**OFFICE OF POLICE AND CRIME COMMISSIONER**

**OFFICE OF CHIEF CONSTABLE**

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

**DATE: 21st March 2024**

**TIMING:**  **Annual**

**PURPOSE: For Consideration**

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| **1.** | **RECOMMENDATION** |
| 1.1 | That the Joint Audit Committee (JAC) considers and recommends approval of the proposed amendments to the Manual of Corporate Governance (MoCG) and provides any comments as appropriate (appendix 1). |
| **2.** | **INTRODUCTION & BACKGROUND** |
| 2.1  2.2 | On 13th December 2023, the Head of Assurance and Compliance (HoAC) initiated the annual review of the MoCG via email. Relevant staff and officers were asked to review sections of the document and feed any proposed changes back to the Office of the Police and Crime Commissioner (OPCC). A subsequent meeting was held between the OPCC, Joint Legal Services (JLS) and Gwent Police to discuss changes with the HoAC and Head of JLS meeting to discuss and finalise these changes.  A report providing the proposed changes to the MoCG was due to be presented to the Strategy and Performance Board (SPB) on 7th March 2024. The PCC and Chief Constable have been asked to approve the changes in principle prior to their consideration by the JAC. |
| **3.** | **ISSUES FOR CONSIDERATION** |
| 3.1 | **Amendments to Manual of Corporate Governance**  A number of changes have been identified as a result of the annual review process. A detailed list of these can be found at appendix 1.  At the SPB on 7th March 2024, an additional verbal amendment was proposed and agreed by the PCC and Chief Constable. This relates to an increase to the Level 2 procurement threshold limit from £50,000 to £100,000. This increase will only be utilised in certain circumstances. In order to ensure clarity, JLS will provide wording to include in the threshold table. As a result, the lower limit of Level 3 will also increase to read ‘above £100,00’.  Discussions also took place in relation to the pensions delegations. It was confirmed that the following paragraph, which had been under delegations to the Assistant Chief Officer, Resources and had been transferred to the Assistant Chief Constable (Organisation), would need to be re-allocated to the Deputy Chief Constable.  “To recommend to the Chief Constable the retirement of police staff on the grounds of ill health and the payment of ordinary and ill health pensions and other payments, as appropriate following advice from a medical practitioner and in consultation with the CFO(CC)”.  The appendix detailing the changes has been updated to reflect the above mentioned changes.  As part of the MoCG review, the JAC Terms of Reference (ToR) are also usually reviewed. This review is the subject of a separate report to the JAC as it is proposed that all ToRs are removed from the MoCG going forward.  Work has been undertaken nationally to produce a MoCG template. This is at the final draft stage therefore certain changes have been adopted in this review. A further review will take place when the final template has been approved.  All numbering of paragraphs within the MoCG will be amended to ensure they flow correctly when the changes have been approved. The contents page will also be reviewed. |
| **4.**  4.1 | **NEXT STEPS**  If any additional changes are identified by the JAC, the PCC and Chief Constable will be informed and an updated report provided for final approval. Once the final document has been approved, the MoCG will be amended in both English and Welsh, circulated to relevant officers and published to the OPCC’s website. |
| **5.**  5.1 | **FINANCIAL CONSIDERATIONS**  There are no financial considerations as a result of this report. |
| **6.**  6.1 | **PERSONNEL CONSIDERATIONS**  There are no personnel considerations as a result of this report. |
| **7.**  7.1 | **LEGAL IMPLICATIONS**  The JLS department has been involved in the review of the MoCG, ensuring that any legal implications that have arisen have been resolved during the review process. |
| **8.**  8.1  8.2 | **EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS**  This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.  Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report. |
| **9.**  9.1 | **RISK**  Any risks identified during the review of the MoCG will be negated by the approval of the amended document. |
| **10.**  10.1 | **PUBLIC INTEREST**  This document can be made available to the public. |
| **11.**  11.1 | **CONTACT OFFICER**  Joanne Regan, Head of Assurance and Compliance. |
| **12.**  12.1 | **ANNEXES**  Appendix 1 – Details of proposed changes to the MoCG. |

**Appendix 1**

**Review of the Manual of Corporate Governance**

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

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| **Page Number** | **Proposed Change** |
| Various | Removal of reference to Assistant Chief Officer Resources (ACOR). |
| Various | Inclusion additional Assistant Chief Constable (Organisation) and amendment to existing Assistant Chief Constable role to read as Assistant Chief Constable (Operation). |
| Various | Wording added and removed to ensure the document reads appropriately. This does not cover any significant changes; these are referenced in detail in this appendix. |
| 10&11 | Inclusion of the principle aims of the Chief Finance Officer (Chief Constable) and Chief Finance Office (PCC). |
| 14 | Clarification that the document sets out the governance arrangements established under legislation and best practice and the core principles updated inline with the International Framework for Good Governance in the Public Sector. |
| 16 | Core Principles make reference to the Policing Protocol 2023 requiring all parties to abide by the seven principles of public life, replacing the specific reference to the Nolan Principles and the Code of Ethics for Policing. As the Code of Ethics has recently been updated, the document no longer specifically references the two additional areas of ‘Fairness’ and ‘Respect’ over and above the Nolan Principles. They have therefore been removed. |
| 17-21 | Context has been provided for each of the seven core principles of good governance, explaining how these principles will be applied in a policing context. |
| 25 | Removal of the first paragraph beginning “Powers are given to the Chief Constable by laws, orders, rules or regulations” |
| 31 | Reference to the Stage 2 Transfer Process removed. |
| 39 | Responsibility for information governance as well as the Senior Information Risk Owner (SIRO) role changes from the Assistant Chief Officer, Resources to the Assistant Chief Constable (Organisation) |
| 42-58 | Removal of the terms of reference for meetings. |
| 66 | Clarification that the Code of Practice for Ethical Policing 2023 and the Code of Ethics 2024 are followed by the PCC, their Deputy and their Office. |
| 69 | Introduction to the Scheme of Consent and Delegation included. |
| 71 | Removal of paragraph 1.4:  *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.* |
| 73 | Delegations to the Chief Executive:  This section has been re-ordered and delegations grouped under headings.  Inclusion of the following:   * 1. To respond to consultations on proposals in respect of all issues affecting the PCC, if necessary, after first taking the views of the PCC, Chief Constable, CFO (PCC) and CFO (CC) as appropriate.   2. In the absence of the PCC and the DPCC, the PCC delegates to the Chief Executive all of his/her functions (except those prohibited by law) unless otherwise agreed.   Inclusion of italic section at 4.9:  4.9 To *lead on risk management for the PCC and to* ensure adequate risk management processes are in place in   conjunction with the CFO (PCC).  4.10 To appoint and dismiss staff employed by the Police and Crime Commissioner pursuant to paragraph 6(3) of Schedule 1 of the Act *save that this shall not apply to the appointment or dismissal of or disciplinary action against the Chief Executive or the CFO (PCC).*  4.12 To undertake the management of staff employed by the PCC in line with agreed policies and procedures.  4.17 has been amended to include the statement that all ill health retirements will be reported to the PCC.  4.19 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.  4.20 To exercise the PCC’s discretions under the Local Government Pension Scheme in relation to staff employed by the PCC, in consultation with the CFO (PCC) and in line with agreed policies.  4.27 To approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because:   * They involve a high profile claimant * There is a particular public interest in the case/it could damage public confidence in the PCC or the Chief Constable * The proceedings are by their nature considered to be a test case before the court.   1. To be the HSE Duty Holder for the PCC in respect of asbestos, legionella and gas regulations. |
| 77 | Delegations to the CFO (PCC):  Inclusion of the following:  5.1 The CFO (PCC) as the financial adviser to the PCC has a statutory responsibility to manage the PCC’s financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations (as amended). The detailed financial responsibilities of the CFO (PCC) are also set out in the Financial Regulations that form part of this Manual.  Inclusion of the italic section at 5.14:  5.14 *To decide having taken appropriate advice in consultation with the Chief Executive any enhancements or applications of discretion within the Local Government Pension Scheme (LGPS).* 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. |
| 82 | Delegations to the Deputy Chief Constable:  8.1 The Deputy Chief Constable may exercise or perform any or all of the functions of the Chief Constable during any period when the Chief Constable is unable to exercise functions or otherwise with the consent of the Chief Constable.  Inclusion of the italic section ay 8.1.1:  8.1.1 People Services including Diversity Lead – *this shall include the appointment and dismissal of staff employed by the Chief Constable and the management of staff in accordance with agreed policies and procedures.* This has summarised the bullet points at 8.1.3 that have therefore been removed.  Removal of the following:   * 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.   Inclusion of the following under the DCC delegations from that of the Assistant Chief Officer, Resources:   * + 1. To recommend to the Chief Constable the retirement of police staff on the grounds of ill health and the payment of ordinary and ill health pensions and other payments, as appropriate following advice from a medical practitioner and in consultation with the CFO (CC) |
| 84 | 8.2 Inclusion of Delegations to the Assistant Chief Constable (Organisational) |
| 85 | 8.4 Delegations changed from Assistant Chief Officer, Resources to Chief Finance Officer (Chief Constable)  Inclusion of the following:  The CFO (CC) as the financial adviser to the Chief Constable has a statutory responsibility to manage the CC’s financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations (as amended). The detailed financial responsibilities of the CFO (CC) are also set out in the Financial Regulations that form part of this Manual.   * To represent the Chief Constable at the Police Pensions Board in accordance with their terms of reference. * To determine all employee matters relating to police pensions (including widows pensions). * To determine whether there is a cognisant reason why an injury award should not be reduced to the lowest band upon the pensioner reaching statutory retirement age. * To maintain a policy of employer discretions under the Local Government Pensions Scheme and Public Service Pensions Acts including the Police Pension Scheme 2015, in consultation with the CFO (PCC) as appropriate. |
| 153 | Level 2 threshold limit will increase from £50,000 to £100,000 (this increase will only be used in certain circumstances). Joint Legal Services will provide wording to include in the threshold table. As a result the lower limit of Level 3 will increase to ‘above £100,00’. |