THE POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

Scheme of Delegation

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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 Police and Crime Commissioner (PCC) for Lincolnshire with securing the maintenance, efficiency and effectiveness of Lincolnshire Police.

1.2. The Policing Protocol Order 2011 sets out how the functions of PCCs, Chief Constables and Police and Crime Panels shall exercise their functions in relation to each other.

1.3. The Financial Management Code of Practice (FMCP), issued under section 17 of the Act, provides clarity around the financial governance arrangements within the police in England and Wales, and reflects the fact that the police has a key statutory duty to secure value for money in the use of public funds. The FMCP is one element of a comprehensive framework for financial governance within the police which includes primary legislation, secondary legislation (including the Policing Protocol) and guidance.

1.4. Each Police and Commissioner and their respective Chief Constable is established in law as a corporation sole by the Act. As such, both are enabled by law to employ staff and hold funds in their official capacity. Chief Constables are charged with the impartial direction and control of all constables and staff within the Force and within the Chief Constable's employ. Those staff employed by the PCC are accountable to the directly elected holder of that office.

1.5. The relationship between the PCC and Chief Constable is defined by the PCC's democratic mandate to hold the Chief Constable to account, and by the law itself.

1.6. The Commissioner must appoint a person to be head of ~~his/her~~their staff (the Commissioner's Chief Executive) and a person to be responsible for the proper administration of the Commissioner's financial affairs (the Commissioner's Chief Finance Officer). The Commissioner may appoint such other staff as ~~he/she~~they think~~s~~ appropriate to enable ~~him/her~~them to exercise the functions of the Commissioner.

PURPOSE

1.7. This Scheme of delegation details those functions/powers which ~~he/she~~they delegate~~s~~ to ~~his~~their statutory officers (the Chief Executive and Chief Finance Officer). The Commissioner may limit these powers and/or remove delegation at any time.

1.8. For completeness, a number of functions and/or duties placed upon the Chief Executive and Chief Finance Officer by Law are also included where relevant. However, this Scheme does not provide an exhaustive list of all legislative requirements.

1.9. This Scheme of Delegation forms part of an Integrated Scheme of Governance operated by the Commissioner and Chief Constable which also includes:

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- Chief Constable's Scheme of Delegation
- Financial, Contract and Procurement Regulations

1.10. This scheme, together with the other elements of the Integrated Scheme of Governance, provides a framework which makes sure business is carried out efficiently, ensuring that decisions are not unnecessarily delayed. This document should be read in conjunction with the other elements of the Integrated Scheme.

1.11. The Commissioner may set out reporting arrangements on any delegated function/power.

1.12. All functions should be exercised in line with the Commissioner's delegation, the law, and also policies, procedures, plans, strategies and budgets.

KEY ROLES OF THE POLICE AND CRIME COMMISSIONER

1.13. 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 and assets to the Chief Constable;
- appoint and, if necessary dismiss the Chief Constable;
- hold the Chief Constable, and those under ~~his/her~~their direction and control 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

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1.14. The Police and Crime Commissioner will receive all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction, including income generated by the Chief Constable. All funding for the force must come via the Commissioner. How this money is allocated is for the Commissioner to decide in consultation with the Chief Constable, or in accordance with any grant terms.

1.15. The Police and Crime Panel provides checks and balances in relation to the performance of the Commissioner. The Panel does not scrutinise the Chief Constable, it scrutinises the Commissioner's exercise of ~~his/her~~their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions.

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

1.17. 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.

1.18. 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. ~~He/she~~They are ~~is~~ ultimately accountable to the public for the management of the Police Fund.

1.19. For the avoidance of doubt, the Commissioner does NOT consent to the Chief Constable entering into contracts or acquiring or disposing of property in ~~his/her~~their own right. Under paragraph 7 (3) of Schedule 2 to the Act, the Chief Constable may NOT borrow money.

1.20. The Chief Constable has day to day responsibility for managing their allocated budgets after these have been approved by the PCC. Under paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to The Act, the Chief Constable is required to appoint a person to be responsible for the proper administration of the Chief Constable's financial affairs, referred to as the Force Chief Finance Officer.

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SECTION TWO

DEFINITIONS

1.21. "**The Budget**" means the Annual Revenue Budget and capital programmes prepared and approved in accordance with Section FR11 of this Scheme

1.22. "**Budget Head**" means the lowest level of the budget approved by the Commissioner in the annual budget report or any revisions subsequently made to the budget by the Commissioner.

1.23. "**Budget Holder**" means the person to whom budget management responsibility is delegated (maybe G4S personnel).

1.24. "**Capital Expenditure"** means the acquisition or improvement of Non-current Assets which will have a long term value to the Commissioner or Force. Non-current assets include land, new or existing buildings, ICT systems, furniture, equipment and vehicles.

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

1.26. "**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

1.27. "**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

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

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

1.30. **"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

1.31. **"Contract"** means an agreement entered into by two or more willing parties for the provision of goods, works or services in return for some form of consideration, normally money, which is intended to be legally enforceable. In principle, an oral agreement is as valid and effective as a written agreement; consequently great care should be taken when discussing requirements with contractors/suppliers.

1.32. **"Contract Manager"** means the police officer, police staff or employee of a strategic partner who is responsible for the day to day management of a Contract

1.33. **"Estimated value"** means the value of the Contract estimated under these Contract and Procurement Regulations.

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1.34. **"EU"** means the European Union

1.35. "**Framework agreement**" means a negotiated enabling arrangement. A Framework Arrangement in itself is not a binding Contract on the Commissioner but each and every order placed by the Commissioner against the Framework Arrangement contractor(s)/suppliers(s) are deemed to form a binding Contract(s) between the two parties.

1.36. **The "Financial Management Code of Practice**" means the Financial Management Code of Practice for the police service of England and Wales issued by the Secretary of State for the Home Department under s.17 of the Police Reform and Social Responsibility Act and s. 39a of the Police Act 1996. It applies to the discharge of functions by all police and crime commissioners and applies to every Chief Constable of a police force maintained by a police and crime commissioner.

1.37. "**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

1.38. "**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.

1.39. "**Head of Paid Service**" means the Chief Executive who is designated as Head of Paid Service by Schedule 16 of the Police Reform and Social Responsibility Act 2011 and in accordance with Section 4(1)(a) of the Local Government & Housing Act 1989.

1.40. "**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(1)(c) of the Local Government & Housing Act 1989.

1.41. "**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.

1.42. "**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.

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

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

1.45. "**Policy Framework**" means

- The Police and Crime Plan;

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- the Financial Strategy incorporating the Reserves Strategy and Medium Term Financial Plan;
- the People Strategy;
- the Procurement 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.

1.46. "**Quotation**" means a quotation of price and any other relevant matter without the formal issue of a Tender.

1.47. "**Procuring Officer**" means the police officer or police staff responsible for a particular procurement.

1.48. "**SPU**" means Strategic Procurement Unit.

1.49. "**Strategic Partner**" means the third party organisation that provides services to the Commissioner and/or the Chief Constable under a long term partnership contract.

1.50. "**Tender**" means a suite of formal documents sent to contractors/suppliers from among either: those responding to advertisement of the Contract inviting proposals; or those included on a select or approved list in respect of the type of purchase which is the subject of the Tender.

1.51. "**Virement"** means the transfer of amounts from one Budget Head to another.

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SECTION THREE

GENERAL PRINCIPLES OF DELEGATION

GPD1 The delegations to the Chief Executive and Commissioner's Chief Finance Officer shall be exercised in accordance with:

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

GPD2 Unless otherwise indicated in a particular regulation, the Chief Executive, the Commissioner's CFO and their staff will comply with Financial and Contract & Procurement Regulations in a similar manner to the Chief Constable, Force Chief Financial Officer and their staff.

~~GPD2~~GPD3 The Commissioner may require that a specific matter be referred to ~~him/her~~themself for decision and not dealt with under powers of delegation.

~~GPD3~~GPD4 The Scheme does not attempt to list all matters which form part of everyday management responsibilities.

~~GPD4~~GPD5 The delegation of functions and powers under this Scheme does not prevent the referral of a matter to the Commissioner for decision if the Chief Executive and/or Commissioner's Chief Finance Officer wishes or considers it appropriate. In particular the Commissioner requires both officers to draw to ~~his/her~~the Commissioner's attention sensitive issues or any matter which may have a significant financial implication.

~~GPD5~~GPD6 The Chief Executive, when considering a professional or technical matter that is also within the sphere of competence of the Commissioner's Chief Finance Officer, must consult with that officer before authorising the action and vice versa. Similarly, both officers should seek professional advice, e.g. legal, when the matter extends beyond their sphere of competence.

~~GPD6~~GPD7 The Commissioner will want to be involved in any projects/areas of work which may have a significant impact on the people of Lincolnshire. ~~He/she~~They will want to be involved in the scope, tendering process and evaluation of any business case where this is not delegated under this Scheme.

~~GPD7~~GPD8 Matters that are of a novel, repercussive or contentious nature must always be referred to the Commissioner for decision.

~~GPD8~~GPD9 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.

~~GPD9~~GPD10 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.

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~~GPD10~~GPD11 All decisions made by the Chief Executive and/or Commissioner's Chief Finance Officer under powers consented to them by the Commissioner shall be properly documented and available for inspection.

~~GPD11~~GPD12 Except where the context otherwise requires, references in this document to the Chief Executive and Commissioner's Chief Finance Officer and shall include such other officers as may be authorised by them to act on their behalf.

~~GPD12~~GPD13 The Chief Executive and Commissioner's Chief Finance Officer shall maintain a record of those officers authorised to act on their behalf and ensure those officers fully understand the extent of their authority.

~~GPD13~~GPD14 The Chief Executive and Commissioner's Chief Finance Officer are responsible for making sure that members of staff they supervise know about the provisions and obligations of this scheme.

~~GPD14~~GPD15 The person appointed as the Chief Executive (who is the Head of Paid Service and the Monitoring Officer) and Commissioner's Chief Finance Officer have statutory powers and duties relating to their positions, and therefore do not rely on matters being consented or delegated to them to carry these out.

~~GPD15~~GPD16 Any individual carrying out duties, functions or actions under powers given to them by this scheme must ensure that in doing so they comply with all other statutory and regulatory requirements and relevant professional guidance including:

- The Police and Social Responsibility Act 2011 and other relevant legislation issued under this Act.
- The Financial Management Code of Practice for the Police Forces of England and Wales
- Financial Regulations
- CIPFA statement on the role of the CFO of the Police and Crime Commissioner and the CFO of the Chief Constable
- Contract and procurement 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

~~GPD16~~GPD17 When carrying out any duties, the Commissioner and those acting on ~~his~~their behalf must have regard to the following (this list is a summary and is not exhaustive):

- The views of the people in Lincolnshire
- Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.

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- The Police and Crime Plan and any guidance issued by the Secretary of State.

~~GPD17~~GPD18 Pursuant to Section 18 of the Police Reform and Social Responsibility Act 2011, the Commissioner may arrange for any of ~~his~~their statutory officers to exercise any function of the Commissioner with the exception of those listed below:

- Issuing the Police and Crime Plan;
- Determining objectives in the Police and Crime Plan;
- Calculation of budget requirements;
- Being consulted in relation to the appointment or removal of Chief Officer posts;
- Suspension of the Chief Constable, or asking ~~him or her~~the Chief Constable to resign or retire
- Attendance at the Police and Crime Panel for specified duties;
- Preparing the annual report

~~GPD18~~GPD19 Functions pursuant to holding the Chief Constable to account, the development of strategy (including the Police and Crime Plan), budget development and access to information that could be reasonably required by the Commissioner in the discharge of ~~his~~their duties are designated to the Chief Executive and Chief Finance Officer. For the avoidance of any doubt, the Commissioner reserves to ~~himself~~ themself all formal decision making within the meaning of ~~his~~their policy statement on making and the publication of decisions of significant public interest.

~~GPD19~~GPD20 The Commissioner may give additional consent under section 18 of the Act. This scheme is a record of the formal consents that are in effect at the time of its publication. The Commissioner's governance framework, including this scheme will be reviewed annually. With the exception, of those matters listed in paragraph GPD16, the scheme allows any person, with appropriate authority, to delegate that power further.

~~GPD20~~GPD21 The Commissioner, and ~~his/her~~their staff, must not restrict the operational independence of the police force and the Chief Constable who leads it. The Chief Constable is responsible for maintaining the Queen's Peace, and has direction and control over the Force's officers and those staff ~~he/she~~they employ~~s~~. The Chief Constable holds office under the Crown, but is appointed by the Commissioner. The Chief Constable is accountable to the law for the exercise of police powers and to the Commissioner for the delivery of efficient and effective policing, management of resources and expenditure by Lincolnshire Police. At all times, the Chief Constable, ~~his/her~~their constables and staff, remain operationally independent in the service of the public.

~~GPD21~~GPD22 To enable the Commissioner to exercise the functions of their office effectively they will need access to information, and officers and staff within their force area. This access must not be unreasonably withheld or obstructed by the Chief Constable, or restrict the Chief Constable's direction and control of the force. Section 36 of the Act sets out that a Chief Constable must give the relevant PCC such information on policing matters that the body may

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require. As a result, the Chief Finance Officer of the PCC must have full access to all relevant financial information. The details of these arrangements are set out in an Information Sharing Protocol (ISP) agreed by the two CFOs in consultation with the Chief Executive. A copy of the ISP is attached at **Appendix A**.

~~GPD22~~GPD23 The Commissioner and Chief Constable have established a joint independent Audit Committee. In addition to considering the internal and external audit reports of both corporations sole, the Committee advises the Commissioner and Chief Constable on good governance and risk management in accordance with proper practices.

~~GPD23~~GPD24 The Commissioner has a wider responsibility than those solely relating to the police force, namely:

- the delivery of community safety and crime reduction;
- the ability to bring together Community Safety Partnerships at a force level;
- the ability to make crime and disorder reduction grants for their force area.
- a duty to ensure that where collaboration would provide the best outcome for another local policing body or force in delivering better value for money and enhance the effectiveness of policing capabilities and resilience this should be pursued;
- the enhancement of the delivery of criminal justice in their area.

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SECTION FOUR

MANAGEMENT OF HUMAN RESOURCES AND DESIGNATED FUNCTIONS

DEPUTY POLICE & CRIME COMMISSIONER

HR1 FUNCTIONS DESIGNATED TO THE DEPUTY POLICE AND CRIME COMMISSIONER (IF APPOINTED)

HR1.1 The Commissioner may appoint a deputy to exercise ~~his/her~~their functions (except those which cannot be delegated, these are listed in paragraph GPD17). The Deputy Police and Crime Commissioner can give consent to the Chief Executive to carry out any functions in ~~his/her~~their absence (defined as leave or illness).

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

- issuing the police and crime plan;
- appointment, suspension or removal of the Chief Constable by requiring ~~him/her~~the Chief Constable to retire or resign;
- calculating the budget requirement.

CHIEF EXECUTIVE

HR2 FUNCTIONS DESIGNATED TO THE COMMISSIONER'S CHIEF EXECUTIVE

HR2.1 The Chief Executive is the head of the Police and Crime Commissioner's staff, and is also the Head of Paid Service and Monitoring Officer for the Commissioner.

HR2.2 The formal delegations, listed below, are those given to the Chief Executive, which are in effect at the time of the publication of the scheme. For completeness these include powers which are designated in Law.

HR3 GENERAL

HR3.1 As set out at GPD18, functions pursuant to holding the Chief Constable to account, the development of strategy (including the Police and Crime Plan), budget development and access to information that could be reasonably required by the Commissioner in the discharge of ~~his~~their duties are designated to the Chief Executive and Chief Finance Officer.

HR3.2 To act as "Head of Paid Service" under section 4(1)(a) of the Local Government & Housing Act 1989 and in accordance with Schedule 16 of the Police Reform & Social Responsibility Act 2011.

HR3.3 To act as 'Monitoring Officer' under section 5(1)(c) of the Local Government and Housing Act 1989 and in accordance with Schedule 16 of the Police Reform & Social Responsibility Act 2011.

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HR3.4 Prepare the police and crime plan in consultation with Lincolnshire Police for submission to the Commissioner.

HR3.5 Produce an annual report.

HR3.6 Provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.

HR3.7 To sign all contracts on behalf of the Commissioner (and Deputy Commissioner if appointed) in accordance with any decisions either has made.

HR3.8 To approve the Commissioner's Records Management Policy Statement.

HR4 FINANCIAL

HR4.1 To approve exceptional cases in the provision of police advice and assistance to international agencies because:

- The full cost is £4,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff)
- It is a sensitive case involving travel to a politically sensitive country.

HR4.2 To fix fees for copies of documents and extracts of documents members of the public ask for under the Local Government (Access to Information) Act 1985, the Freedom of Information Act 2000, or the Data Protection Act ~~1998~~2018.

HR5 HUMAN RESOURCES

HR5.1 To appoint and dismiss staff employed by the Commissioner (see also "Staff under the direction and control of the Commissioner's Chief Executive" below) except the Commissioner's Chief Finance Officer.

HR5.2 To make recommendations to the Commissioner with regard to staff terms and conditions of service, in consultation with the Commissioner's Chief Finance Officer.

HR5.3 To undertake the management of staffing resources for all staff employed by the Commissioner in line with agreed policies and procedures.

HR5.4 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.

HR5.5 To appoint Independent Custody Visitors and terminate appointments if necessary.

HR5.6 To approve the Facilities Agreement with Unison.

HR6 OTHER

HR6.1 To affix the common seal of the Commissioner, including making an entry in the seal book, to:

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- any document transferring an interest in land;
- all contracts, agreements or transactions in respect of which there is no consideration
- when it is determined by the Commissioner (or Deputy Commissioner if appointed) there is a particular need for the seal to be attached.

HR6.2 To authorise the issue, defence, withdrawal or settlement of any claims or legal proceedings on the Commissioner's behalf, in consultation with the Commissioner's Chief Finance Officer if there are significant financial implications.

HR6.3 To consider, with the Commissioner, any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing an officer to investigate the complaint or otherwise resolve or manage the complaint.

HR6.4 To respond to consultations on proposals affecting the Commissioner, if necessary, after first taking the views of the Commissioner, the Chief Finance Officer or the Chief Constable, as appropriate.

HR6.5 To obtain legal or other expert advice and to appoint legal professionals whenever this is considered to be in the Commissioner'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.

HR6.6 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.

CHIEF FINANCE OFFICER

HR7 FUNCTIONS DESIGNATED TO THE COMMISSIONER'S CHIEF FINANCE OFFICER

HR7.1 The Commissioner's Chief Finance Officer is the financial adviser to the Commissioner and has statutory responsibility to manage ~~his/her~~their financial affairs as set out in paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011, sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations (England) 2015.

HR7.2 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 Commissioner's Chief Finance Officer is responsible for:

- ensuring that the financial affairs of the PCC are properly administered and that financial regulations are observed and kept up to date;
- ensuring regularity, propriety and Value for Money (VfM) in the use of public funds;

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- ensuring that the funding required to finance agreed programmes is available from Central Government funding, precept, other contributions and recharges;

- reporting to the PCC, the Police and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the PCC or officers of the PCC;

- reporting to the PCC, the Police and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure;

- advising the PCC on the robustness of the budget and adequacy of financial reserves;

- ensuring production of the statements of accounts of the PCC and confirming that they present a true and fair view of the financial position of the PCC at the end of the financial year to which it relates and of the PCC's income and expenditure for that financial year;

- ensuring receipt and scrutiny of the statements of accounts of the Chief Constable and ensuring production of the group accounts;

- liaising with the external auditor;

- advising the PCC on the application of value for money principles by the police force to support the PCC in holding the Chief Constable to account for efficient and effective financial management; and

- advising, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance.

HR7.3 The Commissioner's Chief Finance Officer has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the PCC on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the PCC's accounts, including group accounts.

HR7.4 The Commissioner's Chief Finance Officer is the PCC's professional adviser on financial matters. To enable them to fulfil these duties and to ensure the PCC is provided with adequate financial advice the Commissioner's Chief Finance Officer:

- must be a key member of the PCC's Leadership Team, working closely with the Chief Executive, helping the team 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 PCC, to ensure that the financial aspects of immediate and longer term implications, opportunities and risks are fully considered, and alignment with the PCC's financial strategy;

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- must lead the promotion and delivery by the PCC 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.

- must be suitably experienced and ensure professional knowledge is kept current through continuing professional development.

HR7.5 As set out at GPD18, functions pursuant to holding the Chief Constable to account, the development of strategy (including the Police and Crime Plan), budget development and access to information that could be reasonably required by the Commissioner in the discharge of ~~his~~their duties are designated to the Chief Executive and Chief Finance Officer.

HR7.6 The formal delegations, listed below, are those given to the Commissioner's Chief Finance Officer, which are in effect at the time of the publication of this scheme.

HR7.7 To approve the arrangements for the treasury management function, including the day to day management, the production of the treasury management strategy, and supporting policies and procedures.

HR7.8 To approve the arrangements for securing and preparing the Commissioner's accounts, and seek assurances that there are appropriate arrangements in place for the preparation of the force's accounts.

HR7.9 To seek assurances that there are appropriate arrangements in place within the force for its financial management.

HR7.10 To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts.

HR7.11 To administer grants awarded by the Commissioner or Deputy Commissioner if appointed.

HR7.12 To be responsible for investing and borrowing money, as necessary, in line with the treasury management strategy.

HR7.13 To authorise payments, without having to get approval and regardless of whether or not provision has been made in the revenue budget in relation to:

- payments the Commissioner has to make by law
- payments ordered by the court
- payments due under any agreement entered into by the Commissioner.

HR7.14 To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.

HR7.15 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.

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HR7.16 Sign cheques on behalf of the Commissioner.

HR7.17 To prepare and annually review draft financial and contract regulations, in consultation with the force, for approval by the Commissioner, or Deputy Commissioner, if appointed.

HR7.18 To prepare and annually review draft expenses and benefits framework for approval by the Commissioner.

HR7.19 To determine when goods are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.

HR7.20 Provide for an adequate and effective internal audit service.

HR7.21 To report to the Commissioner and the external auditor any unlawful or potentially unlawful spending by ~~his/her~~themself, or the force's officers.

HR7.22 To approve the Information Sharing Protocol for Financial Information.

APPOINTMENT OF STAFF

HR8 INTRODUCTION

HR8.1 The Commissioner must appoint a person to be head of ~~his/her~~their staff (the Commissioner's Chief Executive) and a person to be responsible for the proper administration of the Commissioner's financial affairs (the Commissioner's Chief Finance Officer). The Commissioner may appoint such other staff as ~~he/she~~they think~~s~~ appropriate to enable ~~him/her~~them to exercise the functions of the Commissioner. The appointment and dismissal of such staff is delegated to the Chief Executive.

HR8.2 All 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.

HR8.3 The Chief Constable is enabled by law to employ staff in their official capacity.

HR8.4 The Stage Two transfer plan approved by the Home Secretary and effected on 1 April 2014 specifies which staff and officers are employed by the Chief Constable and Commissioner respectively.

HR8.5 Except where discrete arrangements are required, a single set of Human Resources policies will apply to the employees of both the Commissioner and Chief Constable. Human Resource support services are supplied to both Corporations Sole by the Strategic Partner.

HR8.6 A number of operational and support services are supplied to the Police and Crime Commissioner for Lincolnshire and Chief Constable of Lincolnshire Police through a strategic partnership contract with a third party. This contract is entered into by the PCC and has bespoke governance arrangements.

HR8.7 In addition, the following retained services are provided by way of a shared service model to both corporations sole:

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- Corporate Finance
- Commercial Partnership Team

HR8.8 The employment and reporting arrangements for the staff in these functions are set out in the Stage Two transfer plan.

HR9 STAFF UNDER THE DIRECTION AND CONTROL OF THE COMMISSIONER'S CHIEF EXECUTIVE

HR9.1 As required by Schedule 1 of the Police Reform and Social Responsibility Act 2011, the Commissioner will appoint a person to be the head of the Commissioner's staff (the Commissioner's Chief Executive) and a person to be responsible for the proper administration of the Commissioner's financial affairs (the Commissioner's Chief Finance Officer).

HR9.2 The Commissioner may appoint such other staff as ~~he/she~~they think~~s~~ appropriate to enable the Commissioner to exercise ~~his or her~~their functions.

HR9.3 The Commissioner's powers of direction and control over staff (other than the Chief Executive) employed to enable the Commissioner to discharge ~~his/her~~their functions shall be exercised by the Chief Executive.

HR9.4 All staff appointments made by the Chief Executive shall be made on the terms and conditions agreed by the Police Staff Support Council or on terms and conditions agreed by the Commissioner.

HR9.5 The powers of direction and control of the Chief Executive shall include:

- the appointment and dismissal of staff with the exception of the Commissioners Chief Finance Officer;
- the management of disciplinary procedures and implementation of any outcome;
- the management of grievance/fairness at work procedures and implementation of any outcome;
- the approval of the extension of service for non-pensionable employees;
- the approval of the extension of service for staff over normal retiring age;
- the approval of the payment of all allowances payable under national or local conditions of service including car and telephone allowances;
- the approval of the extension of sick leave on full pay (less National Insurance benefits) for a period within any policy agreed by the Commissioner;
- the approval of leave of absence without pay beyond that provided for within the relevant Terms and Conditions of appointment;

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- the approval of the payment of honoraria to officers who have undertaken additional duties over an extended period in the absence of a more senior Officer;
- the grant of one merit increment in any year in salary;
- the discharge of any civilian employee whom a medical examiner has certified as being permanently medically unfit from performing ~~his/her~~their duties;
- The Approval within any Police Staff Council guidelines for requests to undertake additional outside work. Any appeals from officers against the Chief Executive's decisions will be considered by the Commissioner.

HR9.6 The Deputy Police and Crime Commissioner is a member of the Commissioner's staff (Section 18 (10) of the Police Reform and Social Responsibility Act 2011). Powers of direction and control over the Deputy Commissioner are reserved to the Commissioner.

HR9.7 In the absence of the Chief Executive and in any circumstances where action is required before the Chief Executive is expected to return or where there is no Chief Executive currently in post, ~~his or her~~their powers of direction and control under paragraph HR9.5 shall be exercised by an officer that the Commissioner shall designate for that purpose

HR10 BUDGET AND POLICY FRAMEWORK

HR10.1 Without derogating from the respective statutory powers and duties of the Commissioner and the Chief Constable, all aspects of the management of human resources for both corporations sole will be undertaken in accordance with the Budget and Policy Framework detailed in the Scheme of Consent and having particular regard to the People Strategy.

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SECTION FIVE

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 Commissioner or Deputy Commissioner (to whomever power is reserved), and only in such circumstances, the Chief Executive and/or Commissioner's 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 Chief Executive and/or Commissioner's Chief Finance Officer shall consult each other and the Chief Constable (except in relation to matters which would otherwise be determined by the Commissioner without reference to the Chief Constable).

UP3 Every effort must be made to discuss the proposed decision with the Commissioner or ~~his/her~~their Deputy using the most appropriate means of communication.

UP4 Urgent decisions taken under delegated authority in accordance with these provisions must be reported to the Commissioner and published in the manner normally used for decisions of the Commissioner.

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SECTION SIX

PROPER OFFICERS

PO1 APPOINTMENT

PO1.1 In accordance with the Local Government Act 1972 and other legislative requirements the following officers are appointed as the Proper Officers to discharge the functions stated.

PO2 CHIEF EXECUTIVE

PO2.1 The Chief Executive is designated as the Proper Officer for the following: -

- Section 96 (1) - Receipt of notices of pecuniary interest.
- Section 96 (2) - Keeping records of disclosures of pecuniary interest under section 94 and of notices under Section 96 (1).
- Section 100B - Determination of which reports or parts of reports should not be disclosed on the grounds that they include exempt information which is likely to be considered in private.
- Section 100C – Minuting of meetings and preparing where necessary written summary of such parts of meetings at which the public are not present.
- Section 100F - Determination of which documents should not be disclosed to members on the grounds that they include confidential or exempt information.
- Section 229 (5) - Certification of photographic copies of documents.
- Section 231 (1) & (2) – Authentication of documents.
- Section 41 (1) & (3) of the Local Government Miscellaneous Provisions) Act 1976 – Certification of resolutions and minutes, etc., for evidential purposes.

PO3 COMMISSIONER'S CHIEF FINANCE OFFICER

PO3.1 The Commissioner's Chief Finance Officer is designated as the Proper Officer for the following: -

- Section 115 (2) – Receipt of monies due from officers.
- Section 228 (3) – Inspection of accounts.

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Appendix A

Information Sharing Protocol (ISP) between the Chief Finance Officer to the Police and Crime Commissioner for Lincolnshire and the Chief Finance Officer to the Chief Constable of Lincolnshire Police

Background

The Financial Management Code of Practice for the Police Service of England and Wales (FMCP) revised July 2018 sets out at section 4.3 the requirement for a locally agreed Information Sharing Protocol (ISP) between the Chief Finance Officer of the force (hereafter referred to as the force CFO) and the Chief Finance Officer of the Police and Crime Commissioner (hereafter referred to as the Commissioner's CFO). The FMCP requires that this agreement is reached by the two CFOs in consultation with the Chief Executive to the Police and Crime Commissioner.

Protocol

As set out in section 36 of the Police Reform and Social Responsibility Act 2011 and the FMCP, the Chief Constable must give the Police and Crime Commissioner such information on policing matters that ~~he/she~~the Police and Crime Commissioner or ~~his/her~~their office requires. As a result the Commissioner's CFO must have full access to all relevant financial information.

The FMCP states that "Wherever possible, any duplication of work and data collection by the finance functions of the two corporations sole should be minimised. Where possible it is recommended that the two corporations sole share a financial system. Additional costs and effort resulting from time consuming and complex bureaucratic financial reporting between the two bodies should be avoided and the principle of good governance and added value activities should be promoted."

In Lincolnshire, significant aspects of financial services are supplied to both the Police and Crime Commissioner and Chief Constable via a third party strategic partnership arrangement. The remaining "retained finance function – Corporate Finance" operates as a shared service model (as approved by the Home Secretary as part of Stage 2 transfer plans) with joint reporting arrangements via both CFOs. Single financial and banking systems are utilised, and a joint independent audit committee, as required by the FMCP, is also in place.

This approach optimises information sharing and use of the resources available, whilst avoiding unnecessary reporting between the two bodies.

Under this protocol the force CFO and the Commissioner's CFO therefore commit to work within the principles of good governance and added value; and agree to share with one another freely and willingly any financial information that may be required to enable them to perform their respective roles.

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This Information Sharing Protocol forms part of the Commissioner and Chief Constable's Integrated Scheme of Governance which also includes:

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

This Scheme, prepared by the PCC, including this Information Sharing Protocol, is regularly reviewed and amended in consultation with, and on the advice of the Chief Finance Officers, the Chief Executive, Chief Constable and Joint Independent Audit Committee.

Julie Flint
Chief Finance Officer
Office of the Police and Crime Commissioner for Lincolnshire

~~June 2019~~January 2021

Sharon Clark
Chief Finance Officer
Lincolnshire Police

~~June 2019~~January 2021

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