that costs are accurately attributed and charged. When considering budget levels, the PCC will ensure that on-going resource requirements are not dependant on a significant number of uncertain or volatile income sources and should have due regard to sustainable and future year service delivery.
- 4.2.4 When specifying resource requirements the Chief Constable will identify the expected income from charging. The Chief Constable should adopt NPCC charging policies in respect of mutual aid.

Responsibilities of the Chief Constable and PCC

- 4.2.5 To adopt the NPCC national charging policies and national guidance when applying charges under sections 24 and 25 of the Police Act 1996.

Responsibilities of the CFO (Chief Constable) and CFO (PCC)

- 4.2.6 To make arrangements for the collection of all income due to GP and approve the procedures, systems and documentation for its collection, including the correct charging of VAT.
- 4.2.7 To agree a charging policy for the supply of goods and services, including the appropriate charging of VAT, and to review it regularly in line with corporate policies. All charges should be at full cost recovery except where regulations require otherwise or with the express approval of the PCC.
- 4.2.8 To ensure that all income is paid fully and promptly into the GP Bank Account. Appropriate details should be recorded on to paying-in slips to provide an audit trail.
- 4.2.9 To ensure income is not used to cash personal cheques or make other payments.

Responsibilities of the CFO (Chief Constable)

- 4.2.10 To order and supply to appropriate officers and employees all receipt forms, books or tickets and similar items and be satisfied as to the arrangements for their control. Official receipts or other suitable documentation shall be issued for all income received.
- 4.2.11 To operate effective debt collection procedures.
- 4.2.12 To initiate, in consultation with Joint Legal Services and the Chief Executive, appropriate debt recovery procedures, including legal action where necessary.
- 4.2.13 To approve the write-off of bad debts, in consultation with the CFO (PCC), up to the level shown below. Amounts for write-off above this value must be referred to the PCC for approval, supported by a written report explaining the reason(s) for the write-off.

<i>Up to £500</i>	<i>CFO (Chief Constable) after consultation with Chief Constable and CFO(PCC)</i>
<i>Over £500</i>	<i>PCC</i>

- 4.2.14 To prepare detailed Financial Procedures for dealing with income, to be agreed with the CFO (PCC), and to issue them to all appropriate employees.

4.3 Ordering and Paying for Work, Goods and Services

Why is this required?

- 4.3.1 Public money should be spent in accordance with the PCC's policies. The PCC and CC each have a statutory duty to ensure financial probity and value for money. The PCC's financial regulations and purchasing procedures help to ensure that the public can receive value for money. These procedures should be read in conjunction with the Standing Orders relating to Contracts in Part 3e.

Responsibilities of the CFO (Chief Constable)

- 4.3.2 To draft and maintain a procurement policy covering the principles to be followed for the purchase of goods and services.
- 4.3.3 To issue official orders for all work, goods or services to be supplied to GP, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions approved by the CFO (PCC). Orders must be in a form approved by the CFO (PCC).
- 4.3.4 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of GP contracts.
- 4.3.5 Goods and services ordered must be appropriate and there must be adequate budgetary provision. Quotations or tenders must be obtained where necessary, in accordance with these regulations and the provision of the Standing Orders relating to Contracts (Part 3e of this Scheme of Governance).
- 4.3.6 Payments are not to be made unless goods and services have been received by GP at the correct price, quantity and quality in accordance with any official order.
- 4.3.7 To ensure that payments are made to the correct person, for the correct amount, on time, in accordance with the principles set out by the Welsh Government and are recorded properly, regardless of the method of payment.
- 4.3.8 To ensure that VAT is recovered where appropriate.
- 4.3.9 To ensure that all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected.

- 4.3.10 To ensure that all purchases made through e-procurement follow the rules, regulations and procedures, as set out in the Standing Orders relating to Contracts (Part 3e hereto).
- 4.3.11 To prepare, in consultation with the CFO (PCC), detailed Financial Procedures for dealing with the ordering and payment of goods and services, and to issue these to all appropriate officers and employees.

Responsibilities of the Chief Officers

- 4.3.12 To ensure that every officer and employee declares any links or personal interests that they may have with purchasers, suppliers and contractors if they are engaged in contractual or purchasing decisions on behalf of GP and that such persons take no part in the selection of a supplier or contract with which they are connected.

4.4 Payments to Staff

Why is this required?

- 4.4.1 Staff costs are the largest item of expenditure for police forces. It is therefore important that there are controls in place to ensure accurate, timely and valid payments are made in accordance with individuals' conditions of service/employment.

Responsibilities of the Chief Constable

- 4.4.2 To ensure, in consultation with the CFO (PCC), the secure and reliable payment of salaries, overtime, pensions, compensation and other emoluments to existing and former officers and employees.
- 4.4.3 To ensure that tax, superannuation and other deductions are made correctly and paid over at the right time to the relevant body.
- 4.4.4 To pay all valid travel and subsistence claims.
- 4.4.5 To pay salaries, wages, pensions and reimbursements by the most economical means.
- 4.4.6 To ensure that payroll transactions are processed only through the payroll system. Payments to individuals employed on a self-employed consultant or subcontract basis shall only be made in accordance with HM Revenue & Customs (HMRC) requirements. The HMRC applies a tight definition of employee status, and in cases of doubt, advice should be sought from them.
- 4.4.7 To ensure that full records are maintained of payments in kind and properly accounted for in any returns to the HMRC.

- 4.4.8 To prepare detailed Financial Procedures for dealing with payments to officers and employees, to be agreed with the CFO (PCC), and these shall be issued to all appropriate officers and employees.

4.5 Taxation

Why is this important?

- 4.5.1 Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 4.5.2 To ensure the timely completion and submission of all HM Revenue & Customs (HMRC) returns regarding PAYE and that due payments are made in accordance with statutory requirements.
- 4.5.3 To ensure the timely completion and submission of VAT claims, inputs and outputs to HMRC.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 4.5.4 To ensure that the correct VAT liability is attached to all income due and that all VAT receivable on purchases complies with HMRC regulations.
- 4.5.5 To provide details to the HMRC regarding the construction industry tax deduction scheme.
- 4.5.6 To ensure that appropriate technical staff have access to up to date guidance notes and professional advice.

4.6 Purchasing Cards

Why is this important?

- 4.7.1 Purchase cards are an alternative method of buying and paying for relatively low value goods, which generate a high volume of invoices. This should generate an efficiency saving from lower transaction costs (i.e. fewer invoices processed and paid for through the accounts payable system), as well as reducing the number of petty cash transactions.

Responsibilities of the CFO (Chief Constable)

- 4.7.2 To provide detailed financial procedures to card holders.
- 4.7.3 To authorise and maintain control over the issue of cards.
- 4.7.4 To reconcile the purchase card account to the ledger on a monthly basis.

Responsibilities of Purchasing Card Holders

- 4.7.5 To be responsible for ordering and paying for goods and services in accordance with the Force procurement policy, the standing orders relating to contracts (Part 3e) and all procedures laid down by the CFO (Chief Constable).

4.7 Ex Gratia Payments

Why is this important?

- 4.8.1 An ex gratia payment is a payment made by GP where no legal obligation has been established. An example may be recompense to a police officer for damage to personal property in the execution of duty or to a member of the public for providing assistance to a police officer in the execution of duty.

Responsibilities of the CFO (Chief Constable), CFO (PCC), Chief Executive and PCC

- 4.8.2 To make ex gratia payments, on a timely basis, to members of the public up to the level shown below in any individual instance, for damage or loss to property or for personal injury or costs incurred as a result of police action where such a payment is likely to facilitate or is conducive or incidental to the discharge of any of the functions of GP.

<i>Up to £1,000</i>	<i>CFO (Chief Constable) in consultation with the CFO (PCC)</i>
<i>Up to £10,000</i>	<i>Chief Executive in consultation with the CFO(PCC)</i>
<i>Over £10,000</i>	<i>PCC</i>

- 4.8.3 To maintain details of ex gratia payments in a register.

- 4.8.4 To make ex gratia payments, on a timely basis, up to the level shown below in any individual instance, for damage or loss of property or for personal injury to a police officer, police staff or any member of the extended police family, in the execution of duty.

<i>Up to £1,000</i>	<i>CFO (Chief Constable) in consultation with the CFO (PCC)</i>
<i>Up to £10,000</i>	<i>Chief Executive in consultation with the CFO(PCC)</i>
<i>Over £10,000</i>	<i>PCC</i>

Section 5 Joint Working Arrangements

Why is this important?

5.1.1 Public bodies are increasingly encouraged to provide seamless service delivery through working closely with other public bodies, local authorities, agencies, third sector and private service providers. Joint working arrangements can take a number of different forms, each with its own governance arrangements. In GP these are grouped under the following headings:

- Partnerships;
- Consortia; and
- Collaboration.

5.1.2 Partners engaged in joint working arrangements have common responsibilities:

- to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- to be willing to take on a role in the broader programme, appropriate to the skills and resources of the contributing organisation;
- to be open about any conflicts that might arise;
- to encourage joint working and promote the sharing of information, resources and skills;
- to keep secure any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
- to promote the project.

5.1.3 In all joint working arrangements the following key principles must apply:

- before entering into the agreement, a risk assessment has been prepared;
- such agreements do not impact adversely upon the services provided by GP;
- project appraisal is in place to assess the viability of the project in terms of resources, staffing and expertise;
- all arrangements are properly documented;
- regular communication is held with other partners throughout the project in order to achieve the most successful outcome;
- audit and control requirements are satisfied;
- accounting and taxation requirements, particularly VAT, are understood fully and complied with; and
- an appropriate exit strategy has been produced.

5.1.4 The GP element of all joint working arrangements must comply with these Financial Regulations.

Partnerships

5.1.5 The term partnership refers to groups where members work together as equal partners with a shared vision for a geographic or themed policy area, and agree a strategy in which each partner contributes towards its delivery. A useful working definition of such a partnership is where the partners:

- are otherwise independent bodies;
- agree to co-operate to achieve a common goal; and
- achieve it to create an organisational structure or process and agreed programme, and share information, risks and rewards.

5.1.6 The number of partnerships, both locally and nationally, is expanding in response to central government requirements and local initiatives. This is in recognition of the fact that partnership working has the potential to:

- deliver strategic objectives;
- improve service quality and cost effectiveness;
- ensure the best use of scarce resources; and
- deal with issues which cut across agency and geographic boundaries, and where mainstream programmes alone cannot address the need.

5.1.7 Partnerships typically fall into three main categories i.e. statutory based, strategic, and ad-hoc.

Statutory based

5.1.8 These are partnerships that are governed by statute. They include, for example, Crime and Disorder Reduction Partnerships (CDRPs) and Local Service Boards (LSBs).

Strategic

5.1.9 These are partnerships set up to deliver core policing objectives. They can either be force-wide or local.

Ad-hoc

5.1.10 These are typically locally based informal arrangements agreed by the local police commander.

Context

5.1.11 As set out in section 10 of the PRSRA 2011, the PCC, in exercising his functions, must have regard to the relevant priorities of each responsible authority. Subject to the constraints that may be placed on individual funding streams, PCCs are free to pool funding as they and their local partners see fit. PCCs can enter into any local contract for services, individually or collectively with other local partners, including non-police bodies.

- 5.1.12 When the PCC acts as a commissioner of services, he will need to agree the shared priorities and outcomes expected to be delivered through the contract or grant agreement with each provider. The PCC is able to make crime and disorder grants in support of local priorities. The inclusion of detailed grant conditions directing local authorities how to spend funding need not be the default option. The power to make crime and disorder grants with conditions is contained in section 9 of the PRSRA 2011. The power to contract for services is set out in paragraph 14 of Schedule 1 and paragraph 7 of Schedule 3 to the PRSRA 2011.

Responsibilities of the PCC

- 5.1.13 To have regard to relevant priorities of local partners when considering and setting the 5 year Police and Crime Plan and the annual delivery plan.
- 5.1.14 To make appropriate arrangements to commission services from either the force or external providers.

Responsibilities of Chief Officers

- 5.1.15 To follow any guidance manual established for local partnerships.
- 5.1.16 To consult, as early as possible, the CFO (Chief Constable) and the CFO (PCC) to ensure the correct treatment of taxation and other accounting arrangements.
- 5.1.17 To produce a Memorandum of Understanding (MoU) setting out the appropriate governance arrangements for the project. This document should be signed by the Chief Executive.

Consortium Arrangements

- 5.1.18 A consortium is a long-term joint working arrangement with other bodies, operating with a formal legal structure approved by the PCC.

Responsibilities of Chief Officers

- 5.1.19 To contact the Chief Executive before entering into a formal consortium agreement, to establish the correct legal framework.
- 5.1.20 To consult, as early as possible, the CFO (Chief Constable) and the CFO (PCC) to ensure the correct treatment of taxation and other accounting arrangements.
- 5.1.21 To produce a business case to show the full economic benefits to be obtained from participation in the consortium.
- 5.1.22 To produce a Memorandum of Understanding (MOU) setting out the appropriate governance arrangements for the project. This document should be signed by the Chief Executive.

Responsibilities of the PCC

- 5.1.23 To consider and, if appropriate, to approve GP participation in the consortium arrangement.

Collaboration

- 5.1.24 Under sections 22A to 22C of the Police Act 1996 as inserted by section 89 of the PRSRA 2011, Chief Constables and PCCs have the legal power and duty to enter into collaboration agreements to improve the efficiency or effectiveness of one or more police force or PCCs. Any collaboration which relates to the functions of a police force must first be agreed with the Chief Constable of the force concerned.
- 5.1.25 The PCCs shall jointly hold their Chief Constables to account for any collaboration in which their force is involved.
- 5.1.26 Any such proposal must be discussed with the CFO (PCC) and CFO (Chief Constable) in the first instance.

5.2 External Funding

Why is this important?

- 5.2.1 External funding can be a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of GP. Funds from external agencies provide additional resources to enable GP to deliver its policing objectives. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the GP overall plan.
- 5.2.2 The main source of such funding for GP will tend to be specific government grants, additional contributions from local authorities (e.g. for PCSO's, ANPR, CCTV, etc.) and donations from third parties (e.g. towards capital expenditure). All income streams are banked by the PCC.

Responsibilities of Chief Officers

- 5.2.3 To pursue actively any opportunities for additional funding where this is considered to be in the interests of GP.

Responsibilities of the Chief Constable and the PCC

- 5.2.4 To ensure that the match-funding requirements and exit strategies are considered prior to entering into the agreements and that future medium term financial plans reflect these requirements.

Responsibilities of the CFO (PCC) and CFO (Chief Constable)

- 5.2.5 To advise the PCC and the CC in advance of decisions and to ensure that all funding notified by external bodies is received and properly accounted for, and that all claims for funds are made by the due date and that any audit requirements specified in the funding agreement are met.

Responsibilities of the Chief Constable

- 5.2.6 To ensure that funds are acquired only to meet policing needs and objectives.
- 5.2.7 To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
- 5.2.8 To ensure that any conditions placed on GP in relation to external funding are in accordance with the approved policies of the PCC. If there is a conflict or in the event that there is any doubt, this needs to be taken to the PCC for resolution.

5.3 Work For External Bodies

Why is this required?

- 5.3.1 GP provides services to other bodies outside of its normal obligations, for which charges are made e.g. training, special services, etc.. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is not ultra vires.

Responsibilities of the Chief Constable

- 5.3.2 To ensure that proposals for assistance are costed, that no contract is subsidised by GP and that, where possible, payment is received in advance of the delivery of the service so that GP is not put at risk from any liabilities such as bad debts.
- 5.3.3 To ensure that appropriate insurance arrangements are in place.
- 5.3.4 To ensure that all contracts are properly documented.
- 5.3.5 To ensure that such contracts do not impact adversely on the services provided by GP:
- a) The submission of tenders for the supply of goods and/or services should be approved in accordance with the provisions of Standing Orders relating to Contracts (Part 3e hereto).

6 Summary of Delegated Limits

Virement

- 6.1 The CFO (Chief Constable) may use revenue provision to purchase capital items or carry out capital works subject to obtaining PCC approval where the proposed transfer exceeds £500,000 and explaining the revenue consequences.
- 6.2 The CFO (Chief Constable) can approve any virement where the additional costs are fully reimbursed by other bodies.
- 6.3 For all other budgets each chief officer shall ensure that virement is undertaken as necessary to maintain the accuracy of budget monitoring, subject to the following approval levels.

Revenue

- | | |
|-----------------------|-----------------------|
| a) Up to £500,000 | CFO (Chief Constable) |
| b) More than £500,000 | PCC |

In relation to any revenue pursuant to (a) to (b) above inclusive, the aggregate expenditure amount must not exceed 1% of Net Revenue Expenditure. If the aggregate revenue amount exceeds this, the prior consent of the PCC must be secured.

Capital

- | | |
|--------------------|-----------------------|
| Up to £500,000 | CFO (Chief Constable) |
| More than £500,000 | PCC |

Asset valuation

- 6.4 To maintain an asset register for all fixed assets with a value in excess of the limits shown below, in a form approved by the CFO (PCC). Assets are to be recorded when they are acquired by GP. Assets shall remain on the asset register until disposal. Assets are to be valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* and the requirements specified by the CFO (PCC)

<i>Land & Buildings</i>	<i>All values</i>
<i>Vehicles</i>	<i>All values</i>
<i>ICT hardware</i>	<i>All values</i>
<i>Plant & Equipment</i>	<i>£6,000</i>

Inventories

Responsibilities of the Chief Constable

- 6.5 To ensure that inventories are maintained in a format approved by the CFO (PCC) that record an adequate description of items with a value in excess of £1000. Other items of equipment with should also be recorded if they are deemed to be both desirable and portable (e.g. laptops).

Money Laundering

- 6.6 Suspicious cash deposits in any currency in excess of €15,000 (or equivalent) should be reported to the Serious Organised Crime Agency (SOCA).
- 6.7 Large cash bankings from a single source over €15,000 should be reported to the CFO (PCC). This instruction does not apply to seizures and subsequent bankings under the Proceeds of Crime Act (see Financial Regulation 3.9).

Gifts, Loans and Sponsorship

- 6.8 To refer all gifts, loans and sponsorship above £100,000 to the PCC for approval before they are accepted.

Income

- 6.9 To approve the write-off of bad debts, in consultation with the CFO (PCC), up to the level shown below. Amounts for write-off above this value must be referred to the PCC for approval, supported by a written report explaining the reasons for the write-off.

<i>Up to £500</i>	<i>CFO (Chief Constable) after consultation with CC and CFO(PCC)</i>
<i>Over £500</i>	<i>PCC</i>

Ex-gratia Payments

- 6.10 To make ex gratia payments, on a timely basis, to members of the public up to the level shown below in any individual instance, for damage or loss to property or for personal injury or costs incurred as a result of police action where such a payment is likely to facilitate or is conducive or incidental to the discharge of any of the functions of GP.

<i>Up to £1,000</i>	<i>CFO (Chief Constable) in consultation with the CFO (PCC)</i>
<i>Up to £10,000</i>	<i>Chief Executive in consultation with the CFO(PCC)</i>
<i>Over £10,000</i>	<i>PCC</i>

- 6.11 To make ex gratia payments, on a timely basis, up to the level shown below in any individual instance, for damage or loss of property or for personal injury to a police officer, police staff or any member of the extended police family, in the execution of duty.

<i>Up to £1,000</i>	<i>CFO (Chief Constable) in consultation with the CFO (PCC)</i>
<i>Up to £10,000</i>	<i>Chief Executive in consultation with the CFO(PCC)</i>
<i>Over £10,000</i>	<i>PCC</i>

Part 3e Standing Orders Relating to Contracts

Introduction

Contract Standing Orders are an essential part of a Scheme of Governance and are designed to ensure that contracts are let in a way which:

- obtains best value for money;
- secures the most economically advantageous tender;
- maintains the highest standards of propriety;
- complies with legal requirements; and
- complies with the Commissioner's policies.

There must be sufficient competition to ensure that prices paid to contractors are not excessive and there must be checks and balances to guard against impropriety in the letting of public contracts. Similarly there must be procedures for ensuring that the legal basis of contracts is sound but at the same time promote efficiency and comply with qualitative requirements. These Standing Orders provide the framework within which these various objectives can be achieved.

Background and Context

1. A contract is an agreement between two parties for the supply of goods and/or services. Verbal commitments to suppliers should be avoided as this can constitute a contract. The terms and conditions to be applied to the contract provide clarity and protection to the participants, and the specification of the requirement should be clearly understood by both parties. Their length and complexity are likely to correlate to the extent of cost and complexity of the goods or services to be supplied.
2. Every effort must be made by those engaged in the acquisition and delivery of the following to ensure that the best value for money is achieved:
 - a) goods or materials;
 - b) services and consultancy;
 - c) building works;
 - d) the supply of goods or services to third parties which provide GP with an income.
3. Such efforts shall continue throughout the lifetime of any contract to ensure that best value for money is maintained in the quality and standard of all goods, services and works supplied and in the review of proposals to change or vary any feature of any contract during its lifetime.

Key Controls

4. No contract or project shall be deliberately or artificially divided into a number of separate contracts in order to avoid the obligations set out in these Standing Orders, or any statute or the EU Directive (insofar as it remain applicable to such processes) but this shall be without prejudice to the suitability to divide large contracts into separate lots where appropriate to do so in accordance with applicable procurement legislation and guidance.

5. Competition shall be encouraged from potential providers in relation to the supply of goods, services, building works, etc.
6. Every contract concluded shall also comply with:
 - a) any laws of the United Kingdom including any Act of Parliament requiring the letting of contracts by competitive tendering or relating to Best Value or Social Value;
 - b) The WTO's Agreement on Government Procurement (GPA);
 - c) any relevant Directives of the EU for the time being in force in the United Kingdom including any requirement for aggregation;
 - d) the requirement of the Code of Practice for Local Authorities on Data Transparency to publish copies of contracts and tenders to businesses and to the voluntary community and social enterprise sector on the website.
7. Where any laws of England and Wales (or European laws insofar as they are applicable) conflicts with these Standing Orders, then that law shall take precedence.
8. These Standing Orders will not apply in the following instances:
 - Grants issued and commissioning arrangements entered into by the PCC
 - Contracts for the sale and purchase of land and property
 - Contracts of employment.
 - Contracts for treasury management, the investment or sale of monies or securities.
 - The engagement of costs draughtsmen or expert witnesses within or in contemplation of legal proceedings.
9. In addition to adhering to the above, any person who is engaged in any activities or processes leading to the award of a contract or in its subsequent delivery, shall:
 - a) show no undue favour to or discriminate against any contractor or potential contractor;
 - b) carry out their work in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information);
 - c) not breach the requirements of any policies relating to gifts and gratuities, hospitality, discounts, travel and other potential conflicts of interest.
10. These Standing Orders shall apply, irrespective of whether the contract is financed with monies provided by the Commissioner or any other person or body (e.g. grants from local councils, Welsh Government, central government and other partnership monies).

Power to Delegate

11. Persons to whom express delegations are made pursuant to these Standing Orders may delegate these further subject to paragraph 1.5 of the Scheme of Consent and Delegation. The Head of Procurement will maintain a record of all persons to whom delegated powers have been assigned.

Failure to Comply

12. It is an implied condition of all persons involved with any contract that they must at all times observe the provisions of these Standing Orders. If any person fails to comply with the provisions of these Standing Orders, disciplinary action may be taken. Any person signing contracts without authority will not only infringe these Standing Orders but may also incur personal liability.

Responsibilities of Chief Officers

13. The Chief Officers of the Commissioner and the Chief Constable are responsible for ensuring that officers and staff are informed of and comply with these Standing Orders including any Codes of Practice, Guidance or Protocols that may be issued or included on the GP Intranet System, together with any amendments that may be made thereto from time to time.
14. The Chief Executive and the CFO (PCC) are responsible for monitoring compliance with Contract Standing Orders.
15. The CFO (PCC) is responsible for monitoring that proper value for money is obtained.

Officers Interests

16. Any officer or member of staff having any interest whatsoever which might reasonably be considered as likely to influence his or her judgement in contract matters, must declare such interest to his or her Departmental Head who will forward the information to the Chief Executive or CFO (PCC). The Chief Executive will record the declaration in a register. This requirement applies equally to all officers of both the Commissioner and the Force.

Selection Criteria

17. Unless otherwise approved by the Commissioner, the selection of organisations to be invited to quote or tender under these Standing Orders (and in relation to open tenders the evaluation of such organisations) shall be based on a combination of technical capacity, quality and financial standing, in accordance with applicable procurement legislation and guidance.

Small and Medium Enterprises (SME): Where the nature or value of goods, services or works would represent a suitable opportunity for an SME (including such instances where the contracts for such goods, services or works is suitable for the division into separate lots), this shall be advertised as such in accordance with paragraph 49 of these Standing Orders. The Commissioner may reserve certain contracts if in his opinion, such contracts would be suitable for award to sheltered workshops or within the context of sheltered employment programmes where most of the employees are disabled persons, who by the nature of their disabilities cannot carry on occupations under normal circumstances. Advice should be sought from the Procurement Department prior to placing such advertisements.

Invitations to Tender

18. All tenders issued by the Commissioner shall consist of instructions to tenderers regarding submission information, terms, conditions and specification with a pricing schedule to be returned in accordance with the conditions specified. The Commissioner shall offer unrestricted and full direct access free of charge by electronic means to any tender documents. All procurement documents must be made available at the outset unless an exception for the use of electronic communications applies (see PCR 2015, Reg. 22)
19. Completed tenders shall be submitted by the date and time and in the manner stated in the instruction for invitation to tender.

Framework Agreements

20. Where the Commissioner is able to utilise a pre-existing framework agreement procured by a central purchasing body, other public sector bodies or other local policing bodies, then the Commissioner may benefit from using these agreements without initialising a separate formal tender process.
21. The process for using, establishing and/or maintaining a framework agreement must first be approved in writing by the Procurement Department.
22. Care must be taken prior to utilising existing framework agreements to ensure that they are appropriate and fit for purpose for the Commissioner's needs, and the advice of the Procurement Department shall be sought in every case.
23. Before procuring from or entering into a framework agreement, the following conditions must be satisfied:
 - The term of the framework arrangement shall be for a period of no longer than four years duration save as duly justified in exceptional cases, as allowed within applicable procurement legislation and guidance.
 - The terms and conditions of the arrangement do not compromise the Commissioner's contractual requirements.
 - Full and proper competition in respect of the creation of the framework has taken or will take place in accordance with the applicable procurement legislation and guidance and the terms of these Standing Orders.
 - The Procurement Department have provided written confirmation that such framework arrangement is available to the Commissioner.
24. When purchasing from (calling off) a framework agreement, there must be full adherence (in consultation with the Procurement Department) to the process set out under the existing framework agreement terms.

Opening of Tenders

25. All tenders shall be submitted electronically (save as excepted in law) and opened as soon as practicable after the time appointed for their opening in the invitation to tender.
26. The Commissioner delegates to the Chief Executive and the CFO (PCC) the discretion to permit the consideration of tenders which do not comply strictly with the above rules, subject to the reasoning behind any exercise of discretion being properly recorded.

Evaluation of Tenders

27. Assessment criteria shall be made on appropriate technical, qualitative and financial grounds which are appropriate to the contract concerned. These shall be agreed before the Tender is issued in consultation with an appropriate stakeholder group, agreed with the Head of Procurement, which should include financial and technical/practitioner representation and published in the tender documents.
28. Evaluations of the Tender submissions are to be carried out by the stakeholder group based on the agreed criteria which shall be applied to all tenderers fairly, transparently and consistently. Scores are awarded on a consensus basis with the stakeholder group agreeing a single justifiable consensus score as against the agreed criteria and not simply an average score.
29. Additional interviews, presentations and site visits for larger contracts may be included. Such decisions shall be made prior to the issuing of invitation of tenders, not when adjudicating received offers and stated in the tender documents.
30. Those persons involved in the evaluation process must also be mindful of the current policies on gifts, loans and hospitality.

Authorised Officers

31. The correct contracting party for all contracts entered into by Gwent Police is the Police and Crime Commissioner for Gwent. The only person(s) who may enter into a contractual agreement which legally binds the Commissioner is the Chief Executive, the CFO (PCC) or the duly authorised persons as specified in the Threshold table.
32. The affixing of the Common Seal or the entering into a deed under seal and executed accordingly shall only be attested by the Chief Executive or CFO (PCC) or a person authorised by them. A record of all documents which are sealed shall be kept by the Chief Executive and the record shall be signed by the person who shall have attested the seal.
33. Senior representatives of the Force ("Authorised Officers") shall, subject to the provisions of the Commissioner's Financial Regulations and to the provisions of these Standing Orders and to such directions as may be given by the Commissioner from time to time, have authority to enter into contracts of a Level 1 threshold value.

Budget Authorisation

- 34. Before entering into any contractual commitment on behalf of the Commissioner, the relevant Authorised Officer must ensure that there is sufficient approved budget in the current financial year to meet the commitment being made.
- 35. No contract shall be let unless the expenditure involved has been included in an approved capital or revenue budget, or has been otherwise approved by or on behalf of the Commissioner.

Purchasing Procedures and Retention of Records

- 36. Except as provided in Standing Orders 62 to 64, before any contract is entered into, tenders or quotations must be sought in one of the ways described in these Standing Orders and the detailed administrative procedures of which are more particularly prescribed in the Codes of Practice, Guidance or Protocols that will be issued or included on the Force's intranet system.
- 37. In all instances (no matter the value) full written records of each contract must be maintained including all quotations/tenders received and all correspondence (including notes of telephone calls and meetings) relating to the selection of suppliers and the collective scoring sheet prepared upon the award of contract, for a period of not less than 6 years after the date of the expiry of the contract (12 years if the contract is under seal).
- 38. In relation to contracts whose total value exceed the relevant procurement threshold, due diligence checks may be undertaken of such supplier(s) prior to awarding the contract(s). Advice and guidance from the Procurement Department must be sought as to whether this is required.

Contract Value Thresholds

- 39. Unless exempt in accordance with applicable procurement legislation and guidance all contracts including any contract opportunities (and the award of such contracts) the value of which exceeds Threshold 2 or such revised threshold prescribed by procurement legislation and guidance, shall be advertised on Contracts Finder or such equivalent portal as is from time to time available.
- 40. Value for Money must be demonstrated for all contracts whose total value are below the Level 1 Threshold. Good purchasing practice is to be followed, and fully recorded. A written or electronic quotation needs to be obtained prior to any purchase.
- 41. Contracts whose total value is within the Level 2 Threshold shall only be made after competitive quotations (which shall be electronic) have been sought from not less than three suitable persons.
- 42. Contracts whose total value is within the Level 3 Threshold, shall be made only after tenders have been sought from in accordance with the provisions of these Standing Orders.

43. Contracts whose total value exceed or are likely to exceed the relevant applicable procurement legislation and guidance shall be made only after tenders have been invited as described in these Standing Orders and in accordance with such applicable tendering rules.
44. Contracts which fall within the scope of the Public Contract Regulations 2015 and all applicable procurement legislation and guidance shall be made only in accordance with such requirements. For details of current financial limits relating to the Public Contract Regulations 2015 advice must be sought from the Force Procurement Department.

Total Value or Amount of Contracts

45. Value of contract shall be ascertained by aggregate, and not annual, value. A project shall not be divided into a number of separate contracts in order to avoid the limitations imposed by statute, applicable procurement legislation and guidance or these Standing Orders.
46. A call-off contract (see paragraph 24 above) shall be treated as one contract under these Standing Orders.
47. Contracts must not be artificially under or over-estimated where the effect is to avoid the application of these Standing Orders.
48. Where an individual item of expenditure or the carrying out of works and/or the supply of goods, materials or services is within the levels specified in paragraphs 39 to 43 above, but it is known that the projected expenditure on items/services within the same category is likely to exceed any such level during the course of the financial year, then tenders must be sought to appoint a contractor in accordance with the appropriate procedure for the level of expenditure to be incurred.
49. Where the fixed term or the estimated value of a contract cannot be defined, the contract value shall be calculated using the monthly value multiplied by 48.

Pre Tender Market Research and Consultation

50. The Procurement Department may review the market for a proposed procurement through discussions with suppliers and other research, but no person may:
 - Base any specification upon one supplier's offering such as to distort competition.
 - Make any indication or commitment to suppliers that their offering may be preferred by the Commissioner.
 - Suggest any procurement route which is inconsistent with the provisions of these Standing Orders.
 - Enter into negotiations about price where a competitive procurement process has yet to take place in accordance with the terms of these Standing Orders.

Open Competitive or Restricted Tendering

51. A reasonable and proportionate period must be allowed for advertising the opportunity, usually at least 14 days. All such notices must be electronically available. Use shall be made of free advertising available to the Commissioner (including without limitation use of electronic websites (including sell2wales) and Contrax Weekly).

52. Where the estimated value of the contract exceeds the relevant procurement thresholds under the Public Contract Regulations 2015, notice must be given as specified in paragraph 49 above and also electronically in the Find a Tender Services (FATS)
53. The notice(s) must state the nature and purpose of the contract, invite tenders for its execution (and in the case of an Open procedure specify the last date and time when tenders must be received). The notice shall direct potential contractors to the location where full information about the tendering opportunity can be found, (such as the [etenderwales](#) website).
54. In relation to the Restricted procedure only, after the expiry of the specified period, invitations to tender should be sent to not less than five of the persons who have applied for permission to tender (selected in conjunction with the Head of Procurement), or, if fewer than five persons have applied and are considered suitable, to all such persons.
55. The process of selecting prospective contractors must be fair and transparent, be seen to show no favour and be fully documented.
56. The criteria for short listing must be established and publicised to interested parties within the tender or pre-qualification documents

Selective Tendering from Standing List

57. Where permitted by law a list may be kept of persons to be invited to tender for contracts for the supply of goods or services or materials or specified categories, values or amounts or for the execution of specified categories of works. It should be noted that pursuant to the Force's dynamic purchasing system all persons on the list must be invited to provide quotations upon each occasion.
58. The list shall be compiled and maintained by or under arrangements approved by the Chief Executive or the CFO (PCC).
59. Appeals by any person against deletion from or refusal to be included in the list must be referred to the Chief Executive or the CFO (PCC).
60. The list must be reviewed at intervals not exceeding three years and notices inviting applications for inclusion in it shall be published on the electronic websites utilised by Gwent Police or, if relevant, in one or more newspapers and journals (including where appropriate the FATS) circulating among such persons as undertake contracts of the specified values and amounts or the type of work required.
61. The Chief Executive or the CFO (PCC) may approve deletions and additions to the list between review dates.

Tenders or Quotations not Required

62. For contracts falling within the Level 2 Threshold nothing in these Standing Orders shall require tenders or quotations to be invited if the CFO (Chief Constable) (or Chief Executive or the CFO (PCC) where the contract expenditure is from the OPCC budget) is satisfied that:

- (a) There is no effective competition for the work, goods or materials required by reason of the fixing of prices or charges under statutory authority; or
 - (b) The work, goods or materials required are of such a special nature that no advantage would accrue by inviting competitive tenders or there is only one supplier; or
 - (c) The work, goods or materials are urgently required and loss, injury or damage could be entailed by delay in advertising.
- 63. For contracts falling within the Level 3 threshold, nothing in these Standing Orders shall require tenders or quotations to be invited if the Chief Constable, following consultation with and with the approval of the Chief Executive and/or CFO (PCC) (the same applies where the contract expenditure is from the OPCC budget), is satisfied that:
 - (a) There is no effective competition for the work, goods or materials required by reason of the fixing of prices or charges under statutory authority; or
 - (b) The work, goods or materials required are of such a special nature that no advantage would accrue by inviting competitive tenders or there is only one supplier; or
 - (c) The work, goods or materials are urgently required and loss, injury or damage could be entailed by delay in advertising.
- 64. For contracts falling within the Level 4 threshold, nothing in these Standing Orders shall require tenders or quotations to be invited if the appropriate Chief Officer following consultation with the Chief Executive and/or CFO (PCC) and with the approval of the Commissioner (the same applies in cases where the expenditure is from the OPCC budget) is satisfied that:
 - (a) There is no effective competition for the work, goods or materials required by reason of the fixing of prices or charges under statutory authority; or
 - (b) The work, goods or materials required are of such a special nature that no advantage would accrue by inviting competitive tenders or there is only one supplier; or
 - (c) The work, goods or materials are urgently required and loss, injury or damage could be entailed by delay in advertising.
- 65. Provided that in each instance specified in paragraphs 62 to 64 above:
 - (a) Such action does not contravene any statutory or applicable procurement legislation and guidance; and
 - (b) Details of the contract are reported monthly to the Commissioner where the value of the contract exceeds the Level 2 Threshold; and
 - (c) Adequate documentation is retained for all contracts where tenders are not required.
- 66. Tenders or quotations are also not required to be invited where:
 - (a) direct purchasing arrangements have previously been agreed by the Commissioner; or
 - (b) the Commissioner is a member of a collaborative relationship created for the purpose of acquiring goods or materials of the relevant type; or
 - (c) the Commissioner has access to direct purchasing arrangements entered into by another agency (please see paragraphs 20-24 above in relation to valid Framework agreements open to the Commissioner). Where best value for money can be substantiated, the acquisition of goods or materials, the provision of services and the execution of building works may be made through an appropriate framework

contract awarded by another authority or public body where the conditions of contract identify the Commissioner to be contract participant(s). The use of such contracts must be first agreed by the Procurement Department.

67. Some tenders may also qualify for a specific exclusion from the requirements of the applicable procurement legislation and guidance on grounds of national security. Confirmation must be obtained from the Force's Procurement Department in the first instance regarding whether such exclusion applies to the proposed purchase.
68. Any application for exemption from tendering, submitted pursuant to the provisions of paragraphs 62 to 64, shall be in the form approved by the Commissioner from time to time.
69. For the avoidance of doubt, the provisions of these Standing Orders (with the exception of the tendering and quotation requirements) must be fully complied with in relation to all contracts to which paragraphs 62 to 64 apply.
70. Where these Standing Orders do not specifically require that written tenders or quotations are obtained it is the responsibility of all staff to ensure and demonstrate that good purchasing practice is followed to ensure maximum value for money. For all expenditure exceeding £500, a demonstration of value for money shall be submitted to the Force Procurement Department, who are also able to assist budget holders with this.

Contracts Made Under The Police Act 1996 (Equipment) Regulations 2011.

71. Certain commodities must be obtained exclusively by the use of the arrangements specified in the Regulations if such commodities are to be for Police use and irrespective of their value. As these requirements are subject to change, current details of the commodities included can be obtained from the Force Procurement Department. For all purchases including these commodities advice and guidance on the use of the arrangement must be sought in the first instance from the Force Procurement Department.
72. In the event that any future amendments are made to the Regulations or if future Regulations are issued regarding the procurement of certain commodities for police use, such commodities as are specified therein shall be deemed to be included in paragraph 71 above.

Submission Of Tenders And Quotations

73. Where an electronic tendering system is used, the procedure set out in paragraph 74 below need not be followed provided that: -
 - (a) the electronic tendering system utilised has safeguards built in which prevent:
 - (i) access to tenders submitted prior to the time set for opening, and
 - (ii) any amendment of an opened tender by any recipient.
 - (b) the system must also contain further safeguards, which shall include:
 - (i) a non-amendable log of actions.

- (ii) in the case of electronic tenders, an electronic file must be delivered to a designated secure electronic tendering system in line with the instructions given in the tender notice.
 - (iii) Tender documents must clearly state the tender evaluation criteria, with appropriate scoring system and weightings.
 - (iv) The electronic tender system must record the exact time and date a supplier opens the invitation to tender and enables the Commissioner to demonstrate that a prospective contractor has received the tender.
 - (c) every invitation to tender or quote shall state:
 - (i) that the Commissioner does not bind itself to accept the lowest or any tender or quotation.
 - (ii) the terms and conditions that will apply to the final contract to be made when the successful tenderer has been selected. Attempts by tenderers to replace or amend the Commissioner's terms and conditions may constitute grounds for rejection of that tender or quotation.
 - (iii) the tender evaluation criteria, with appropriate scoring system and weightings.
74. Where an electronic tendering system is not used, every invitation to tender or quote shall state:
- (a) the place where, time and method(s) by which the tender or quotation should be delivered.
 - (b) that no tender or quotation will be considered unless submitted in a plain sealed envelope bearing either the label provided or bearing the words "Tender/Quotations for" followed by the subject to which it relates. There must be no name or mark to identify the sender, including company advertising logo. Any external wrapping used by a courier service must not reveal the name of the sender. Postal franking machines should not be used if the tenderer could be identified there from.
 - (c) that tenders submitted by Fax or E-mail will not be considered unless specified as being acceptable in the tender documentation (for the avoidance of doubt this particular condition will not apply to quotations for contracts whose total value are within or below the Level 2 Threshold).
 - (d) that the Commissioner does not bind itself to accept the lowest or any tender or quotation.
 - (e) the terms and conditions that will apply to the final contract to be made when the successful tenderer has been selected. Attempts by tenderers to replace or amend the Commissioner's terms and conditions may constitute grounds for rejection of that tender or quotation.
 - (f) the tender evaluation criteria, with appropriate scoring system and weightings.
75. In the event of an electronic tender which satisfies the provisions of 74 above, a designated officer in the Procurement department shall open the tender(s) which shall be retained in the electronic system.
76. In relation to any changes made to non-electronic tenders or quotations, the Head of Procurement shall satisfy the Chief Executive and/or the CFO:
- (a) that there are proper controls to ensure that tender and quotation documents are sent to all invitees, and that the details sent are correct and complete.

- (b) that any amendments to tender or quotation documents required during the tender/quotation period are provided to all invitees in writing.
- (c) that invitees are required to provide written notification that they have received the tender/quotation documents, including any tender/quotation amendments, and that they will be submitting a tender/quotation by the due date.
- (d) that records are kept of all amendments issued in the tender/quotation period and of the invitees' notification of receipt.
- (e) that where acknowledgement of receipt is not received from an invitee, wherever administratively expedient, confirmation is pursued that the details were received.

Custody, Recording and Opening Of Quotations and Tenders

Level 3 Threshold and below

77. Where the estimated value of the contract does not exceed the Level 3 Threshold (and unless the electronic e-tendering system is used), quotations or tenders (depending upon the value of the same) shall be received by, and shall be opened by, the Procurement Department in the presence of at least two senior members of staff. Details of such quotations shall be duly recorded and signed by two persons.

Level 4 Threshold

78. Subject to paragraphs 74 and 75 (which shall apply in the event of an electronic tender) tenders received under this provision shall be opened at the same time in the presence of the CFO (PCC) or the Chief Executive (or an officer designated by either to act on his/her behalf). These two persons shall sign and date the document listing the tenders and witnessing that they were opened in their presence. All tenders shall be endorsed with a number, the date of opening and initialled by the two persons present.

Late Tenders/Quotations

79. No tenders or quotations (whatever the value of the contract) received after the specified date and time will be considered unless it is determined that special circumstances exist which would allow this to take place. The reasons for this shall be formally recorded and reported to the Commissioner. In relation to tenders that exceed the applicable procurement threshold(s), such determination must be made by the Chief Executive or the CFO (PCC).

Examination Of Tenders/Quotations

80. Where examination of tenders/quotations reveals clerical errors or discrepancies which would affect the tender/quotation figure(s) in an otherwise successful tender/quotation, the tenderer shall be advised accordingly and afforded an opportunity of confirming, or adjusting or withdrawing his offer. If the tenderer withdraws, the evaluation scores should be re-calculated to ascertain the most successful tender.
81. If an adjustment is made, acceptance of the revised tender/quotation may only be authorised by the Chief Constable, (and this must be following consultation with the Chief Executive or the CFO (PCC) in the event that the estimated value of the contract falls within the Level 4 Threshold).

82. When tenders/quotations have been invited in accordance with a predetermined specification or description then those tenders/quotations which do not so comply may be rejected.
83. In relation to an open tender/quotation procedure, where a tenderer fails on a question which has been clearly marked as being a pass/fail question, such tenderer shall be excluded from further marking and not considered in the final overall scoring.

Acceptance Of Tenders

84. Provided that in all other respects it represents best value to the Commissioner, a tender may be accepted by the Chief Constable, where it is the most economically advantageous tender on the basis of price or cost, including life cycle costing (see paragraph 85 below).
85. To ascertain whether a tender is the most economically advantageous tender (MEAT), the criteria and weightings for such evaluation must be specified in advance and published in the tender documents. A robust evaluation of the tender must also have been undertaken by an appropriate 'Evaluation Panel'. Such Evaluation Panel must contain representatives of:
- (i) the client division or department; and
 - (ii) the procurement department; and
 - (iii) (if the tender relates to a specialist subject area) representatives of that department (e.g. ICT).
86. For every contract where the value exceeds the applicable procurement Threshold, the Public Contract Regulations 2015 require the creation of a report to document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions including why e-procurement is not used, how conflicts of interest have been managed and the non-application of the regulations. This information may include written and verbal communication with economic operators, negotiations, the justification for selection and award decisions. Documentation must be kept for three years from the award of the contract and is disclosable.

Clarification with Potential Contractors

87. The appropriate Chief Officer may enter into dialogue with all tenderers as required in the following circumstances (and provided that in all cases the Public Contracts Regulations 2015 and all other relevant UK Statutes and Statutory Instruments are complied with):
- (a) When tenders or quotations are not invited prior to the making of a contract in the special circumstances within the provisions of Standing Orders.
 - (b) After the receipt of tenders or quotations if in the opinion of the Chief Officer responsible for the tendering/quotation process:
 - (i) the lowest tender or quotation received exceeds the planned budget or reasonable cost for the goods or services being sought; or
 - (ii) none of the tenders or quotations received represent good value for money; or
 - (iii) one or more of the potential contractors have failed to understand the invitation to tender; or

- (iv) non-material and non-substantial alterations to the terms and conditions or specification of the goods or services is likely to result in cost savings or improved value for money; or
- (v) such clarification is necessary to ensure that a tender has constructed their bid correctly and/or has fully understood the specification.

(c) explanations must be sought from suppliers that have submitted a tender which appears to be abnormally low. Examples of explanations that could be accepted include the economics of the technical solutions chosen. If the evidence supplied is not satisfactory, if the low price is as a result of a breach of social and environmental law or is as a result of State Aid (which is incompatible with the rules of the Public Contract Regulations 2015) the tender may be rejected.

88. No detailed prices, conditions or terms submitted by one tenderer shall be revealed to another tenderer during any negotiations.

Notification of Results

89. Unsuccessful tenderers may be advised as to the general reasons for their failure to be awarded a contract, but under no circumstances shall the details of the submission of other tenderers be disclosed without the prior approval of the Procurement Department to ensure compliance with applicable procurement legislation and guidance or the laws of England and Wales.

Nominated Sub-Contractors and Suppliers

90. In relation to services or works to be performed or goods or materials to be supplied by nominated sub-contractors or suppliers as the case may be, such sub-contractors must be first approved by the Head of Procurement who must be satisfied as to their method of selection.

Form of Contract

91. Every contract shall be in writing and on behalf of the Commissioner. Additionally: -

- (a) A contract whose value is less than the Level 1 Threshold may be completed by use of an official order form,
- (b) A contract whose value is more than the Level 1 Threshold but does not exceed the Level 3 Threshold shall be the subject of a formal contract prepared or approved by the Force Procurement Department,
- (c) A contract whose value exceeds the Level 3 Threshold shall be the subject of a formal contract prepared by the Force Procurement Department and approved by the Joint Legal Service.

92. All transactions made using an approved Force Purchasing Card must be in accordance with these contract standing orders with the following exceptions:

A purchasing card order may be placed by:

- telephone
- post
- sending card and order details by fax

- ordering over the internet provided the site is secure (usually indicated by “https:” or by a padlock at the bottom of the screen)
 - in person at a business premises.
93. All contracts for information technology or information technology equipment shall be let only after consultation with the Shared Resource Service. In the case of tenders, such consultation shall take place prior to the issue of the tender documentation.

Contents of Contracts

94. All contracts shall specify:
- (a) the nature and extent of the work and services to be carried out, or the quantity and description of goods and materials to be supplied.
 - (b) the price to be paid with a statement of discounts or other deductions or variations.
 - (c) the time or times within which the contract is to be performed or the goods delivered.
95. Where appropriate, the contractor shall indemnify the Commissioner in respect of and insure against any third party risks and if required shall produce the policy of insurance to a competent representative or employee of the Commissioner for examination.
96. Where appropriate every formal contract shall provide for losses suffered by the Commissioner as a result of non-performance or poor performance by the contractor in the execution of the contract to be paid or allowed by the contractor to the Commissioner by way of liquidated damages which are both commercially justified in the circumstances and constitutes a genuine pre-estimate of loss.
97. All contracts must contain a clause prohibiting the contractor from assigning or subletting a contract, or any part of it, without first securing the written consent of the Commissioner.
98. In every written contract for the supply of goods or materials a clause shall be inserted to secure that should the contractor fail to deliver the goods or materials or any portion thereof within the time or times specified in the contract, the Commissioner, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or to the extent of such default and to purchase other goods, or materials, as the case may be, of the same or similar description to make good (a) such default or (b) in the event of a contract being wholly determined, the goods or materials remaining to be delivered. The clause shall further secure that all monies (if any) paid for such goods or materials shall be recoverable from the contractor and the amount by which the cost of so purchasing other goods or materials exceeds the amount which would have been payable to the contractor shall be recoverable from the contractor.
99. In order for the Commissioner to comply with best practice and legislation, successful Contractors shall be required to provide details, where appropriate, of the Company’s compliance with Corporate and Social Responsibilities i.e. Environmental Policy and compliance with Modern Slavery Requirements.

100. All contractors shall be expected to provide details of their Business Continuity Plan where appropriate.
101. All Contractors, where this is relevant to the goods and/or services to be provided, shall be expected to comply with the Force Security Policy.
102. All Contractors' staff deployed on force premises shall be required to comply with appropriate policies.
103. Every contract prepared by Gwent Police shall contain a clause as follows:
- a) "The contractor shall not unlawfully discriminate within the meaning and scope of the provisions of the Acts currently in force.
 - b) The contractor shall take all reasonable steps to secure the observance of the provisions of sub-clause (a) of this clause by all servants, employees or agents of the contractor and all sub-contractors employed in the execution of the contract."
104. In every contract for the execution of works, the supply of goods or materials or the provision of services, shall be inserted the following clause:
- "Every contract for the execution of works, the supply of goods or materials or the provision of services, shall contain an indemnity in the favour of the Commissioner for breach of statutory duty under data protection legislation which arises from the use, disclosure or transfer of personal data by the contractor and his servants and agents."*
105. All contracts shall include provision that valid undisputed invoices will be paid within 30 days and all contractors must be required to include similar provisions in their contracts with sub-contractors (and so on down the supply chain)
106. There shall be two identical contracts for signature or execution. If such contract is not to be signed in counterparts, all contracts should be signed/executed by the Contractor first (unless otherwise agreed by the Commissioner). The last party to sign/execute the contract shall be the Commissioner. All contracts shall be signed/executed in accordance with the provisions of the threshold table.
107. Any orders under call-off contracts for the supply of goods, materials and services must be approved by Head of Procurement (for Levels 1 and 2), the CFO (Chief Constable) (Level 3) or the Chief Executive or CFO (PCC) (Level 4) in accordance with the contract values specified in the threshold table, provided that the organisation supplying the goods, materials or services has won the right to supply the goods, materials and/or services in accordance with the appropriate procedure set out in these Standing Orders.
108. Once signed and dated, or otherwise executed, for and on behalf of the Commissioner in accordance with these Standing Orders, one signed copy of the contract shall be returned to the Contractor for their records and the second signed copy shall be retained by the Procurement Department on behalf of the Commissioner in a secure place for a period of not less than 6 years after the date of expiry of the contract (12 years if the contract is under seal). Contracts exceeding the Level 3 Threshold in value shall be stored by the Procurement Department who shall maintain a register of the same on behalf of the Chief Executive and the CFO (PCC).

Security for Performance

109. Where the contract is expected to exceed the Level 3 Threshold the CFO (PCC) in consultation with the CFO (CC) will be requested to consider whether security should be obtained and, if so, the nature and amount. This may take the form of a performance guarantee bond, a parent company or bank guarantee or occasionally a deposit of money. This provision shall not however prevent the taking of such guarantees for contracts of a lesser value where the CFO (PCC) may consider it appropriate to do so.

Compliance with Standards

110. Subject to sub-paragraph 111 below where an appropriate EU Standard, ISO Standard, British Standard Specification or British Standard Code of Practice issued by the British Standards Institution is current at the date of tender, every contract shall require as a minimum that all goods and materials as the case may be, used or supplied and all workmanship shall be in accordance with that standard unless the Commissioner for some specific reason decides otherwise.
111. Goods and materials meeting an international standard recognised in another member State of the European Union may also be acceptable provided that the alternative standards specify appropriate standards of safety, suitability and fitness for purpose.

Cancellation of Contracts

112. There shall be inserted in every written contract a clause empowering the Commissioner to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if:
- (a) the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward:
 - (i) for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Commissioner; or
 - (ii) for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Commissioner; or
 - (iii) if the like acts shall have been done by any persons employed by him/her or acting on his behalf whether with or without the knowledge of the contractor; or
 - (b) in relation to any contract with the Commissioner, the contractor or any person employed by him/her or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.
113. Where a Contractor is failing to provide the agreed service evidence shall be required in order to terminate the agreement.
114. Should a contract no longer be required, written notification shall be given to the Procurement Department who shall in turn notify the Commissioner, CFO (PCC) and CFO (Chief Constable).

115. Consideration shall be given to notice periods and consequences of early termination where applied.

Appointment of Consultants

116. The appointment of any architect, contract administrator, engineer, surveyor or other professional as a consultant with responsibility for supervising a contract on the Commissioner's behalf is also conditional on the following:
- (a) that he/she complies with all the Commissioner's Standing Orders as though he/she were a Chief Officer.
 - (b) that at the request of the Chief Constable, the Chief Executive or the CFO (PCC), he/she produces all the records maintained by him/her in relation to the contract.
 - (c) that he/she passes all those records to the Chief Constable, Chief Executive or the CFO (PCC) on completion of the contract.
 - (d) that, where considered appropriate, he/she produces evidence of and maintains professional indemnity insurance throughout the currency of the contract.
 - (e) that the contract contains an express provision that all documents and materials and all rights (including all intellectual property rights and ownership) therein which are prepared by or for the consultant for use, or intended use in relation to the performance of the contract or which otherwise arise out of the performance by the consultant of its duties there under are assigned to and shall vest in the Commissioner absolutely.

Contract Audit

117. Internal Audit, on behalf of the CFO (PCC), shall at all reasonable times have access to all documents maintained by the Chief Constable, the Chief Executive, Architect, Contract Administrator, Engineer, Surveyor or Consultant, and wherever possible have site access facilities during which they can expect information and explanation(s) on demand during the currency of the contract.

Auctions of Property

118. The appropriate Chief Officer or an officer designated by him or her may bid at auctions for items of any description required for any of the Commissioner's functions provided:
- (a) the terms have been approved following the taking of legal advice, and
 - (b) the bid does not exceed the sum indicated by the Commissioner or appropriate Chief Officer acting under Delegated Powers or where no such sum has been indicated the amount allowed in the Commissioner's approved estimates (subject to any allowance under the Commissioner's Financial Regulations) for that purpose.

Disposal of Surplus or Obsolete Goods

119. Surplus or obsolete goods and materials belonging to the Commissioner may be disposed of subject to compliance with Financial Regulations.

Sponsorship Agreements

120. All contracts where sponsorship is involved must be undertaken in accordance with the force guidelines/protocols relating to sponsorship in place from time to time, and shall subsequently be reported by the Chief Officer concerned to the Commissioner.

Extension Or Variation Of Contracts

121. Any proposal to extend or vary any contract must be referred to the Commissioner for decision if the proposed extension or variation would result in a net increase to the initial value of the contract of more than 10% (supplies and services contracts) and 15% (works contracts).
122. For the avoidance of doubt, the provisions of paragraph 121 do not apply: -
- a) To minor changes that do not affect its nature and are explicitly provided for in review or option clauses in the original procurement documents, and
 - b) Where the extension of time is expressly provided for under the terms of the original contract; and/or
 - c) permitted under the Public Contracts Regulations 2015.

In such cases the prior approval of the CFO (Chief Constable) must be secured.

123. Any variation which extends or varies a contract shall be made in writing.
124. Such changes should only occur in the following circumstances:
- a) Where the additional works, services or supplies have become necessary where a change of supplier would not be practicable (for economic, technical or interoperability reasons) or would involve substantial inconvenience/duplications of costs
 - b) Where the change that has arisen was unforeseeable despite all due diligence having been exercised

and in such cases, a 'notice of modifications of a contract during its term' must be published in FATS and this must be prepared in conjunction with the Procurement Department

Contracts Register

125. A record of all contracts let with a value in excess of £10,000¹⁹ shall be maintained by the Head of Procurement.

Contract Monitoring

126. Where appropriate contracts shall be monitored and measured by the way of performance indicators and regular review meetings involving the Contractor and Practitioner representation.

¹⁹ The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012

127. Where the contract terms provide for credits to be offset against payments due or otherwise enable payments to be reduced on account of failure by the contractor to deliver the contract to the specified standards, any decision to waive entitlement to the credit or reduced payment shall only be authorised by the Chief Officer in consultation with the Head of Procurement where the amount involved is less than £50,000. Above this amount the Commissioner shall approve all such waivers.

Transparency

128. The Government has set out the need for greater transparency across its operations to enable the public to hold public bodies to account. This includes commitments relating to public expenditure, intended to help achieve better value for money
129. As part of the transparency agenda, the Government has made the following commitments with regard to procurement and contracting:
- All new contracts over the value of £10,000 to be published on-line
 - All items of spending over £500 per month to be published online
 - All new contracts to be published in full
130. All suppliers and those organisations looking to bid for public sector contracts should be made aware that if they are awarded a new contract, the resulting contract between the Commissioner and that supplier will be published.
131. In some circumstances, limited redactions will be made to some contracts before they are published in order to comply with existing law and for the protection of national security.

Collaboration and Partnership Arrangements

132. Collaborative and partnership arrangements will also be subject to all applicable procurement legislation and guidance and should therefore comply with the relevant provisions in these Standing Orders. Advice should be sought from the Procurement Department and from Joint Legal Services in relation to such projects.

Thres hold Level	Total Contract Value (or Annual Value with Supplier) <i>inclusive</i> of VAT*	Total Contract Value (or Annual Value with Supplier) <i>exclusive</i> of VAT*	Quotation/ Tender Process	Responsible for procurement	Opening of Quotation/ Tenders	Contract Documentation	Approval of Contract (Signature Required)	Exemption from Tender Approvals
1	Up to £15,000	Up to £12,500	Electronic quotation: demonstrat ion of value for money	Authorised Officer	Authorised Officer/ Budget Holder	Issue by Purchase Order or use of Purchasing Card with GP terms and conditions	Authorised Officer	Not applicable
2.	£15,000 - £50,000	£12,500 - £41,667	At least 3 electronic quotations	Authorised Officer with support from Procurement Department	Procurement department and Authorised Officer but relevant Procurement officer for e-tenders	Written contract approved by Procurement Department	Head of Departmen t/ LPA Commande r/ CFO (Chief Constable) for Gwent Police CFO (PCC)/Chief Executive for OPCC	CFO/Chief Constable for Gwent Police CFO (PCC)/Chief Executive for OPCC
3.	Above £50,000 and up to £600,000	Above £41,668 and up to £500,000	Follow tender process outlined in Standing Orders (and where the total value exceeds the procureme nt thresholds in the Public Contract Regulations 2015)	Procurement Department	Procurement Department	Written form of contract approved by Procurement.	CFO (Chief Constable) for Gwent Police CFO (PCC)/Chief Executive for OPCC	CFO/Chief Constable for Gwent Police CFO (PCC)/Chief Executive for OPCC

4	Above £600,000	Above £500,000	Follow tender process outlined in Standing Orders (and where the total value exceeds the procurement thresholds in the Public Contract Regulations 2015)	Procurement Department (with support from Joint Legal Services)	CFO (PCC) or Chief Executive (or designated Procurement officer in relation to e- tenders only)	Written form of contract approved by Joint Legal Services. Where the total value exceeds £500,000, (ex VAT) this must be reported to the PCC (in conjunction with the Procurement Department) Completed under seal (if deemed appropriate by the Commissioner).	Chief Executive or CFO (PCC)	CFO (PCC)/Chief Executive for OPCC
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***CURRENT VAT RATE 20%**

PART 4a: Information Management

4.1 Background

The Good Governance Standard for Public Services states that a robust decision making framework is dependent on the provision of clear and concise information. As such it is essential that all information is presented in a consistent and succinct format that provides both the Police & Crime Commissioner and the Chief Constable with the necessary information to allow them to make informed decisions.

Although upholding the principles of openness and transparency, there will be occasions when information must remain confidential and may be excluded from publication. These are known as Part 2 Items and are outlined in more detail in section 4.3.

4.2 Police and Crime Commissioner

Decision-making is a significant element of the Police and Crime Commissioner's role and the Office of the Police and Crime Commissioner must demonstrate integrity and honesty in their decision-making process, as any decision made may be legally challenged, based on the grounds that it was unlawful, unreasonable or unfair. The decision-making process is often as important as the decision itself.

Police and Crime Commissioners will be expected to adopt rigorous standards of probity, regularity and transparency in their decision-making, and everyone connected with the decision-making process within the Office of the Police and Crime Commissioner will be responsible for abiding by the principles of good decision-making.

The ultimate responsibility for providing a robust review and scrutiny check within the decision-making process will fall to the Chief Executive, who will fulfil the role of monitoring officer, and to the CFO (PCC). Both roles are part of the legal framework for ensuring the specific duty to report any contravention of the law, maladministration, or any other deviation from the core principles of good governance.

A robust decision-making framework is also dependant on clear and concise information, such as financial, performance and risk information, allied to the advice provided by the relevant officer within the Office of the Police and Crime Commissioner.

All information provided as part of the decision-making process should be fit for purpose, relevant, concise and enable the Police and Crime Commissioner to have an understanding of the background issues to allow for an informed and considered decision.

The statutory requirements for the recording and where appropriate the publication of information requires specific elements to ensure integrity, such as:

- A statement of the Police and Crime Commissioner's policy in relation to the making of decisions of significant public interest
- Details of public meetings relating to a decision
- Details of decisions of significant public interest
- Registers of interests, gifts or hospitality of the Police and Crime Commissioner and staff

The Freedom of Information Act 2000 provides a further level of public access to information, reinforcing the requirement to publish information regarding decision-making activities, and recognising the need to be open and transparent about decisions of significant public interest.

Cognisance should also be taken of the Freedom of Information Act 2000, Data Protection Act 2018 and Elected Local Policing Bodies (Specified Information) Order 2011, which set minimum standards for

publication of information. Information published will also have to comply with the current joint Welsh Language scheme.

4.3 Exempt Matters

Although upholding the principles of openness and transparency, there will be occasions when information must remain confidential and may be required to be excluded from publication, also known as Exempt items..

The Government Security Classification (GSC) will indicate the nature of the content of the report, where anything classified as official or above cannot be made publicly available.

Each item forwarded from the Chief Constable to the Police and Crime Commissioner that is identified as containing material appropriate for exemption needs to be justified separately to the Chief Executive and a certificate must be prepared when any exemption request is made.

It is the responsibility of each point of contact within the governance process to ensure that the correct procedure is followed. Publicly exempted items should be provided separately from publicly available reports and clearly marked “Exempt”, with the relevant certificate attached. Force reports identified as exempt items should have a minimum GSC marking of “Official”.

4.4 Confidential/Exempt Information

There will be circumstances when information may be required to be excluded from the Press and Public and will not form part of information published on the world wide web.

The local government access to information rules on exempt information (Local Government Act 1972) do not as a matter of law apply to the Office of the Police and Crime Commissioner or the Chief Constable. However, the Commissioner and Chief Constable wish to work within the spirit of the Act. Therefore, the following will apply:

- For reports at the Strategy and Performance Board meetings – the reports and minutes of which may be published, the Chief Executive will determine whether to withhold publication based on the exemptions contained in the Freedom of Information Act and the Data Protection legislation and the Police and Crime Commissioners exemption criteria based on the LGA1972.
- For information published by the Chief Constable the GSC will apply.

Part 4b: Information Sharing Protocol

General

1.1. The Commissioner and the Chief Constable will share information where appropriate to fulfil the purposes of this Manual subject to any reasonable conditions imposed by the party providing the information in respect of such disclosure.

1.2. This Information Sharing Protocol reflects the requirement in the Financial Management Code of Practice which specifically provides that:

“As set out in section 36 of the Act, a Chief Constable must give the relevant Police and Crime Commissioner such information on policing matters that the body may require. As a result, the Chief Finance Officer of the Police and Crime Commissioner must have full access to all relevant financial information. The details of this should be set in a locally agreed Information Sharing Protocol to be agreed by the two Chief Finance Officers in consultation with the Chief Executive.”

Each Chief Finance Officer has a personal fiduciary duty by virtue of his or her appointment as the person responsible for proper financial administration under the Act. This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure (section 114 of the Local Government Finance Act 1988, as amended by paragraph 188 of Schedule 16 to the Act). Nothing in this Protocol will fetter either the CFO (PCC) or the CFO in the discharge of their fiduciary duties.

Data Protection Legislation

1.3. The Commissioner and the Chief Constable shall endeavour to meet the requirements of the Data Protection Act 2018, specifically the obligations placed on each Controller (DPA 2018, Part 3, Chapter 4, sections 56-71 and GDPR articles 24-43) and shall ensure compliance through proper application of the governance arrangements contemplated in this Manual.

1.4. The Commissioner and the Chief Constable are separate data controllers and processors and have duties under the UK General Data Protection Regulation (UKGDPR), the Data Protection Act 2018 and the Freedom of Information Act 2000. For the purposes of the Data Protection Act 2018, the Commissioner and the Chief Constable shall remain the Controller for any personal data recorded under their respective control. The Commissioner and the Chief Constable will each pay an annual registration fee to the ICO in accordance with the Data Protection (Charges and Information) Regulations 2018.

Freedom of Information Act

1.5. For the purposes of the Freedom of Information Act 2000 (FOI) if either the Commissioner or the Chief Constable should receive a FOI request then the Commissioner or Chief Constable as appropriate would be responsible for responding to that request and with any subsequent compliance arrangements required by legislation or regulations.

1.6. Any FOI requests received by either the Commissioner or the Chief Constable which relate to or touch upon the subject matter of this Manual or any matters arising from it would be brought to the attention of the other party as soon as practicable, and where necessary the Commissioner and the Chief Constable will provide reasonable assistance to the other in order to facilitate a timely and compliant response to the FOI request or any subsequent compliance requirement.

Access to Information

1.7. Both parties agree that, during the term of this Manual, or at any time thereafter, neither they nor any of their employees, agents (including volunteer staff) or sub-contractors, shall divulge, furnish or make accessible to anyone any confidential information unless:

1.7.1. at the date of this MOU, the confidential information is already in the public domain or subsequently comes into the public domain through no fault of the other party;

1.7.2. the confidential information rightfully becomes available to the other party from sources not bound by obligations of confidentiality;

- 1.7.3. the confidential information was available to the other party on a non-confidential basis prior to its disclosure to such party;
- 1.7.4. the other party is required by compulsion of law to disclose.

Confidential Negotiations

- 1.8. The parties agree that all discussions and negotiations between them shall be carried out on a strictly confidential basis and any statements (either written or oral) to be made in relation to the existence of the negotiations between the parties shall be subject always to written agreement by both parties and the overarching provisions of this Manual.

Disclosure by Agreement

- 1.9. The disclosure of confidential information is a matter for discussion and agreement between the Commissioner and Chief Constable.

Waiver

- 1.10. Any limitation or waiver of the right of confidentiality contemplated in the provisions of this Manual only applies to the relationship between the Commissioner and the Chief Constable and all staff will remain subject to an obligation of confidentiality in respect of third parties.

Public Interest Disclosure Act:

- 1.11 Nothing in this Information Sharing Protocol should prevent any personnel employed either by the Commissioner or the Chief Constable from disclosing information which they are entitled to disclose under the Public Interest Disclosure Act 1998 provided that such disclosures are made in accordance with the provisions of that Act.