



POLICIES

DECISION MAKING POLICY V7

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This Decision-Making Policy

1. The Police Reform and Social Responsibility Act 2011 sets out the functions and responsibilities of the Police Crime and Victims' Commissioner ("The PCVC"). This Policy applies to decision-making by the PCVC and those exercising delegated authority on behalf of the PCVC. It details the arrangements put in place to enable the PCVC to make well-informed and transparent decisions that are robust to public scrutiny.

This Policy also seeks to provide information to assist the Police and Crime Panel in its role in scrutinising the decisions and actions of the PCVC.

2. Some decisions will be complex by their very nature and decisions have different impacts (e.g. from local to national). This sliding scale of decision-making will demand a related and proportionate scale in terms of the amount of information, advice, support, challenge, scrutiny and consultation given in advance of, and following, the decision. Decisions will range from single, internally-focussed, low impact decisions through to those of significant public interest, consequences and cost.

What constitutes a decision?

- 3.1 The Oxford English Dictionary defines a decision as "*a conclusion or resolution reached after consideration*". Probably the most important element of this definition, in the context of the PCVC, is "reached after consideration". This Policy seeks to ensure that the right decisions are taken for the right reason, at the right time and that the public are able to see our 'workings out'.
- 3.3 The following paragraphs set out the parameters, principles and approach within which a decision should be taken.

Parameters

- 4.1 Decisions taken by the PCVC will primarily arise from discharging statutory functions and are likely to include, but are not limited to, the following areas:
 - Strategic direction including the production and publication of the Police and Crime Plan
 - Setting the budget and council tax precept
 - Appointment / Suspension / Removal of the Chief Constable
 - Engagement and consultation with the public and victims and witnesses of crime
 - Collaboration / Partnerships to achieve efficient and effective service delivery
 - Commissioning and grant giving
 - Governance and assurance, including policy development and holding the Chief Constable to account for force performance
 - Capital programme spend
 - Asset acquisition/disposal

The principles of a good decision-making process

- 4.2 Public bodies must demonstrate probity and regularity in their decision-making, not just as a matter of good governance, but also as a matter of law.

The consideration process followed by public bodies in arriving at decisions is, in legal terms, more important than the quality of the final decision itself.

- ***Decision-making will be well-informed***

Decisions will be taken based on good quality information and clear objective advice, in order to reduce the risk of taking decisions that fail to achieve the PCVC's objectives or have unintended consequences.

- ***The decision-making process will be open and transparent***

In order to make well informed decisions, the PCVC will properly consider the views of all relevant parties and, for some decisions, public consultation and engagement will be a statutory requirement.

- ***To have "due regard" within the decision-making process***

The Police Reform and Social Responsibility Act, 2011 places a duty on the PCVC, the Chief Constable, and each community safety and criminal justice partner, to consider the plans and priorities of each other organisation, satisfy itself that plans and priorities have been interpreted correctly, and make clear the reasons for departing from those plans, if appropriate. In addition the PCVC and Chief Constable must have 'due regard' to the strategic policing requirement and any subsequent changes to that requirement.

- ***Be rigorous and transparent about how decisions are taken***

The PCVC's decision-making process will ensure that all decisions are clearly explained to allow for easier impact assessment of decisions and to aid understanding by staff, the public, and other stakeholders.

- ***All decisions of significant public interest will be recorded and published***

The statutory requirement for the recording and publishing information around decision-making is set out in the Elected Local Policing Bodies (Specified Information) Order 2011. In determining whether a decision is of significant public interest the PCVC will undertake the 'public interest test' set out in the Freedom of Information Act 2000, and the guidance relating to that set out by the Information Commissioner's Office. This sets out the difference in: what is in the public interest; and what interests the public.

The PCVC will uphold the ***highest standards of integrity*** and ***honesty*** when taking decisions, as set out in the '***Nolan Principles***'.

Decision-Making Approach

4.3 The **PCVC's Decision-Making Process** is shown as a flowchart at **Appendix A**.

All decisions start off by the person requesting a PCVC decision completing the standard Decision Form, attached at **Appendix B**.

The following considerations should be documented as part of any proposal to the PCVC (the template provided at Appendix B to this policy act as an aide memoire to this).

- **Understand local needs (the public)**, priorities and resources and consider the views of partners and stakeholders;

- Based on this knowledge, **agree outcomes** - how they can be measured and how they can be delivered effectively, efficiently, fairly and sustainably;
- Establish all the **relevant and material facts**;
- **Consult** those who might reasonably consider they would be adversely or significantly affected;
- Consider **equality issues** as identified in the Public Sector Equality Duty;
- Consider **all reasonable courses of action** open to the PCVC;
- Seek appropriate **professional and specialist advice**;
- **Consider risks, opportunities, impact, performance and cost**;
- Ensure **value for money** is achieved;
- Provide an **options appraisal (the PCVC's choices)**, against agreed outcomes, for consideration.

4.4 There may be occasions where the circumstances of a decision dictate that only some elements of the considerations, set out in paragraph 4.3 above, will be completed. The PCVC's Governance Manager will determine, in conjunction with the decision requestor, the level of information required in such instances. Only where agreement cannot be reached as to the level and detail of information required shall the PCVC's Governance Manager refer the matter to the Chief Executive, who is the final arbiter.

Novel, contentious or repercussive Issues or Ambiguous Issues

4.5 Some issues may be of high public / media interest, likely to impact on a community / communities, or are high risk issues (e.g. affecting reputation, public confidence) because they are regarded as novel, contentious or repercussive.

All such Issues should involve the PCVC in the decision-making and could include the following:

- Actions that conflict with the priorities set out in the PCVC's Police and Crime Plan, or may impact on the delivery of the Plan's outcomes;
- Policy changes – a decision that has a direct impact on local communities - for example, organisation of neighbourhood policing resources, the disposal of a police station or building with a front counter;
- Community relations – these could be any number of areas and it is likely these could be derived from the Police and Crime Plan.

4.6 Occasions may arise when the line between the strategic (for the PCVC) and operational (usually for the Chief Constable) is ambiguous. Should such instances arise the Chief Constable will adopt the principle of due regard and invite the PCVC's decision.

Urgent Decisions

4.7 The main decision-making forum for consideration is the PCVC's Executive Board, which meets every 4 weeks. It is recognised, however, that some decisions may be 'urgent' and cannot wait for the next Executive Board meeting. Such decisions should be notified to the OPCVC's Governance Manager, who will ensure that alternative arrangements are put in place to facilitate a timely decision by the PCVC.

Recording Decisions

- 4.8 To ensure the PCVC adheres to the principles of openness and transparency, the information used to inform decision-making will be recorded by the OPCVC and the Decision form will be published, unless there is a legal reason for not doing so.

Publication of information relating to decisions

- 4.10 The Freedom of Information Act, 2000 requires every public authority to have a publication scheme, approved by the Information Commissioner's Office, and to publish information covered by that scheme.

The scheme should set out the PCVC's commitment to make certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information. Included within the PCVC's Publication Scheme are the requirements to publish information about decision-making, as required by The Elected Local Policing Bodies (Specified Information) Order 2011?

To further demonstrate the commitment to openness and transparency, the PCVC will publish a Forward Plan, highlighting any key decisions of significant public interest likely to be made in the future (although there will be allowances where urgent decisions need to be taken). This Forward Plan will be prepared on a rolling 12-month basis, and refreshed monthly.

It is further envisaged that this Forward Plan will assist those charged with holding the PCVC to account, as well as creating opportunities for stakeholders and members of the public to shape future policing and crime priorities and policies.

- 4.11 There will be occasions when some information has to remain confidential - for example, national security, safety of individuals, prejudice to the administration of justice. The decision requestor should always consider the classification of restricted information, to ensure that the public has access to the widest range of information possible. Decision forms and any supporting reports should always be written in a way that allows for their publication.

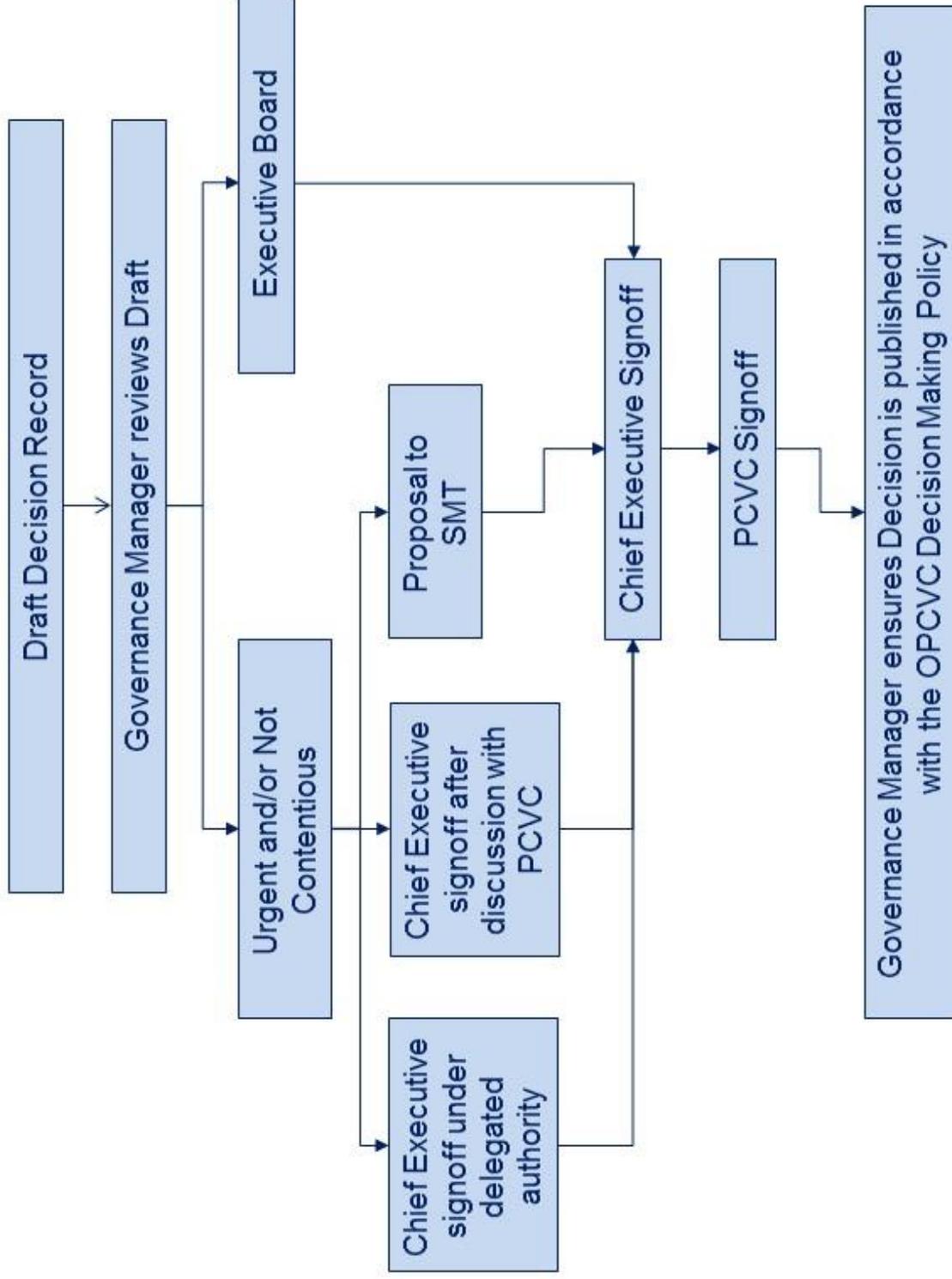
The PCVC will use, as general guidelines, the exemptions provided within:

- The Freedom of Information Act 2000; and
- Schedule 12A of the Local Government Act 1972.

Charles Oakley
September 2018

Appendix A

PCVC Decision Making Process



Appendix B



Reference No: 00?/2018

THE POLICE CRIME & VICTIMS' COMMISSIONER FOR DURHAM

DECISION RECORD FORM

REQUEST: For PCVC approval.

Title

Summary:

Decision:

OPCVC Lead Officer:

Contractor Details (if applicable):

Implications:

Has consideration been taken of the following:

Yes

No

Financial

Legal

Equality & Diversity

Human Rights

Sustainability

Risk

Consultation

(If yes please provide further details below)

Decision Required – Supporting Information

Financial Implications: (Must include comments of the PCVC’s CFO where the decision has financial implications)

Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)

Equality and Diversity Implications

Human Rights Implications

Sustainability Implications

Risk Management Implications

Consultations

OFFICER APPROVAL

Chief Executive

I have been consulted about the decision and confirm that financial, legal, and equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signed:

Date:

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Police and Crime Commissioner:

Signed:

Date:

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