THE CHIEF CONSTABLE OF LINCOLNSHIRE

Scheme of Delegation

DRAFT

Title / Version Number	CC Scheme of Delegation ~~2019-06~~202~~1~~2-0~~1~~4
Review Renewal Date	~~January~~ April 202~~2~~3~~0~~
Document Owner	PCC and CC CFO
Last Update Date	~~June 2019~~April 2022~~January 2021~~

LIST OF CONTENTS

SECTION ONE 3
INTRODUCTION 3
STATUTORY BACKGROUND 3
PURPOSE 3
KEY ROLES OF THE POLICE AND CRIME COMMISSIONER 4
KEY ROLES OF THE CHIEF CONSTABLE 5

SECTION TWO 6
DEFINITIONS 6
GENERAL PRINCIPLES OF DELEGATION 8

SECTION FOUR 10
DEVELOPMENT AND REVIEW OF THE POLICY FRAMEWORK 10
PF1 APPROVAL 10
PF2 CONSULTATION 10
PF3 POLICE AND CRIME PLAN 10
PF4 THE OPERATIONAL POLICING DELIVERY PLAN 11
PF5 OTHER PLANS AND STRATEGIES COMPRISING THE POLICY FRAMEWORK 11
PF6 ACTION AND DELIVERY PLANS 12

SECTION FIVE 13
MANAGEMENT OF HUMAN RESOURCES AND DESIGNATED FUNCTIONS 13
DEPUTY CHIEF CONSTABLE 13
HR1 FUNCTIONS DESIGNATED TO THE DEPUTY CHIEF CONSTABLE 13
FORCE CHIEF FINANCE OFFICER 13
HR2 FUNCTIONS DESIGNATED TO THE FORCE CHIEF FINANCE OFFICER 13
HR3 DEPUTY CHIEF CONSTABLE 15
HR4 APPOINTMENT OF CIVILIAN STAFF 15
URGENCY POWERS 16

DRAFT

SECTION ONE

INTRODUCTION

STATUTORY BACKGROUND

1.1. The Police Reform and Social Responsibility Act 2011 ("the Act") makes provision about the administration and governance of police forces. The Act charges the Chief Constable with exercising the power of direction and control in such a way as is reasonable to assist the Police and Crime Commissioner to exercise ~~his/her~~their functions.

1.2. Section 2.3 of the Act makes provision for the creation of the Chief Constable as a corporation sole. In Lincolnshire, this corporation sole will be known as "The Chief Constable of Lincolnshire".

1.3. The Policing Protocol Order 2011 sets out how the new policing governance arrangements will work. It clarifies the role and responsibilities of Police and Crime Commissioners, Chief Constables and Police and Crime Panels. It outlines what these bodies are expected to do and how they should work together to fight crime and improve policing.

1.4. The Financial Management Code of Practice (FMCP) is issued under section 7 of the Police Reform and Social Responsibility Act 2011. Chief Constables must have regard to this code in carrying out their functions.

PURPOSE

1.5. This Scheme of Delegation forms part of a four document set making up the full Scheme of Arrangements for the discharge of functions of the Police and Crime Commissioner and Chief Constable. The four documents are:

- Scheme of Consent
- Financial, Contract and Procurement Regulations
- Police and Crime Commissioner's Scheme of Delegation
- Chief Constable's Scheme of Delegation

1.6. All powers given to the Deputy Chief Constable and Force Chief Finance Officer within this scheme are delegated and not consented and may be limited or removed by the Chief Constable at any time.

1.7. This scheme provides a framework which makes sure the business is carried out efficiently, ensuring that decisions are not unnecessarily delayed.

1.8. The Commissioner's approval of this Scheme of Delegation will be written into ~~his/her~~their Scheme of Consent.

1.9. The Commissioner may set out reporting arrangements on any authorised powers.

1.10. Powers are given to the Chief Constable by laws, orders, rules or regulations. Also, national conditions of employment give powers to the Commissioner or the

DRAFT

Chief Constable or, as in the case of police regulations, the Secretary of State for the Home Department.

1.11. The powers given to the professional officers should be exercised in line with the Chief Constable's and Commissioner's delegation, consent, the law, and also policies, procedures, plans, strategies and budgets. This scheme does not identify all the statutory duties which are contained in specific laws and regulations.

KEY ROLES OF THE POLICE AND CRIME COMMISSIONER

1.12. The key roles of the Commissioner are to:

- provide an efficient and effective police service for the area;
- set the budget, and the precept, and allocate funds to the Chief Constable;
- appoint and, if necessary dismiss the Chief Constable;
- hold the Chief Constable to account on behalf of the people of Lincolnshire, ensuring they have regard to the Police and Crime Plan and the Strategic Policing Requirement;
- set the strategic direction and objectives of Lincolnshire Police through the Police and Crime Plan, monitoring the performance of the force against the agreed priorities;
- scrutinise, support and challenge overall performance of the force;
- make crime and disorder reduction grants;
- produce an annual report;
- have regard to statutory responsibilities e.g.Freedom of Information Act 2000, and all human rights and equality laws;
- maintain an effective 'independent custody visiting scheme' for monitoring facilities for people being held in custody;
- provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
- commission Victims' Services

1.13. The Commissioner will receive all funding, including the government grant and precept, and other sources of income (including that received in payment for policing of events), related to policing and crime reduction. All funding for the force must come via the Commissioner. How this money is allocated will be decided by the Commissioner in consultation with the Chief Constable, or in accordance with any grant terms.

1.14. The Police and Crime Panel have responsibility to scrutinise the Police and Crime Commissioner's decisions. This responsibility does not extend to the Chief Constable, who is accountable to the Police and Crime Commissioner.

DRAFT

1.15. The Commissioner may appoint a deputy to exercise ~~his/her~~their functions, with the exception of those which cannot be delegated.

1.16. The Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Constable, monitoring complaints against all other police officers and police staff, and complying with the requirements of the Independent Police Complaints Commission.

1.17. The Commissioner is the legal contracting body owning all the assets and liabilities, with the responsibility for the financial administration of ~~his/her~~their office, including all borrowing limits.

1.18. The Chief Constable is responsible for the financial administration of the force through the appointment of the Force Chief Finance Officer.

KEY ROLES OF THE CHIEF CONSTABLE

1.19. The key roles of the Chief Constable are to:

- Maintain the Queen's peace and have direction and control over the force's officers and staff.
- Be accountable for the exercise of police powers, and to the Commissioner for the delivery of efficient and effective policing, and management of resources and expenditure by the police force.
- Carry out ~~his/her~~their functions in accordance with the formal consents as detailed in the Scheme of Consent.

1.20. The Chief Constable will appoint a deputy to exercise ~~his/her~~their functions, with the exception of those which cannot be delegated. The Commissioner must be consulted prior to confirmation of such appointment.

DRAFT

SECTION TWO

DEFINITIONS

1.21. "**The Budget**" means the Annual Revenue Budget and capital programmes prepared and approved in accordance with Section FR11of this Scheme

1.22. **"CFO"** means Chief Finance Officer

1.23. "**Chief Constable**" means the person appointed under Section 2 of the Police Reform and Social Responsibility Act 2011 with responsibility for the direction and control of Lincolnshire Police Force

1.24. "**Force Chief Finance Officer**" means the person responsible to the Chief Constable for financial management within the Force and who is charged with the duties of a chief finance officer as set out in Sections 111 to 116 of the Local Government Finance Act 1988 and paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to the Police Reform and Social Responsibility Act 2011

1.25. "**Chief Executive**" means the person appointed as head of the PCC's staff with responsibility for its general administration and as defined by the Police Reform and Social Responsibility Act 2011

1.26. "**Chief Officer**" means the Chief Constable, the Deputy Chief Constable, Assistant Chief Constable, ~~Assistant Chief Officer~~ or Force Chief Finance Officer.

1.27. **"Commissioner"** means the police and crime commissioner for Lincolnshire.

1.28. **"Commissioner's Chief Finance Officer"** means the person responsible to the Commissioner for financial management within the Office of the Commissioner and who is charged with the duties of a chief finance officer as set out in Sections 111 to 116 of the Local Government Finance Act 1988 and paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011

1.29. "**Force**" means those working under the direction and control of the Chief Constable as set out in Section 15 of the Police Act 1996. It includes both Police Officers and Police Staff, which goes beyond the legal definition of a Force but is used for the sake of brevity and simplicity.

1.30. "**Monitoring Officer**" means the Chief Executive who is designated as Monitoring Officer by Schedule 16 of the Police Reform and Social Responsibility Act 2011 and in accordance with Section 5(1C) of the Local Government & Housing Act 1989.

1.31. "**Office of the Police and Crime Commissioner**" means the staff employed directly by the Commissioner to carry out managerial, administrative and support work on ~~his/her~~their behalf and managed by the Chief Executive. The abbreviation OPCC may also be used.

1.32. **"Officer"** means any person to whom the Chief Constable or Commissioner authorises to act on their behalf.

1.33. "**Police and Crime Panel**" means the panel established by Section 28 of the Police Reform & Social Responsibility Act 2011 to support the effective exercise of the functions of the Police & Crime Commissioner.

DRAFT

1.34. "**Police Officers**" means all police officers appointed in accordance with the Police Regulations.

1.35. "**Police Staff**" means all civilian support staff appointed on the terms and conditions agreed by the Police Support Staff Council.

1.36. "**Policy Framework**" means

- The Police and Crime Plan;
- the Financial Strategy incorporating the Reserves Strategy and Medium Term Financial Plan
- the People Strategy;
- the ICT Strategy;
- the Treasury Management Strategy;
- the Capital Strategy;
- The Asset Strategy.
- Any other plans and strategies which are expressed to form part of the Policy Framework.

DRAFT

SECTION THREE

GENERAL PRINCIPLES OF DELEGATION

GPD1 The powers delegated and/or designated to the Deputy Chief Constable and Force Chief Finance Officer shall be exercised in accordance with:

- All relevant legislation;
- The Budget;
- The Policy Framework;
- All relevant provisions of this Scheme;
- All other policies, principles, procedures, precedents, plans, strategies and budgets of the Commissioner as may be current from time to time.

GPD2 The Commissioner may require that a specific matter be referred to ~~him/her~~themself for decision and not dealt with by an officer under delegated powers.

GPD3 The scheme does not attempt to list all matters which form part of everyday management responsibilities.

GPD4 The delegation of powers to officers under this scheme does not prevent an officer from referring a matter to the Commissioner for decision if the officer wishes or considers it appropriate. In particular the Commissioner requires officers to draw to ~~his/her~~the Commissioner's attention sensitive issues or any matter which may have a significant financial implication.

GPD5 The Deputy Chief Constable or Force Chief Finance Officer, when considering a professional or technical matter that is also within the sphere of competence of the other officer, must consult with that officer before authorising the action.

GPD6 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.

GPD7 All decisions made by officers under powers delegated to them by the Chief Constable shall be properly documented and available for inspection.

GPD8 Except where the context otherwise requires, references in this document to the Deputy Chief Constable and Force Chief Finance Officer shall include such other officers as may be authorised by them to act on their behalf.

GPD9 The Deputy Chief Constable and Force Chief Finance Officer shall maintain a record of those officers authorised to act on their behalf.

GPD10 The Chief Constable 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/her~~their employ.

GPD11 The Force Chief Finance Officer has statutory powers and duties relating to their position, and therefore does not rely on matters being delegated to them to carry these out.

DRAFT

GPD12 The scheme provides an officer with the legal power to carry out duties of the Chief Constable. In carrying out these duties the officer must comply with all other statutory and regulatory requirements and relevant professional guidance including:

- The Police Reform and Social Responsibility Act 2011 and other relevant legislation issued under this Act.
- Financial Regulations
- Home Office Financial Management Code of Practice
- CIPFA statement on the role of the CFO of the Chief Constable
- Contract Regulations
- The Commissioner's governance framework
- The Commissioner's and Lincolnshire Police's employment policies and procedures.
- The Data Protection Act ~~1998~~ 2018 and the Freedom of Information Act 2000
- Health and Safety at Work legislation and codes

DRAFT

SECTION FOUR

DEVELOPMENT AND REVIEW OF THE POLICY FRAMEWORK

PF1 APPROVAL

PF1.1 The Commissioner will approve all strategies and plans comprising the Policy Framework.

PF2 CONSULTATION

PF2.1 In formulating or amending or updating any policy or document forming part of the Policy Framework the Commissioner and the Chief Constable shall have regard to any views expressed by the people within the Policing Area about matters concerning the policing of the Area.

PF2.2 In accordance with Section 96 of the Police Act 1996 and Section 14 of the Police Reform and Social Responsibility Act 2011 the Commissioner shall make and from time to time review arrangements for obtaining the views of people in the Policing Area having consulted with the Chief Constable as to the arrangements that would be appropriate.

PF3 POLICE AND CRIME PLAN

PF3.1 In accordance with Section 5 of the Police Reform and Social Responsibility Act 2011, the Commissioner must issue a police and crime plan within the financial year in which each ordinary election is held.

PF3.2 Before issuing such a plan the Commissioner must

- prepare a draft of the plan,
- consult with the Chief Constable in preparing the draft,
- send the draft to the police and crime panel,
- have regard to any report or recommendations made by the panel,
- give the panel a response to any such report or recommendations, and
- publish any such response.

PF3.3 A police and crime plan must set out, in relation to the planning period

- the Commissioner's police and crime objectives,
- the policing of the area which the Chief Constable is to provide,
- the financial and other resources the Commissioner is to provide to the Chief Constable for ~~him~~ them to exercise his functions,
- the means by which the chief constable will report to the Commissioner on the chief constable's provision of policing,
- the means by which the chief constable's performance in providing policing will be measured;
- the crime and disorder grants which the Commissioner is to make and any conditions of these.

DRAFT

PF3.4 The planning period begins with the day on which the plan is issued or takes effect and ends with the last day of the financial year in which the next ordinary election is expected to take place.

PF4 THE OPERATIONAL POLICING DELIVERY PLAN

PF4.1 The Chief Constable is required to issue an Operational Policing Delivery Plan in response to the Commissioner's Police and Crime Plan.

PF4.2 Before issuing such a plan the Chief Constable must

- prepare a draft of the plan,
- consult with the Commissioner in preparing the draft.

PF4.3 The Operational Policing Delivery Plan must set out, in relation to the planning period

- the Chief Constable's interpretation of the Commissioner's police and crime objectives,
- how the force will achieve the Commissioner's objectives,
- how the force will work with partners, including regional and other forces, to achieve the Commissioner's objectives.
- the means by which the Chief Constable will monitor performance against the objectives;

PF4.4 The planning period begins with the day on which the plan is issued or takes effect and ends with the last day of the financial year.

PF5 OTHER PLANS AND STRATEGIES COMPRISING THE POLICY FRAMEWORK

PF5.1 The Commissioner shall adopt the following non-statutory plans and strategies, namely:

- Financial Strategy incorporating the Reserves Strategy and Medium Term Financial Plan the People Strategy;
- the ICT Strategy;
- the Treasury Management Strategy;
- the Capital Strategy;
- the Asset Strategy;
- any other plans and strategies which are expressed to form part of the Policy Framework.

PF5.2 Before adopting any of the plans and strategies listed in paragraph PF5.1, the Commissioner shall consult with the Chief Constable.

PF5.3 The contents of any non-statutory plan shall not purport to derogate from the Chief Constable's statutory powers and responsibilities for the direction and control of the Force.

DRAFT

PF6 ACTION AND DELIVERY PLANS

PF6.1 The Chief Constable will prepare action and delivery plans which will underpin the plans and strategies comprising the Policy Framework

PF6.2 Action and delivery plans will be approved by the Commissioner annually or in accordance with a timetable agreed between the Chief Constable and the Chief Executive (or in default of agreement determined by the Commissioner)

DRAFT

SECTION FIVE

MANAGEMENT OF HUMAN RESOURCES AND DESIGNATED FUNCTIONS

DEPUTY CHIEF CONSTABLE

HR1 FUNCTIONS DESIGNATED TO THE DEPUTY CHIEF CONSTABLE

HR1.1 The Chief will appoint a deputy to exercise ~~his/her~~their functions (except those which cannot be delegated, these are listed in paragraph HR1~~2~~.2). The Deputy Chief Constable can give consent to the Assistant Chief Constable to carry out any functions in ~~his/her~~their absence (defined as leave or illness).

HR1.2 The Chief Constable cannot give consent to ~~his/her~~their deputy to carry out the following functions:

- issuing the Operational Policing Delivery Plan;
- appointment, suspension or removal of the Assistant Chief Constable by requiring ~~him/her~~the Assistant Chief Constable to retire or resign;

FORCE CHIEF FINANCE OFFICER

HR2 FUNCTIONS DESIGNATED TO THE FORCE CHIEF FINANCE OFFICER

HR2.1 The Force Chief Finance Officer is the financial adviser to the Chief Constable and has statutory responsibility to manage ~~his/her~~their financial affairs as set out in paragraph 4 of schedule 2 and paragraph 1 of schedule 4 to the Police Reform and Social Responsibility Act 2011 and section 114 of the Local Government Finance Act 1988. The Accounts and Audit (England) Regulations 2015 impose further responsibilities.

HR2.2 As laid out in the revised Financial Management Code of Practice (FMCP), this statutory framework and the associated Policing Protocol Order 2011 mean that the Force Chief Finance Officer is responsible for:

- ensuring that the financial affairs of the force are properly administered and that financial regulations drawn up by the PCC (developed in close consultation with the Chief Constable, the two Chief Finance Officers and the Chief Executive), are observed and kept up to date;
- reporting to the Chief Constable, the PCC and the external auditor, any unlawful or potentially unlawful, expenditure by the Chief Constable, or officers of the Chief Constable; reporting to the Chief Constable, the PCC and the external auditor when it appears that expenditure of the Chief Constable is likely to exceed the resources available to meet that expenditure;
- advising the Chief Constable on value for money in relation to all aspects of the force's expenditure;
- advising the Chief Constable and the PCC on the soundness of the budget in relation to the force;

DRAFT

- liaising with the external auditor;

- producing the statement of accounts for the Chief Constable and confirming that they present a true and fair view of the financial position of the Chief Constable at the end for the financial year to which it relates and of the Chief Constable's income and expenditure for that financial year; and

- providing information to the Commissioner's Chief Finance Officer as required to enable production of group accounts.

HR2.3 The Force Chief Finance Officer has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the force on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the Chief Constable's accounts.

HR2.4 The Force Chief Finance Officer is the Chief Constable's professional adviser on financial matters. To enable them to fulfil these duties the Force Chief Finance Officer:

- must be a key member of the Chief Officer Group, helping it to develop and implement strategy and to resource and deliver the PCC'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 Chief Constable to ensure immediate and longer term implications, opportunities and risks are fully considered;

- must 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;

- must ensure that the finance function is resourced to be fit for purpose; and must be suitably experienced and ensure professional knowledge is kept current through continuing professional development.

HR2.5 The formal delegations, listed below, are those given to the Force Chief Finance Officer, which are in effect at the time of the publication of this scheme.

- To approve the arrangements for securing and preparing the Chief Constable's accounts, and seek assurances that there are appropriate arrangements in place for the preparation of the force's accounts.

- 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, in relation to employees of the Chief Constable.

- To settle appeals against decisions of the Administrator of the Police Pension Scheme, in line with the Internal Dispute Resolution procedure under the Police Pension Regulations 1987 and the New Police Pension Scheme 2006.

- To prepare and annually review draft financial and contract regulations, in consultation with the PCC CFO, for approval by the Commissioner, or Deputy Commissioner, if appointed.

- To prepare and annually review draft expenses and benefits framework for approval by the Chief Constable.

- To determine when goods are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.

- Provide for an adequate and effective joint internal audit service.

- To report to the external auditor on relevant matters.

- To approve the Information Sharing Protocol for Financial Information.

HR3 DEPUTY CHIEF CONSTABLE

HR3.1 To undertake the management of staffing resources for all staff employed by the Chief Constable in line with agreed policies and procedures.

HR3.2 To obtain legal or other expert advice and to appoint legal professionals whenever this is considered to be in the Chief Constable's best interests and for ~~his/her~~their benefit and where this is necessary to enable the Chief Executive to properly discharge ~~his/her~~their duties as Monitoring Officer.

HR3.3 To make sure, in consultation with the Chief Constable, appropriate arrangements are made to gather the community's views on the policing of Lincolnshire and preventing crime.

HR4 APPOINTMENT OF CIVILIAN STAFF

HR4.1 The Chief Constable may appoint such staff as ~~he/she~~they think~~s~~ appropriate to enable ~~him/her~~them to exercise the functions of the Chief Constable. The appointment and dismissal of such staff is also delegated to other Chief Officers. All civilian staff appointments shall be made on the terms and conditions agreed by the Police Staff Support Council or on terms and conditions agreed by the Commissioner.

DRAFT

SECTION NINE

URGENCY POWERS

UP1 Where a matter which is not delegated to any officer under this scheme requires a decision that cannot wait for the attention of the Chief Constable, and only in such circumstances, the Deputy Chief Constable and/or Force Chief Finance Officer may take the necessary decision provided that the provisions of paragraphs UP2 to UP4 are complied with.

UP2 Before taking a decision under paragraph UP1 the Deputy Chief Constable and/or Force Chief Finance Officer shall consult each other and in accordance with the Financial, Contract and Procurement Regulations.

UP3 Every effort must be made to discuss the proposed decision with the Chief Constable using the most appropriate means of communication.

UP4 Urgent decisions taken under delegated authority in accordance with these provisions must be reported to the Chief Constable.

DRAFT