



Office of the Police and Crime  
Commissioner for Surrey

---

## **Scheme of Corporate Governance for the Police and Crime Commissioners and Chief Constables of Surrey and Sussex**

**BETWEEN:**

**THE POLICE AND CRIME COMMISSIONER FOR SUSSEX ('the Commissioner'),  
and**

**THE CHIEF CONSTABLE FOR SUSSEX POLICE ('the Chief Constable')**

**and between**

**THE POLICE AND CRIME COMMISSIONER FOR SURREY ('the Commissioner'),  
and**

**THE CHIEF CONSTABLE FOR SURREY POLICE ('the Chief Constable')**

### **Introduction**

The Police & Crime Commissioners (PCCs) and Chief Constables (as distinct corporations sole) are responsible both jointly and separately for providing governance for the policing of Surrey and Sussex. Governance comprises the systems, processes, culture and values by which the PCCs and the Chief Constables are directed and that control what they do.

### **Stage 2 Transfer**

As requested by the Home Secretary, the PCCs for Surrey and Sussex submitted formal Schemes of Transfer in March 2014 which set out the arrangements for a "Stage 2 transfer", to be implemented on 1<sup>st</sup> April 2014. In both Surrey and Sussex, Stage 2 transfer sees the transfer of the majority of police staff from the employment of the PCCs to the employment

## NOT PROTECTIVELY MARKED

of their respective Chief Constables. The PCCs each retain a small team of staff to directly support their offices.

The PCCs retain ownership of all estates and assets, but give consent to their respective Chief Constables for their use. They will allocate sufficient budget to their Chief Constables to allow them to continue with day-to-day management and ensure that they are fit for purpose, safe, cost effective and properly insured. The PCCs therefore maintain strategic control and the Chief Constables have the ability to ensure that the estate and assets meet operational requirements. Contracts continue to be issued in the name of the PCCs and Contract Standing Orders define the parameters within which the PCCs and Chief Constables operate.

Implementation of Stage 2 arrangements requires a set of revised governance documents to reflect the new employment arrangements and expectations of the different corporations sole. Collectively, these documents are known as the 'Scheme of Corporate Governance'. The scheme covers both legal entities (PCCs and Chief Constables) and sets out the governance arrangements between the parties. The scheme is based on current established good practice and takes into account national advice.

### **Good Governance**

'Good governance' is about public bodies doing the right thing, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner(*CIPFA/SOLACE, Delivering Good Governance in Local Government*).The PCCs and Chief Constables will ensure that their governance mechanisms enable good management, performance, stewardship of public money, public engagement, reasonable decision making and, ultimately, positive outcomes for Surrey and Sussex residents.

### **Contents**

This Scheme comprises a number of elements which collectively set out the governance arrangements between the PCCs and their respective Chief Constables. The documents highlight the parameters for key roles in the organisations, including delegations or consents from the PCCs and Chief Constables, financial limits for specific matters and standing orders for contracts. The elements are:

- **Code of Corporate Governance**

## NOT PROTECTIVELY MARKED

- how the PCC and Chief Constable will achieve the core principles of 'good governance'
- **Framework of Decision-Making and Accountability**
  - how the PCC will make/publish key decisions and hold the Chief Constable to account
  - the role of the Audit Committee
- **Scheme of Delegation**
  - the key roles of the PCC and those functions he/she has delegated to others
- **Memorandum of Understanding**
  - setting out the cooperative arrangements between the PCC and Chief Constable for the provision of business support and administration
- **Financial Regulations**
  - the framework for managing the PCC's financial affairs
- **Contract Standing Orders**
  - rules for the procurement of goods, works and services

### **Review**

This scheme will be reviewed on an annual basis to ensure it remains fit for purpose.

## Code of Corporate Governance for the Police and Crime Commissioner and Chief Constable of Surrey

The Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) has identified six enablers of 'good governance' (*Delivering Good Governance in Local Government – Guidance Note for Police, 2012*). Each of these is set out below in the Code of Corporate Governance, together with an explanation of how the PCC and Chief Constable will demonstrate their governance arrangements meet each one.

### Code of Corporate Governance

1. ***Focusing upon the purpose of the Police & Crime Commissioner (PCC) and the Force and on outcomes for local people, and creating a vision for the local area.***

The PCC has issued a ***Police and Crime Plan*** to cover the period up to the end of the financial year in which the next PCC election will take place. It outlines the police and crime objectives (outcomes) and the strategic direction for the policing in Surrey and is subject to on-going review.

Each corporation sole has regard to the plan and the PCC has had regard to the priorities of the responsible authorities during its development.

The PCC and Force have ***corporate / strategic plans***, which set out how they will operate to support achievement of these outcomes.

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

A ***medium term financial strategy*** has been jointly developed by the PCC and the Chief Constable and is regularly reviewed to support delivery of these plans. A joint protocol ensures proper arrangements for financial management.

A ***commissioning and award of grants framework*** has been developed by the PCC, which will incorporate commissioning intentions and priorities.

***Complaints protocols*** have been developed to provide clarity over the arrangements to respond to the breadth of concerns raised by local people.

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

The Act<sup>1</sup> clearly sets out ***the functions of the PCC and Chief Constable*** and the protocol<sup>2</sup> sets out how these functions will be undertaken to achieve the outcomes of the Police and Crime Plan.

The PCC has appointed a deputy who is a member of staff as highlighted in the Act<sup>3</sup>. The role description approved by the PCC incorporates functions delegated within the Scheme of Consent.

---

<sup>1</sup> PRSR Act 2011, section 5 – 8,

<sup>2</sup> Policing Protocol Order 2011

<sup>3</sup> PRSR Act 2011, section 18 (1)

The Act requires the PCC to have **a Chief Executive<sup>4</sup> and Chief Financial Officer**. The Chief Executive is the head of paid service and undertakes the responsibilities of monitoring officer<sup>5</sup>.

The Act<sup>6</sup> requires the Chief Constable to appoint **a Chief Finance Officer**.

The **Financial Management Code of Practice and Statement of Roles<sup>7</sup>** sets out the responsibilities of chief financial officers for both the PCC and Chief Constable.

The documents within the overarching **Scheme of Corporate Governance** highlight the parameters for key roles including delegations or consents from the PCC or Chief Constable, financial regulations and contract standing orders.

Officers, police support staff and staff of the Office of Police and Crime Commissioner operate within:

- Office of PCC and force policy and procedures,
- corporate governance framework,
- discipline regulations and codes of conduct.

A joint independent **Audit Committee** operates in line with Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and within the guidance of the Financial Management Code of Practice<sup>8</sup>.

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

The Policing Protocol 2011 requires all parties to abide by the seven **Nolan principles<sup>9</sup>** and these are central to the conduct and behaviour of all. It also highlights the expectation that the relationship between all parties will be based upon the principles of goodwill, professionalism, openness and trust.

The Financial Manage Code of Practice requires the PCC and Chief Constable to ensure that the **good governance principles** are embedded within the way the organisations operate.

The PCC and Chief Constable set out their **values** in their respective corporate and strategic plans.

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

The **Framework of Decision-Making and Accountability** sets out principles behind how decisions are taken by the PCC and Chief Constable and the standards to be adopted.

---

<sup>4</sup> PRSR Act, sch 1, 6 (1) a,

<sup>5</sup> Local Government and Housing Act, section 5,

<sup>6</sup> PRSR Act 2011, schedule 2 (4).

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

<sup>8</sup> Financial Management Code of Practice for the Police, section 11.1.3

<sup>9</sup> Standards in public life, 2005

The **forward plan of decisions**, brings together the business planning cycles for the Police and Crime Plan, the Office of the PCC and the force. This ensures proper governance by bringing together the right information at the right time.

The overarching **Scheme of Corporate Governance** highlights the parameters for decision making, including the delegations, consents, financial limits for specific matters and standing orders for contracts.

The **Risk Management Strategy** establishes how risk is embedded throughout the various elements of corporate governance of the corporations sole, whether operating solely or jointly.

The **Communication and Engagement Strategies** demonstrate how the PCC and Chief Constable ensure that local people are involved in decision making.

The **Publication Scheme** ensures that information relating to decisions will be made readily available to local people, with those of greater public interest receiving the highest level of transparency, except where operational and legal constraints exist.

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

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

The Office of the Police and Crime Commissioner's and Chief Constable's **learning and development/people strategies** set the climate for continued development of individuals. The respective performance development review (PDR) processes ensure that these strategies are turned into reality for officers and members of staff.

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

The protocol<sup>10</sup> highlights that the PCC is **accountable to local people** and that he draws on his mandate to set and shape the strategic objectives for the Force area in consultation with the Chief Constable.

The **Police and Crime Plan** clearly sets out what the strategic direction and priorities are and how they will be delivered.

To complement this, **Communication and Engagement Strategies** set out how local people will be involved with the PCC and the Chief Constable to ensure they are part of the decision making, accountability and future direction.

The PCC and Chief Constable have developed arrangements for effective engagement with key **stakeholders**, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction. Examples include Police & Crime Summits and Local Policing Boards.

The PCC and Chief Constable ensure that their respective policies for **Equality and Diversity** are readily available. These set out how each party promotes diversity by recognising, valuing and respecting the different contributions and needs of both communities and staff

---

<sup>10</sup> Policing Protocol Order 2011, section 14

## Decision Making and Accountability Framework for the Surrey Police & Crime Commissioner

### Background

Since his election in November 2012, the Police & Crime Commissioner (PCC) has put in place a framework of governance, underpinned by mechanisms for control and management of risk. This framework enables him to discharge his statutory responsibilities, take decisions and hold the Chief Constable to account.

The PCC has a legal duty to hold the Chief Constable to account for the exercise of her functions and for the functions of those staff under her direction and control. He must make decisions that are lawful, fair and proportionate and that abide with the Wednesbury principle of 'reasonableness'. The Police and Crime Panel in turn will also need to be in a position to review and scrutinise decisions made or other action taken by the PCC in connection with his functions. Care is taken to ensure the respective roles of the PCC, the Chief Constable and the Police & Crime Panel are understood and reflected in the governance structures so as to maintain clear and proper lines of accountability and ensure each party is acting within its prescribed powers.

It is a matter for the PCC to decide on the most appropriate governance framework that meets these statutory requirements. This framework concentrates on how the PCC holds the Chief Constable to account and how he communicates key decisions taken.

The PCC is also bound by his statutory responsibilities and the arrangements he has put in place for financial control and risk management such as the Audit Committee, Financial Regulations, a Scheme of Delegation/Consent and Contract Standing Orders.

### Principles of Good Governance

'Good governance' is about public bodies doing the right thing, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner. The PCC's framework for decision-making and accountability enables him to ensure good management, performance, stewardship of public money, public engagement, reasonable decision making and, ultimately, positive outcomes for Surrey residents.

A number of bodies have published guidance on what constitutes 'good governance':

- The Committee on Standards in Public Life defined the 'Nolan Principles' in 1995 for holders of public office, namely – *selflessness, integrity, objectivity, accountability, openness, honesty and integrity*. The Policing Protocol Order 2011 requires all parties to the Order, which includes the PCC and staff, to abide by these principles.
- The Independent Commission on Good Governance in public services published a set of common principles for all public sector organisations in 2004, building on the Nolan Principles.
- In 2007, the Chartered Institute of Professional Finance and Accounting (CIPFA) and the Society of Local Authority Chief Executives (SOLACE), published 'Delivering Good Governance in Local Authorities'. This has been revised for a policing context and defines good governance as follows:
  - i. Focusing on the purpose of the PCC and the Force, and on outcomes for the community, and creating and implementing a vision for the local area
  - ii. Leaders, officers and partners working together to achieve a common purpose with clearly defined functions and roles
  - iii. Promoting values for the PCC and demonstrating the values of good governance through upholding high standards of conduct and behaviour
  - iv. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

- v. Developing the capacity and capability of the PCC, officers of the PCC and the Force to be effective
- vi. Engaging with local people and other stakeholders to ensure robust public accountability

The Financial Management Code of Practice for the Police Service specifically highlights the need to embed the principles of good governance into the way the PCC and his office operates.

### **Decisions: Making and Publicising Key Decisions**

The PCC is required to publish his “key decisions” to the public and needs to be able to demonstrate what decisions he has taken in order that these can then be scrutinised by the Police and Crime Panel (PCP). The PCC publishes a decision log on his website ([www.surrey-pcc.gov.uk](http://www.surrey-pcc.gov.uk)). The PCC will also give advance notice to the public of when certain decisions will be made through the publication of a forward plan.

These key decisions will include:

- Setting an annual Police and Crime Plan
- Setting the police budget and precept requirement
- Appointing, dismissing, disciplining and appraising the Chief Constable
- Holding the Chief Constable to account for the performance of Surrey Police
- Allocating grants for crime reduction initiatives in the area
- Reporting on police force performance
- Consulting with the public and victims on priorities and budget
- Collaboration with others to achieve efficiency and resilience
- Local input into the national strategic policing requirement

In some instances, the PCC may choose to involve partners or members of the Police & Crime Panel in his governance arrangements to act in an advisory capacity and help shape and inform decision-making. This might be particularly beneficial on community or partnership based matters. It would also assist the Panel with its obligation to ‘support’ the PCC in the exercise of his functions. However, when involving partners (particularly the Police & Crime Panel or Audit Committee) in governance arrangements, care is taken not to blur lines of accountability by allowing them to deviate into scrutiny of the Chief Constable’s functions which remains a role solely for the PCC himself.

### **Accountability: Holding the Chief Constable to Account**

Holding the Chief Constable to account is a key statutory responsibility for the PCC. It is important that both the PCC and the wider public can see how Surrey Police is performing against the Police & Crime Plan and that the Force is rightly and properly subject to oversight, scrutiny and accountability to ensure it is operating efficiently and effectively.

Surrey’s PCC discharges this responsibility in an open and constructive way. He does not want to take an adversarial approach nor does he want senior officers and staff to be spending time in unnecessary meetings. In holding the Chief Constable to account, the PCC does not fetter her operational independence or undermine her ability to direct and control the Force. Surrey’s PCC seeks to strike a balance between effective oversight and scrutiny and allowing the Chief Constable to deliver the ‘day job’.

The PCC holds regular (usually bi-monthly), ‘management meetings’ with the Chief Constable in order to monitor performance against the Police & Crime Plan and hold the Chief Constable to account for the exercise of her functions. In the spirit of openness and transparency, these are minuted and webcast (although there will be provision for confidential matters to be discussed in a ‘part two’, private session). Minutes and papers are published on the PCC’s website. These meetings enable him to keep check on the

important issues that impact on Surrey residents and provide a means for Surrey Police to share information and give advice to aid the PCC in key decision making.

In addition, the PCC has established regular 'scrutiny panels' which draw together senior staff and officers from the Office of the PCC and the Force to examine in greater detail any areas where performance may not be progressing as expected or where there has been insufficient time to explore issues in sufficient depth at the management meetings. He will also ensure that relevant Force performance information is published on the website.

In line with his pledge to give the public the opportunity to have a greater say in how streets are policed, the PCC is holding a police and crime summit in every borough/district in Surrey over the course of each year. The PCC also goes out into communities to speak to local people and partners about how the Force is performing.

### **Provision of Information**

As well as *how* the PCC holds the Chief Constable to account, we intend to be clear about *what* information is provided to the PCC and how this is then shared with the Police and Crime Panel or public. This is set out in a PCC/Surrey Police Information Sharing Protocol.

### **A responsive approach to decision making and accountability**

The PCC recognises that how he chooses to hold the Chief Constable to account or take a decision might vary depending on the matter in hand. Relatively routine decisions need to be made in a timely way and may not necessarily require public engagement. However, in a matter which is likely to have a significant community impact, the PCC will ensure that decisions are taken in an open and transparent way and that relevant groups can be engaged. Likewise, the arrangements for holding the Chief Constable to account may vary dependent on the issue under scrutiny and the likely impact on community confidence.

### **The Audit Committee**

The PCC, together with the Chief Constable, has established a Joint Audit Committee to provide independent and effective assurance about the adequacy of their financial management and reporting. The Committee helps to raise the profile of internal control, risk management and financial reporting issues within Surrey Police and provide a forum for discussion with auditors.

### **Collaboration Governance**

Surrey's PCC has established a forum to maintain oversight of and take key decisions in relation to collaborative arrangements with other police forces and PCCs. This includes regular meetings with counterparts from Sussex (Surrey's 'preferred partner' for collaborative work) and with others from the south east region.

### **Partnership Governance**

The PCC has to have a place in the complex partnership landscape in Surrey, particularly given the wider role in community safety and criminal justice. The PCC expects to work closely with statutory bodies such as local authorities, the health sector, Probation, the Health & Well Being Board, Community Safety Partnerships and the Local Criminal Justice Partnership. He monitors performance against priorities and may wish to pool funding in future. Work on partnership governance structures is evolving with partners.

### **Review**

This Scheme of Decision Making and Accountability will be reviewed on at least an annual basis.



Sussex  
Police & Crime  
Commissioner

Office of the Police and Crime  
Commissioner for Surrey

---

# **The Office of the Police & Crime Commissioner for Surrey**

**and**

# **The Office of the Police & Crime Commissioner for Sussex**

## **Scheme of Delegation**

**1<sup>st</sup> April 2014**

## Contents

- Introduction**
- 1 Key roles of the Police and Crime Commissioner**
- 2 General principles of scheme of delegation**
- 3 Functions delegated to the Deputy Police and Crime Commissioner (if appointed)**
- 4 Functions delegated to the PCC's Chief Executive**
- 5 Functions delegated to the PCC's Chief Finance Officer**
- 6 Functions delegated to the Chief Constable's Chief Finance Officer.**
- 7 Procurement Functions delegated to the Chief Constable's Chief Finance Office in Sussex and the Chief Constable's Assistant Chief Officer (Support Services) in Surrey**
- 8 Property functions delegated to the Chief Constable's Chief Finance Officer**
- 9 Personnel Functions delegated to the Director of Human Resource in Sussex and the Chief Constable's Assistant Chief Officer (Support Services) in Surrey**
- 10 Legal Functions delegated to the Director of Human Resources in Sussex and the Assistant Chief Officer (Support Services) in Surrey**
- 11 Other Matters**
- 12 Urgent Matters**

## Introduction

This Scheme of Delegation details the key roles of the Sussex & Surrey Police and Crime Commissioners (PCCs), and lists those functions which they designate will be carried out by their respective Deputy Police & Crime Commissioners, the Chief Executives, Treasurers and other staff employed by the PCCs. This Scheme also details those areas of business support that are being provided to the PCCs by staff who are directly employed by the Chief Constables, under the arrangements outlined in the Memorandum of Understanding agreed between the PCCs and their respective Chief Constables.

This Scheme of Delegation document is part of the governance arrangements outlined in the overarching Scheme of Corporate Governance for the Sussex & Surrey Police & Crime Commissioners and their respective Chief Constables and should be read in conjunction with other the other governance documents listed in the Statement of Corporate Governance i.e. Financial Regulations, Contract Standing Orders and the Memorandum of Understanding.

This Scheme provides a framework which makes sure that business is carried out efficiently and cost effectively, ensuring that decisions are not unnecessarily delayed.

This Scheme does not identify all the statutory duties which are contained in specific laws and regulations.

The Scheme is to be reviewed annually.

The Police and Crime Commissioners may set out reporting arrangements on any authorised powers.

Powers are given to the Chief Constables by laws, orders, rules or regulations. Also, national conditions of employment give powers to the Police and Crime Commissioners or the Chief Constables or, as in the case of police regulations, the Secretary of State for the Home Department.

Under Section 18(3) (c) and (6) of the Police Reform & Social Responsibility Act 2011 ('the Act'), the Police and Crime Commissioner is prohibited from delegating the functions (listed below) listed in subsection (7) of that Act to a police constable (i.e. any warranted police officer). There can therefore be no direct delegation of a function listed in subsection (7) by the Police and Crime Commissioner to the Chief Constable.

- Issuing the Police and Crime Plan
- Determining objectives in the Police and Crime Plan
- Calculation of, and decision on, budget requirements
- Making recommendations to the Home Secretary in relation to the appointment of the Chief Constable
- Making representations in relation to the appointment of Chief Officer posts

## NOT PROTECTIVELY MARKED

- Being consulted in relation to the appointment or removal of Chief Officer posts
- Suspension of the Chief Constable, or asking him/her to resign or retire
- Attendance at the Police and Crime Panel for specified duties
- Preparing the annual report

The Chief Constables will manage all complaints against Force officers, except in relation to the Chief Constables, which will be dealt with by their respective PCCs. The Chief Constables will ensure that the Police and Crime Commissioners are kept informed to enable them to discharge their statutory obligations in relation to complaints in a regular, meaningful, and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission.

The Chief Constables will exercise the power of direction and control in such a way that the Police and Crime Commissioners will be able to access all necessary information and staff within their respective Forces.

The Police Forces will support their respective Police and Crime Commissioners in the delivery of the strategy and objectives set out in the Police and Crime Plans.

The Police Forces will provide their respective Police and Crime Commissioners with access to information, officers and staff as required. These arrangements are detailed in the Information Sharing Protocol and the Protocol between the two Chief Finance Officers.

The Chief Constables of Sussex and Surrey Police Forces will have regard to the respective Strategic Policing Requirements when exercising and planning their policing functions in respect of each Force's national and international policing responsibilities.

### **1. Key Roles of the Police and Crime Commissioner**

1.1 The key roles of the Police and Crime Commissioner are to:

- Ensure the provision of an efficient and effective police service for the area
- Set the annual revenue and capital budgets
- Formulate a Council Tax Precept proposal for submission to the Police and Crime Panel and to allocate funds and the operational use of assets to the Chief Constable
- Appoint and, if necessary, dismiss the Chief Constable. The Chief Constable will consult the Police and Crime Commissioner on appointments and dismissals affecting posts above the rank of Chief Superintendent and police staff equivalent
- Hold the Chief Constable to account on behalf of the public, ensuring that they have regard to the Police and Crime Plan and the Strategic Policing Requirement

## NOT PROTECTIVELY MARKED

- Set the strategic direction and objectives for the Police through the Police and Crime Plan, monitoring the performance of the Force against the agreed priorities
- Scrutinise, support and challenge the overall performance of the Force
- Commission appropriate Victim Support Services
- Put in place secure and appropriate arrangements for managing and dispensing grants from the Community Safety Fund
- 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
- Have a duty to collaborate with other policing bodies.

The Police and Crime Commissioner is the legal contracting body who owns all the assets and liabilities, with the responsibility for the financial administration of his/her office and the Force, including all borrowing limits.

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

The Police and Crime Commissioner will be held to account by the Police and Crime Panel, who will scrutinise his/her decisions. The Panel has a check and balance role, only in respect of the Police and Crime Commissioner and not the Chief Constable.

The Police and Crime Commissioner may appoint a Deputy to exercise his/her functions, with the exception of functions listed in sub section (7) under Section 18 of the Police Reform & Social Responsibility Act 2011, which among others includes the power to dismiss the Chief Constable and the power to calculate a budget requirement.

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

## **2. General principles of scheme of delegation**

- 2.1 The Police and Crime Commissioner can always require that a specific matter is referred to him/her for a decision and not dealt with under powers of delegation.

## NOT PROTECTIVELY MARKED

- 2.2 This Scheme does not attempt to list all matters which form part of everyday management responsibilities.
- 2.3 Delegations given under this Scheme do not prevent individuals from referring matters to the Police and Crime Commissioner for a decision if this is thought appropriate, for example, because of sensitive issues or any matter which may have a significant financial implication.
- 2.4 When individuals with delegated functions consider a matter that is outside their area of professional expertise, they must ensure that they consult with officers who have the relevant professional expertise before making any decision.
- 2.5 All key decisions are made by individuals who have delegations under this Scheme must be recorded and be available for inspection.
- 2.6 There is an expectation that the Police and Crime Commissioner will want to be involved in any projects/areas of work which may have a significant impact on the public. They will want to be involved in the scoping, tendering process and evaluation of any business case that could have such an impact.
- 2.7 In this document, reference made to the Chief Executive, the Chief Finance Officers, Chief Constable, the Assistant Chief Officer (Surrey) and the Director of HR (Sussex) includes individuals authorised by them to act on their behalf.
- 2.8 Chief Officers are responsible for making sure that the staff whom they supervise, know about the provisions and obligations contained in this Scheme.
- 2.9 The persons appointed as the Chief Executive (who will also be the Monitoring Officer) and the Chief Finance Officer (Section 151 Officer) have statutory powers and duties relating to their positions and therefore do not rely on matters being delegated to them for the authority to carry out such duties.
- 2.10 The Scheme provides members of police staff with the legal power to carry out duties of the Police and Crime Commissioner. In carrying out these duties, individuals must 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.
  - Financial Regulations
  - Home Office Financial Management Code of Practice
  - CIPFA Statement on the role of the Chief Finance Officer of the Police and Crime Commissioner and the Chief Finance Officer of the Chief Constable.
  - Contract Regulations

## NOT PROTECTIVELY MARKED

- The Police and Crime Commissioner's governance framework
- The Police and Crime Commissioner's and the Chief Constable's employment policies and procedures.
- The Data Protection Act 1998 and the Freedom of Information Act 2000
- Health and safety at work legislation and codes.
- CIPFA Code of Practice on Local Authority Accounting

2.11 When carrying out any duties, the Police and Crime Commissioner and staff must have regard to the following:

- The views of the public.
- Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.
- The Police and Crime Plan and any guidance issued by the Secretary of State.

(This list is a summary and is not exhaustive)

2.12 The Police and Crime Commissioner may either appoint any member of his/her staff to carry out any function of the PCC, or alternatively have that function performed by the relevant area of business support, provided by staff who are directly employed by the Chief Constable, under the arrangements outlined in the Memorandum of Understanding agreed between the PCC and the Chief Constable, with the exception of those functions listed in the introduction.

2.13 The Police and Crime Commissioner may give additional consent under section 18 of the Police and Social Responsibility Act 2011 Act. This scheme is a record of the formal consents that are in effect at the time of its publication. The Police and Crime Commissioner's governance framework, including the Scheme of Consent, will be reviewed annually.

With the exception of those matters listed in paragraph 2.12, the scheme allows any person, with appropriate authority, to delegate that power further.

2.14 The Police and Crime Commissioner must not restrict the operational independence of the Force or that of the Chief Constable who leads it. The Act provides for the Chief Constable to have a general power to do anything which is calculated to facilitate the exercise of functions of a Chief Constable.

2.15 To enable the Police and Crime Commissioner to exercise the functions of their office effectively, they will require access to information and officers and staff within the Force. 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.

2.16 The Police and Crime Commissioner have wider responsibilities 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 all collaboration agreements with other local policing bodies and forces deliver better value for money and enhance the effectiveness of policing capabilities and resilience.
- The enhancement of the delivery of criminal justice in their area.

**3. Functions delegated to the Deputy Police and Crime Commissioner (if appointed)**

- 3.1 The Police and Crime Commissioner may appoint a Deputy to exercise his/her functions (except those which cannot be delegated, these are listed in the introduction). The Deputy Police and Crime Commissioner can give consent to the Chief Executive to carry out any functions (with the exception of those listed in the introduction) in his/her absence (defined as leave or illness).

**4. Functions delegated to the Chief Executive, Office of the Police and Crime Commissioner**

**Introduction**

The Chief Executive is the head of the Police and Crime Commissioner's staff and is also the Monitoring Officer for the Police and Crime Commissioner.

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.

**General**

- 4.1 To act as 'Monitoring Officer' under section 5(1) of the Local Government and Housing Act 1989.
- 4.2 To prepare the Police and Crime Plan in consultation with the public and Chief Constable for submission to the Police and Crime Commissioner.
- 4.3 To produce an annual report.
- 4.4 To provide information to the Police and Crime Panel as reasonably required enabling the Panel to carry out its functions.
- 4.5 To sign contracts on behalf of the Police & Crime Commissioner including those which are required to be executed under the common seal of the

## NOT PROTECTIVELY MARKED

Police and Crime Commissioner and to sign and affix the seal. In the absence of the Chief Executive the Chief Finance Officer can fulfil this function.

- 4.6 To consider whether, in consultation with the Chief Finance Officer, to provide indemnity to the Police and Crime Commissioner (and Deputy Police and Crime Commissioner if appointed) in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004 and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- 4.7 To consider and approve, in consultation with the Chief Finance Officer, provision of indemnity and/or insurance to individual staff of the Police and Crime Commissioner in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.
- 4.8 To issue certificates staff have asked for to make them exempt from political restrictions under the correct legal provisions.
- 4.9 To make arrangements to institute, defend, withdraw or settle any claims or legal proceedings on the Police & Crime Commissioner's behalf, in consultation with an appropriate legal advisor and the Chief Finance Officer if there is a significant financial implication.

### **Financial**

- 4.10 To approve expenses in exceptional cases in the provision of police advice and assistance to international agencies where:
  - The full cost is £4,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff) or
  - It is a sensitive case involving travel to a politically sensitive country.
- 4.11 To manage the budget of the Office of the Police and Crime Commissioner, along with the Chief Finance Officer, in line with Financial Regulations.
- 4.12 To commit expenditure within the approved budget of the Office of the Police & Crime Commissioner to meet the policies and objectives agreed with the Police & Crime Commissioner and reflected in the Policing Plan.
- 4.13 To manage grants awarded by the Police & Crime Commissioner or Deputy Police & Crime Commissioner if appointed.
- 4.14 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 we have to make by law
  - Payments ordered by the court.

## NOT PROTECTIVELY MARKED

- Payments due under any agreement entered into by the Police & Crime Commissioner.

All such payments must be reported to the Police & Crime Commissioner.

- 4.15 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.

### **Human Resources**

- 4.16 To appoint and dismiss, in consultation with the Police and Crime Commissioner, all staff directly employed by the Police and Crime Commissioner in line with the Police & Crime Commissioner's and Chief Constable's employment policies and procedures.
- 4.17 To make recommendations to the Police and Crime Commissioner with regard to staff terms and conditions of service, in consultation with the Chief Finance Officer(s) and Director of Human Resources (Sussex Police) or Head of Human Resources (Surrey Police), for those staff employed by Police and Crime Commissioner.
- 4.18 To undertake the management of staffing resources for all staff employed by the Police and Crime Commissioner in line with agreed policies and procedures.
- 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 appoint Independent Custody Visitors and terminate appointments if necessary.

### **Other**

- 4.21 To affix the common seal of the Police and Crime Commissioner:
- To all contracts, agreements or transactions in respect of which there is no consideration
  - To contracts, agreements or transactions:
    - That relate to the provision of goods and services by the Police and Crime Commissioner to another body as set out in the Financial Regulations.
    - Which grant or convey an interest in land.
    - Which represent grants of £150,000 or above.

- Where it is determined by the Police & Crime Commissioner (or Deputy Police & Crime Commissioner if appointed) there is a particular need for the seal to be attached.
- 4.22 To exercise the statutory powers of the Police and Crime Commissioner for professional standards, on behalf of the Deputy Police and Crime Commissioner (if appointed), as delegated to them on a temporary or permanent basis.
- 4.23 To authorise people to make, defend, withdraw or settle any claims or legal proceedings on the Police and Crime Commissioner's behalf, taking appropriate legal advice and consulting with the Chief Finance Officer if there are significant financial implications.
- 4.24 To consider, with the Police and Crime Commissioner, any complaint made against the Chief Constable, and where appropriate, to make arrangements for the complaint to be properly investigated.
- 4.25 To respond to consultations on proposals affecting the Police and Crime Commissioner, if necessary, after first taking the views of the Police and Crime Commissioner, the Chief Finance Officer or the Chief Constable, as appropriate.
- 4.26 To obtain legal or other expert advice and to appoint legal professionals whenever this is considered to be in the Police and Crime Commissioner's best interests and for his/her benefit.
- 4.27 To make sure, in consultation with the Chief Constable, appropriate arrangements are made to gather the community's views on the policing of Sussex and the policing of Surrey and the preventing of crime.

## **5 Functions delegated to the Chief Finance Officer, Office of the Police and Crime Commissioner**

### **Introduction**

The Chief Finance Officer is the financial adviser to the Police and Crime Commissioner and has statutory responsibility to manage his/her financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2011.

The Chief Finance Officer must ensure that the financial affairs of the Police and Crime Commissioner and the Force are properly administered having regard to their probity, legality and appropriate standards.

The Deputy Chief Finance Officer is authorised to undertake the functions of the Chief Finance Officer in his/her absence.

## NOT PROTECTIVELY MARKED

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

- 5.1 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.
- 5.2 To approve the arrangements for securing and preparing the Police and Crime Commissioner's accounts and seek assurances that there are appropriate arrangements in place for the preparation of the Force's accounts.
- 5.3 To sign off the group Annual Statement of Accounts.
- 5.4 To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts.
- 5.5 To undertake the day to day financial management of the Police and Crime Commissioner's budget.
- 5.6 To commit expenditure within the approved budget to meet the policies and objectives agreed with the Police and Crime Commissioner and reflected in the Policing Plan.
- 5.7 To manage grants awarded by the Police and Crime Commissioner or Deputy Police and Crime Commissioner if appointed.
- 5.8 To be responsible for investing and borrowing money, as necessary, in line with the treasury management strategy.
- 5.9 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 we have to make by law
  - payments ordered by the court
  - payments due under any agreement entered into by the Police & Crime Commissioner.
- 5.10 To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
- 5.11 To prepare and annually review draft financial regulations, in consultation with the Force, for approval by the Police and Crime Commissioner, or Deputy Police and Crime Commissioner, if appointed.
- 5.12 To prepare and annually review a draft expenses and benefits framework for approval by the Police and Crime Commissioner.

- 5.13 To determine when goods are surplus to requirements or obsolete and arrange for disposal, subject to the limits set out in Financial Regulations.
- 5.14 To provide for an adequate and effective internal audit service (joint responsibility with Chief Constable's Chief Finance Officer).
- 5.15 To report to the Police and Crime Commissioner and the external auditor any unlawful or potentially unlawful spending by the staff of the Police and Crime Commissioner, or the Force's officers.
- 5.16 The write-off of bad debt subject to limits and arrangements in Financial Regulations.
- 5.17 To make arrangements for the effective management and control of the Surrey Homes Scheme (applies to Surrey Police only).

**6. Functions and responsibilities delegated to the Chief Constable's Chief Finance Officer in Surrey and the Chief Constable's Chief Finance Officer in Sussex**

- 6.1 The Chief Constable through the Chief Finance Officer has the day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the Police & Crime Commissioner.
- 6.2 The Chief Constable's Chief Financial Officer is financial advisor to the Chief Constable and has responsibility to ensure that the financial affairs of Surrey/Sussex Police are properly administered having regard to probity, legality, and appropriate standards in line with the role's statutory responsibilities.
- 6.3 To provide all necessary financial information and records to the Police and Crime Commissioner's Chief Finance Officer to allow him to carry out his statutory role.
- 6.4 To commit expenditure within the approved budget to meet policies and objectives agreed with the Police and Crime Commissioner and reflected in the Police and Crime Plan.
- 6.5 To transfer vire budgets between budget headings within Chief Constable's approved budget, on a permanent or temporary basis up to the values set out in the Financial Regulations, notifying the Police & Crime Commissioner through the agreed financial and budget reporting process.
- 6.6 To undertake the day to day management of the insurance function in line with the strategy approved by the Police and Crime Commissioner on an annual basis.

## NOT PROTECTIVELY MARKED

- 6.7 To approve non exceptional cases in the provision of police advice and assistance to international agencies.
  - 6.8 To be responsible for managing the payroll and pensions functions (Surrey Police only).
  - 6.9 To keep the Police and Crime Commissioner informed of how the approved capital programme is put into effect.
  - 6.10 The write-off of bad debt subject to limits and arrangements in Financial Regulations.
  - 6.11 To sign all contracts on behalf of the Police and Crime Commissioner, irrespective of value, once they have been properly approved in accordance with Contract Standing Orders, except those which are required to be executed under the common seal of the Police and Crime Commissioner.
  - 6.12 To approve business cases for revenue and capital expenditure below total limits outlined in Financial Regulations, with the exception of expenditure proposals of an exceptional nature.
  - 6.13 To approve all agreements for the provision of police services to other organisations in accordance with Financial Regulations. (This does not apply to the provision of mutual aid by the Chief Constable to another force under section 24 of the Police Act 1996, or the provision of advice or assistance to international organisations under the Police Act 1996, which are operational matters. However these are subject to consultation with the Police and Crime Commissioner).
- 7. Procurement functions delegated to the Chief Constable's Chief Finance Officer in Sussex and the Chief Constable's Assistant Chief Officer (Support Services) in Surrey.**
- 7.1 The Surrey Assistant Chief Officer (Support Services) will undertake the day to day management of the Joint Procurement Function in accordance with Contract Standing Orders. All contracts entered into will be in the name of the Police & Crime Commissioner.
  - 7.2 To approve exemption waivers within limits and arrangements set out in Contract Standing Orders)
  - 7.3 To approve (on the advice of the Head of Procurement) all requests to go out to tender for contracts in line with limits and arrangements set out in Contract Standing Orders.
  - 7.4 To approve (on the advice of the Head of Procurement) the award of all contracts up to limits set put in Contract Standing Orders)

## NOT PROTECTIVELY MARKED

- 7.5 To approve all unforeseen variations and extensions for contracts in accordance with limits and arrangements set out in Contract Standing Orders.
- 7.6 To approve the early termination of all contracts. Where the original value of the contract exceeds limits sets out in Contract Standing Orders, this must be in consultation with the Police and Crime Commissioner.
- 8. Property functions delegated to the Chief Constable's Chief Finance Officer.**
- 8.1 To undertake the day to day management of the property function subject to the provision of Financial Regulations.
- 8.2 To acquire freeholds and leaseholds in the name of the Police and Crime Commissioner, up the values outlined in Financial Regulations.
- 8.3 To approve all requests to grant a lease with a total contract value up to limits set out in Financial Regulations over the lifetime of the lease
- 8.4 To dispose of all properties subject to the limits and arrangements set out in Financial Regulations where the property is included on the annual schedule or otherwise approved by, the Police and Crime Commissioner.
- 8.5 To agree the sale price of properties subject to the limits and arrangements set out in Financial Regulations, which have previously been approved by the Police and Crime Commissioner when the property is being disposed of to the highest bidder and the price equals or exceeds the agreed estimate. The Police and Crime Commissioner must be notified of this disposal in writing of all property disposals.
- 8.6 To keep a register of all property and major assets owned by the Police and Crime Commissioner or leased by him/her in line with the values set out in Financial Regulations.
- 8.7 To let temporarily surplus police houses.
- 9. Personnel Functions delegated to the Director of Human Resource in Sussex and the Chief Constable's Assistant Chief Officer (Support Services) in Surrey**
- 9.1 The Pension Board is authorised to give advice on pensions policy and to recommend actions in relation to individual pension cases relating to both police officers and police staff (Surrey Police)
- 9.2 To issue certificates staff have asked for to make them exempt from political restrictions under the legal provisions of the Local Government & Housing Act.

**10. Legal Functions delegated to the Director of Human Resources in Sussex and the Assistant Chief Officer (Support Services) in Surrey.**

10.1 To approve the financial settlement of all claims or requests for compensation felt to be non significant because:-

- The compensation to be paid is less than the threshold outlined in Financial Regulations
- they do not involve a high profile claimant including Association of Chief Police Officer (ACPO) rank police officers
- there is no particular public interest in the case
- there is no real risk that the Police and Crime Commissioner or the Chief Constable will be exposed to serious public criticism, or serious weaknesses in the organisation's policies and procedures will be revealed.
- it is not in the nature of a test case.

10.2 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
- there is no real risk that the Police and Crime Commissioner or the Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation's policies and procedures will be revealed.

10.3 To ensure that correct legal advice is taken to institute, defend or participate in legal actions to protect the interests of the Police Force and the Office of the Police and Crime Commissioner.

10.4 To settle employment tribunal cases and grievances of staff under the direction and control of the Chief Constable with the exception of those cases felt to be exceptional because:-

- they involve a high profile claimant
- there is a particular public interest in the case
- there is a real risk that the Police and Crime Commissioner or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or polices and procedures will be revealed.

**11. Other Matters**

11.1 The Chief Constable's Chief Finance Officer to exercise the powers and duties of the Police (Property) Regulations 1997 by:

- authorising, where appropriate, requests to donate unclaimed lost property to charity; and
- approve the keeping of unclaimed lost property if it can be put to good use for police purposes

**12. Urgent Matters**

12.1 If any matter which would normally be referred to the Police and Crime Commissioner (or Deputy Police and Crime Commissioner, if appointed) for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer.

12.2 The appropriate chief officers authorised to decide urgent matters are:

- the Chief Executive (all issues other than operational matters)
- the PCC's Chief Finance Officer (financial and related issues)
- the Chief Constable (operational issues)

12.3 Urgent decisions taken must be reported to the Police and Crime Commissioner as soon as practically possible.



**Sussex  
Police & Crime  
Commissioner**

**Office of the Police and Crime  
Commissioner for Surrey**

---

## **Memorandum of Understanding**

**BETWEEN:**

**THE POLICE AND CRIME COMMISSIONER FOR SUSSEX ('the Commissioner'),**

**and**

**THE CHIEF CONSTABLE FOR SUSSEX POLICE ('the Chief Constable')**

**and between**

**THE POLICE AND CRIME COMMISSIONER FOR SURREY ('the Commissioner'),**

**and**

**THE CHIEF CONSTABLE FOR SURREY POLICE ('the Chief Constable')**

### **1. Introduction**

- 1.1 The principal activity of the Police and Crime Commissioner is to be responsible for the totality of policing, including setting strategic direction, and holding the Chief Constable to account for delivery of effective and efficient policing within the policing area. The Commissioner also has other responsibilities and obligations in respect of the wider criminal justice and community safety frameworks which are outside the scope of this Memorandum of Understanding (MOU).
- 1.2 The Commissioner has a duty under section 1 of the Police Reform and Social Responsibility Act 2011 ('the Act') to (a) secure the maintenance of the force and (b) secure that the force is efficient and effective. In addition, the Commissioner has incidental powers under paragraph 14 of Schedule 1 of the Act enabling the Commissioner to do anything which is calculated to facilitate or is incidental to the exercise of his or her functions. This includes entering into contracts or other agreements.
- 1.3 The principal activity of the Chief Constable is the delivery of effective and efficient policing. The Chief Constable is responsible for ensuring that the Force is able to deliver its obligations under the strategic policing requirement. In matters of operational independence the Chief Constable is answerable to the law and their position is constitutionally established.

NOT PROTECTIVELY MARKED

- 1.4 Section 2(5) of the Act provides that the Chief Constable must exercise their powers of direction and control over the police force and its civilian staff in such a way as is reasonable to assist the Commissioner in the exercise of his or her functions. In addition, paragraph 7(1) of Schedule 2 to the Act provides that 'a chief constable may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of chief constable'.
- 1.5 The parties agree to work in co-operation to ensure the effective and efficient delivery of policing services to people who live work and visit the policing area.
- 1.6 Notwithstanding their distinct legal identities, the functions of the Commissioner and the Chief Constable are acknowledged to have such interdependence as to permit the sharing of significant areas of business support.
- 1.7 Such sharing of business support is not regarded as the provision of services by one to the other but rather a cooperative arrangement for the effective delivery of business support essential to the operation of both offices.
- 1.8 The Commissioner and the Chief Constable will adopt and implement the following principles with regard to the provision to their respective offices of business support and administration:
- 1.8.1 That despite their legally distinct identities and their differing roles and responsibilities it is appropriate for the Commissioner and the Chief Constable to work together by way of joint endeavour in order to improve outcomes for local people as set out in the Commissioner's Police and Crime Plan.
- 1.8.2 The need for effective and efficient arrangements for the provision of all forms of business support to both the Commissioner and the Chief Constable which would best support them and their respective statutory offices in the discharge of their obligations.
- 1.8.3 The need to balance the requirement for effectiveness and efficiency in provision of business support against a need to put in place arrangements which represent best value for money.
- 1.8.4 The desirability where possible to avoid duplication of functions within the offices of the Commissioner and the Chief Constable.
- 1.9 The MOU is a statement of intent between the parties to work in partnership and to define an effective working relationship between the Commissioner and the Chief Constable.
- 1.10 The purpose of this MOU is to define the role of the parties, and the expectations of how they will work together. It is not the intention of the Commissioner and the Chief Constable to create legal relations in respect of the arrangements contained within this MOU.
- 1.11 In this MOU, the following expressions have the following meanings:

"MOU"	This Memorandum of Understanding
"Services"	The support provided by the parties to the MOU
"Commencement Date"	1 <sup>st</sup> April 2014 (date when MOU starts)
"Confidential Information"	Any and all information, whether in writing or otherwise, that is disclosed by any party before, on or

NOT PROTECTIVELY MARKED

	after the commencement date including, but not limited to, financial information, marketing data, procedures, business plans, lists of funders, personnel data, business relationships, current products, services and anticipated products and services and financial information concerning the disclosing party's business and all disclosures, howsoever made to the other party, in connection with this MOU.
"Scheme of Governance"	Those documents that set out the terms on which the respective functions of the PCC and the CC will be exercised, identifying those powers and the manner in which they may be exercised by the parties' staff.
"Cooperative Arrangements"	Has the meaning set out in paragraph 4.3

- 1.12 The headings in this MOU are for ease of reference only and have no legal effect.
- 1.13 In this MOU, the singular shall mean the plural and vice versa.

**2. Status of the Parties**

- 2.1 The relationship between the parties is that of independent organisations, as each party is a separate corporation sole. Nothing in this MOU shall create or be deemed to create a partnership of agency, franchise or employment between the parties.

**3. Sharing of Information**

- 3.1 The Commissioner and the Chief Constable will share information where appropriate to fulfil the purposes of this MOU subject to any conditions imposed by the party providing the information in respect of such disclosure. The Commissioner and the Chief Constable shall ensure compliance with Data Protection legislation through proper application of the governance arrangements contemplated in this MOU.
- 3.2 For the purposes of the Data Protection Act 1998 the Commissioner and the Chief Constable remain the data controller for any personal information recorded (in whatever format) on any information system under their respective control.
- 3.3 For the purposes of the Data Protection Act 1998 where either party is processing personal data as a data processor that party shall ensure that it has in place appropriate technical and organisation measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 3.4 For the purposes of the Freedom of Information Act 2000 (FOI) if either the Commissioner or the Chief Constable should receive a FOI request then the Commissioner or Chief Constable as appropriate would be responsible for responding to that request and with any subsequent compliance arrangements required under FOI. Any FOI requests received by either the Commissioner or the Chief Constable which relate to or touch upon the

## NOT PROTECTIVELY MARKED

subject matter of this MOU or any matters arising from it would be brought to the attention of the other party as soon as practicable, and where necessary the Commissioner and the Chief Constable will provide reasonable assistance to the other in order to facilitate a timely and compliant response to the FOI request or any subsequent compliance requirement.

- 3.5 Both parties agree that, during the term of this MOU, or at any time thereafter, neither they nor any of their employees, agents (including volunteer staff) or sub-contractors, shall divulge, furnish or make accessible to anyone any confidential information unless:
- 3.5.1 at the date of this MOU, the confidential information is already in the public domain or subsequently comes into the public domain through no fault of the other party;
  - 3.5.2 the confidential information rightfully becomes available to the other party from sources not bound by obligations of confidentiality;
  - 3.5.3 the confidential information was available to the other party on a non-confidential basis prior to its disclosure to such party;
  - 3.5.4 the other party is required by compulsion of law to disclose.
- 3.6 The parties agree that all discussions and negotiations shall be carried out on a strictly confidential basis and any statements (either written or oral) to be made in relation to the existence of the negotiations between the parties shall be subject always to written agreement by both parties and the overarching provisions of the scheme of governance.
- 3.7 The disclosure of confidential information is a matter for discussion between the Commissioner and Chief Constable.
- 3.8 Any limitation or waiver of the right of confidentiality contemplated in the provisions paragraph of this MOU applies only to the relationship between the Commissioner and the Chief Constable and all staff will remain subject to an obligation of confidentiality in respect of third parties.
- 3.9 Nothing in this MOU should prevent any personnel employed either by the Commissioner or the Chief Constable from disclosing information which they are entitled to disclose under the Public Interest Disclosure Act 1998 provided that such disclosures are made in accordance with provision of that Act.

## 4. Governance

- 4.1 Subject to the provisions contained at paragraph 1.4 of this MOU both the Commissioner and the Chief Constable retain the discretion to task and direct their staff as they in their absolute discretion see fit.
- 4.2 This MOU provides for three circumstances in which business support may be sought from the other party. These are as follows:
- 4.2.1 The Commissioner wishes to seek support from the Chief Constable's staff.
  - 4.2.2 The Chief Constable wishes to seek support from the Commissioner's staff.

## NOT PROTECTIVELY MARKED

- 4.2.3 The Commissioner and the Chief Constable agree jointly on the commissioning of work to be undertaken either by the Commissioner's staff, or the Chief Constable's staff or by both.
- 4.3 These proposed arrangements collectively are known as cooperative arrangements.
- 4.4 The business support may be sought in the following areas:  
Information and Communications Technology, Corporate Communications, Corporate Development (Surrey) / Corporate Services (Sussex), Fleet, Financial, Procurement, Estates, Property, Human Resources, Professional Standards Department and Legal Services (Surrey only) as outlined in the Schedule of Services here to attached.
- 4.5 Either of the parties may assign work to staff subject to a cooperative arrangement and use the existing resources within that team. This will be in accordance with agreed practices between the Commissioner and Chief Constable.
- 4.6 Any conflict between any instructions issued by either of the parties through a co-operative arrangement will be identified by the relevant team and brought to the attention of the parties immediately and where possible prior to implementation. Any instructions that are identified as novel, contentious or repercussive must initially be checked with the instructing party and if not withdrawn or suitably amended formally drawn to the attention of both parties before implementation.
- 4.7 If, due to the volume of work required of that team there is an issue of prioritisation to be resolved, the issue will be referred to the Commissioner's Chief Executive and the Deputy Chief Constable, and if they cannot resolve such issue within 7 days then either party may refer the issue to the Commissioner and the Chief Constable to resolve.
- 4.8 Neither the Commissioner nor the Chief Constable will seek to impose any form of recharge on the other in respect of staffing costs arising out of the cooperation arrangements but either the Commissioner or the Chief Constable may be entitled to recover from the other any additional third party costs subject to agreement between the Commissioner's and the Chief Constable's chief finance officers.
- 4.9 Whilst it is contemplated whenever the Commissioner or the Chief Constable wishes to have work undertaken which could be provided by way of cooperation arrangements then such work will be so requested, it is acknowledged that circumstances may arise in which either the Commissioner or the Chief Constable may wish to commission such work from another source and nothing in this MOU shall be deemed to prevent or inhibit such course of action.
- 4.10 If either the Commissioner or the Chief Constable has concerns about the conduct or performance of business support personnel employed by the other then the Commissioner or the Chief Constable as appropriate will report those concerns as soon as practicable to the relevant line manager.
- 4.11 For the avoidance of doubt the Commissioner and the Chief Constable agree that when business support personnel are engaged in work commissioned other than by their employer such an arrangement does not amount to a

## NOT PROTECTIVELY MARKED

secondment of their employment and at all times such personnel remain subject to ordinary supervisory and management arrangements.

- 4.12 This MOU shall not fetter the discretion of either the Commissioner or Chief Constable to make such alterations to their staffing resources as they may from time to time see fit including the reorganisation of functions or the deletion of posts. However before making any significant alterations to staff that may provide business support under this MOU the Commissioner or the Chief Constable as applicable will consult the other.
- 4.13 Posts may be advertised and staff may be moved between the Commissioner and Chief Constable as agreed by them following established policies, practices and procedures.
- 4.14 The parties to this MOU do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1969 by any person who is not a party to it.

### **5. Access to premises and personnel**

- 5.1 The Commissioner and Chief Constable and their senior officers shall each have reasonable, qualified access to premises and personnel under either parties' direction or control.
- 5.2 Access to people and premises by other personnel may be limited according to operational need.

### **6. Review and Termination**

- 6.1 This MOU will commence on the Commencement Date and will remain in force in accordance with this section.
- 6.2 Within 12 months of the Commencement Date of the MOU, the parties will undertake a review of the Police and Crime Plan and of the services provided and of the MOU to ensure that the MOU is sufficient to cover all of the areas concerned.
- 6.3 The MOU is subject to review on a change in either of the corporations sole.
- 6.4 Either party may terminate the MOU by giving 3 months notice to the other party that they wish to withdraw from the arrangements.
- 6.5 Any notice given under this MOU by either party must be in writing and may be delivered personally, or sent by e-mail. Notice will be deemed to have been given on the same day.
- 6.6 Notices will be delivered or sent to the addresses of the parties as given at the head of this MOU or to any other address notified in writing by any party to the other parties for the purpose of receiving notices after the commencement date of this MOU.
- 6.7 No variation to this MOU shall be effective unless in writing signed by duly authorised representatives of each of the parties.

Signed by the Police and Crime Commissioner

NOT PROTECTIVELY MARKED

Name .....

Position .....

Signature .....

Date .....

Signed by the Chief Constable

Name .....

Position .....

Signature .....

Date .....

## **Schedules to the Memorandum of Understanding between the Surrey Police & Crime Commissioner and Chief Constable**

### **Financial**

- Support the Police & Crime Commissioner (PCC) and the PCC's Chief Finance Officer (CFO) to prepare and agree the total police fund budget, capital budget and medium term financial plan (including the Chief Constable's operational delivery budget)
- Provision of necessary financial information and records to the PCC's CFO to allow him to carry out his statutory role
- Day to day management of the insurance function on behalf of the PCC
- Managing payroll and pensions function for PCC staff
- Signing contracts on behalf of the PCC (as per limits in Financial Regulations/Contract Standing Orders)
- Preparation of the draft annual statement of accounts for approval of the PCC's CFO.
- Completion and submission of the returns and surveys (e.g. DCLG, CIPFA, Home Office) on behalf of the PCC
- Completion and submission of the Whole of Government Accounts (WGA) on behalf of the PCC
- Completion and submission of grant claims on behalf of the PCC
- Provision of financial management support to the PCC and his CFO
- PCC Accounts Payable processing – payments of invoices, expenses and grants agreed by the PCC
- PCC Accounts Receivable processing – collecting income and receipts on behalf of the PCC
- Management of those staff dealing with the day to day Treasury Management transactions approved by the PCC's CFO
- Assistance with compliance with the financial elements of the PCC's statutory publication requirements
- Prepare finance reports for the PCC to present to the Police and Crime Panel
- Liaise with local billing authorities with regards to tax base, surpluses and precept setting
- Assist with internal and external Audit requirements on behalf of the PCC and attendance at Audit committee meetings on behalf of the Force

### **Procurement**

- Day to day management of the procurement function in accordance with CSOs
- Support for the PCC and his office with commissioning services
- Spend analysis of actual expenditure and opportunity assessments for savings programmes
- Ensuring tender processes are in accordance to EU competition rules
- Maintaining of paper and electronic copies of contracts
- Contract management for critical agreements
- Development of commodity strategies for forward procurement planning

- Supporting/leading national and regional aggregated collaboration agreements
- Risk management of supply chain
- Advice to PCC on procurement strategy and issues
- Assistance with compliance with the procurement/contractual elements of the PCC's statutory publication requirements

### **Estate and Property**

- Development for the PCC of a short/medium term Estate Strategy, as expressed in the capital programme
- Development for the PCC of a long term Estates Strategy
- Complete sales and acquisitions of the property portfolio in line with the current Estates Strategy on approval by the PCC
- Management and monitoring of statutory compliance for the estates assets
- Day to day management of the property functions including the facilities services for the Estate
- Risk management for capital works, project works and day to day facility services for estates

### **Fleet**

- To provide a safe, cost effective and sustainable fleet; designed, acquired, converted, serviced, maintained and repaired to meet the operational demands of Surrey/Sussex Police.
- Purchase and disposal of fleet vehicles in line with the Asset Management Plan.
- To manage the registration, licensing and legal compliance of the vehicle fleet.
- Develop an on-going five year Asset Management Plan for PCC approval.
- Maintain force workshops and equipment, in a safe, legally compliant, efficient and cost effective manner.
- 

### **Human Resources (HR)**

An HR Business Partner will have the Office of the PCC (OPCC) within their portfolio. The Business Partner will provide a comprehensive HR service to the OPCC, which will include:-

- Provide advice and guidance to OPCC senior managers on all HR issues
- Attend relevant meetings and provide data and analysis on HR related information
- Act as a gateway for the OPCC for other HR Services including HR consultancy, HR casework for any grievance, discipline, attendance and performance matters, and L&D for any training or development matters
- Offer coaching to line managers on a range of matters including recruitment
- Act as a focal point for supporting any high level (executive) recruitment
- Communication and application of new and existing policies and procedures.
- Provide pay and reward advice in line with Surrey Police staff compensation and benefit provision to ensure consistency across both organisations and offset any potential risk

- Facilitate consultation and negotiation with trade unions
- Facilitate general HR administration, establishment data and recruitment administration provided by the Shared Business Service
- Commit to provide employees from the OPCC and Surrey Police the opportunity to apply for internal vacancies and redeployment opportunities across both organisations
- The Head of HR will provide any confidential advice required to the PCC and Chief Executive excluding any HR matters pertaining to the Chief Constable as this would present a conflict of interest.
- The above HR services and the management of any HR matters on the OPCC's behalf are predicated on the OPCC adopting and adhering to the Force's HR policies and processes, including those obligations arising from the Equality, Diversity and Human Rights (EDHR) Board governance

## **ICT**

- Provide connectivity to the Surrey Police network
- Support for standard-build Surrey Police desktop workstations (providing access to standard applications/services such as Intranet, Outlook, etc) and networked printers
- Access to IT support for the above items through the IT Service Desk
- Ad-hoc technical advice if/when requested.
- Development of short / medium and long term IT strategy
- Day to day management of IT assets and applications
- Provision, service and management of telephony equipment including mobile devices where required
- Provision, service and management of secure remote access to Surrey Police corporate network where required.

## **Legal Services**

- Provide legal support for the PCC as required, to include legal advice, conduct of litigation, and arranging advice from counsel
- Reporting to the PCC on employment tribunal claims, high risk litigation, and other matters which have high economic legal or reputational risk

## **Corporate Communications**

- Strategy and planning - input and strategic guidance on shared issues (can be absorbed by management team if at a modest level and sufficient lead in time)
- Media monitoring – shared access to the existing Force clippings service from Kantar Media providing items across two briefs – general national policing issues and Surrey-specific policing mentions.
- Daily media summaries produced by Surrey Police's team and circulated to a list including the OPCC

## **Corporate Services**

Surrey Police will provide the OPCC with the following:

- Access as needed to the Force Analysis Performance portal (or equivalent), including crime information, survey/ customer satisfaction, neighbourhood survey information, HR information, staff survey results, specialist support services and other information included on the portal
- Reports on progress against the Police and Crime Plan and the 6 People's Priorities to inform the bi-monthly management meeting
- Further statistical data, performance information & analysis to support scrutiny/monitoring of performance where required. These requests for information will be discussed and prioritised with the Head of Strategic Planning. The OPCC will be mindful of the need for further information as against time taken to produce reports.
- Data to support FOI requests made to the OPCC
- Access to and support for the risk management database
- Strategic health and safety guidance and policy advice to the OPCC and to support the Surrey/Sussex collaboration by providing technical expertise with a framework of mandatory services and functions
- Liaison support for queries from the PCC or his staff. These will be discussed and prioritised through the Head of Strategic Planning.
- HMIC liaison and support for inspections

## **Professional Standards Department (PSD)**

- Investigative support, advice and guidance and provision of resources if required (people or equipment), e.g. access to systems, document seizure.
- Advice on Police Regulations, statutory responsibilities and timeframes in relation to investigative responsibilities
- Provide support and guidance in respect of access to Legal Advice and meeting IPCC requirements if required.



**SURREY POLICE**

**AND**

**SUSSEX POLICE**

**Financial Regulations**

**April 2014**

CONTENTS	PAGE
<b>Introduction</b>	4
Scheme of Governance	5
Interpretation	5
Status	5
Responsibilities	6
Financial instructions	6
Definitions	6
<b>Section 1 - Financial management</b>	
1.1 Responsibilities	8
1.1.1 Police and Crime Commissioner (PCC)	8
1.1.2 The PCC's Chief Finance Officer	9
1.1.3 The PCC's Chief Executive	10
1.1.4 The Chief Constable (CC)	11
1.1.5 The Chief Constable's Chief Finance Officer	12
1.2 The Audit Committee	13
1.3 Accounting records and returns	14
1.4 The Annual Statement of Accounts	14
<b>Section 2 – Financial planning</b>	
2.1 Policy Framework	15
2.2 Preparation of The Police & Crime Plan	15
2.3 Budgeting	15
2.3.1 Budget format	
2.3.2 Budget Preparation Guidance	
2.3.3 Budget & Capital Programme Preparation	
2.3.4 Preparation of the Medium Term Financial Plan	
2.3.5 Budget Monitoring and Control	
2.3.6 Variations to Approved Budgets (Virements)	
2.3.7 Year-end Variations and Local Balances	
2.3.8 Out-turn Reporting	
2.3.9 Capital Expenditure	
2.4 Property/Premises Leases	20
• Introduction	
• Operating leases	
• Finance leases	
• Lease Classification	
2.5 Maintenance of balances and reserves	21
<b>Section 3 – Management of risk and resources</b>	
3.1 Introduction	21
3.2 Risk Management	22
3.3 Insurance	22
3.4 Internal Control	22
3.5 Internal Audit Requirements	23
3.6 External Audit	24
3.7 Preventing Fraud and Corruption	25

NOT PROTECTIVELY MARKED

3.8	Assets	25
3.8.1	Valuation	26
	➤ Revaluations	
	➤ Assets under construction (AUC)	
	➤ Assets held for sale (surplus assets)	
	➤ Depreciation	
3.8.2	Inventories	27
3.8.3	Intellectual Property	27
3.8.4	Asset Disposal	28
3.9	Treasury Management	28
3.10	Cash and Banking	29
3.11	Money Laundering	30
3.12	Administration of Evidential & Non-Evidential Property	30
3.13	Trust Funds	30
<b>Section 4 – Financial Systems and procedures</b>		
4.1	Introduction	31
4.2	Income	31
4.3	Payments to employees	32
4.4	Taxation	32
4.5	Ordering and paying for work, goods and services	32
4.6	Purchase Cards and Expenses	33
4.7	Compensation and Ex-Gratia payments	33
4.8	Gifts, Loans & Sponsorship	34
4.9	Hospitality	35
<b>Section 5 – External Arrangements</b>		
5.1	Joint Working Arrangements	35
5.1.1	Partnerships	35
5.1.2	Consortium Arrangements	36
5.1.3	Collaboration	37
5.2	Funds from External Agencies	37
5.3	Work for External Bodies	38
<b>Appendices:</b>		
<b>A – Protocol between the CC &amp; the PCC's CFO for funding special unbudgeted operations</b>		39
<b>B - List of Key Policies and Financial Instructions</b>		41
<b>C – Schedule of Authorised Levels</b>		42
<b>D – Certificate of Compliance</b>		43

## **INTRODUCTION**

To conduct financial business efficiently, the Police and Crime Commissioners and Chief Constables need to ensure that sound financial management policies are in place, which comply with the Home Office Financial Management Code of Practice issued under section 17 of the Police Reform and Social Responsibility Act 2011 and Section 39 of the Police Act 1996 and that these are strictly observed by every police officer and employee under the control and direction of either the Police and Crime Commissioner or the Chief Constable.

Each Police and Crime Commissioner (PCC) and their respective Chief Constable is established in law as a corporation sole within the 2011 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 police force that they lead. Staff of the PCC are accountable to the directly elected holder of that office.

The Chief Financial Officer (CFO) to the PCC and the Chief Financial Officer to the Chief Constable need to work closely together. This working relationship is of fundamental importance. Both Chief Financial Officers need to ensure that their responsibilities can be fully delivered and assurances and information exchanged to fulfil the statutory and professional responsibilities of the Chief Financial Officers.

To conduct its business effectively, Surrey and Sussex Police need to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is to adopt and implement Financial Regulations. The Regulations contained herein have been drawn up in such a way as to ensure that the financial matters of Surrey and Sussex Police are conducted properly and in compliance with all necessary requirements.

The Regulations are designed to establish overarching financial responsibilities, to confer duties, rights and powers upon the PCC, the Chief Constable and their officers and to provide clarity about the financial accountabilities of groups or individuals. They apply to every member and officer of the service and anyone acting on their behalf

The Regulations identify the financial responsibilities of the Police & Crime Commissioner (PCC), the Chief Constable (CC), their respective Chief Finance Officers (CFO) and the PCC's Chief Executive (CE), following the Stage 2 Transfer provided for under the Police Reform and Social Responsibility Act 2011 from April 2014.

## **Scheme of Governance**

Financial Regulations forms part of the overarching Scheme of Governance for the PCC and CC. This includes:

- Memorandum of Understanding
- Office of Police and Crime Commissioner Scheme of Delegation
- Financial Regulations
- Financial Instructions
- Force Joint Scheme of Delegation
- Contract Standing Orders.

Overall governance arrangements are in place to ensure that the activities of both the PCC and the CC are properly and effectively managed, in a way that secures the combined assets of both and uses and protects and harnesses them to meet jointly agreed strategic objectives, while maximising the value, both financial and operational, that can be obtained for the benefit of the public.

## **Interpretation**

It must be recognised that financial regulations cannot foresee every eventuality. The PCC's CFO and the CC's CFO, shall be responsible for interpreting these regulations so as to ensure that the conduct of financial business is secure, efficient and effective and achieves the highest levels of probity.

## **Status**

These Financial Regulations should not be seen in isolation, but rather as part of the overall regulatory and governance framework that includes the list above.

The PCC, CC and all their employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

Financial Regulations explain the working financial relationship between the PCC and the Chief Constable and their respective chief financial officers, having regard also to the role played by the PCC's Chief Executive.

The PCC and Chief Constable are jointly responsible for approving or amending Financial Regulations, in consultation with the audit committee. The PCC's Chief Financial Officer is responsible for maintaining a review of Financial Regulations and submitting any additions or amendments to the PCC and Chief Constable, after consulting with the CC's Chief Financial Officer and the Chief Executive

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

## NOT PROTECTIVELY MARKED

Beyond the scope of this document, financial regulations sit alongside other internal regulatory documents. For example, Contract Standing Orders, financial procedures, guidance and instructions and employee codes of conduct. Should there be any contradiction contained within procedures, instructions or codes of guidance the Financial Regulations will take precedence.

The PCC, CC, both CFOs and the PCC's CE shall maintain a written record where decision-making has been delegated to members of their staff, including seconded staff.

### **Responsibilities**

The CFOs of both the PCC and the CC are jointly responsible for maintaining a continuous review of the financial regulations and for submitting any necessary additions or changes to the PCC for approval and for reporting, where appropriate, breaches of the financial regulations to the Monitoring Officer and the Audit Committee.

Both CFOs are responsible for issuing advice and guidance within their respective corporate bodies to underpin the financial regulations.

The PCC and CC are responsible for ensuring that all police officers, staff, contractors and agents under their respective control and direction are aware of the existence and content of, and have access to these financial regulations and other internal regulatory documents and that these are complied with.

Breaches of Financial Regulations of a serious nature may result in disciplinary proceedings and, potentially, criminal action. Such cases shall be reported to the PCC'S CFO and/or CC's CFO who shall determine, after consulting with the Monitoring Officer, whether the matter shall be reported to the PCC and/or Chief Constable. Any police officer or member of staff who knowingly, or by negligence, breaches these financial regulations may be subject to disciplinary action and in some instances may incur criminal liability.

### **Financial Instructions**

More detailed Financial Instructions supplement these Regulations. These Financial Instructions form part of Financial Regulations and shall be issued after consultation between the CC's CFO, the PCC'S CFO and Chief Executive.

### **Definitions**

For the purposes of these Regulations, Surrey or Sussex Police, when used as a generic term, shall refer to the:

- PCC
- Office of the PCC; and
- Force

The PCC's Chief Finance Officer is financial advisor to the PCC.

The Chief Constable's Chief Finance Officer is the financial advisor to the CC.

The 'Force' shall refer to the Chief Constable, police officers, police staff, police community support officers (PCSO), special constabulary, volunteers and other members of the wider police family under his /her direction.

Chief Officers when referred to as a generic term shall mean the Chief Constable, Chief Executive, PCC's CFO and CC's CFO (Director of Finance).

'Employees' when referred to as a generic term shall refer to police officers, police staff and other members of the wider police family.

The expression 'authorised officer' refers to employees authorised by a chief officer. The expression 'contract' refers to any commitment (including purchase orders, leases and service level agreements) to acquire, purchase or sell goods, services or building works.

The expression 'he' shall refer to both male and female.

Within these Regulations, most of the references have been made to the responsibilities of the Chief Constable since most of the day to day financial management is vested with that post. However, where resources are under the control of the Chief Executive or PCC'S CFO, the duties, rights and powers as detailed for the Chief Constable shall apply equally to the Chief Executive or PCC'S CFO.

The terms Chief Constable, Chief Executive and PCC'S CFO include any member of staff, contractors or agents to whom particular responsibilities may be delegated as set out in a specific PCC or CC Scheme of Delegation. The level of such delegated responsibility must be evidenced clearly, made to an appropriate level, and the member of staff given sufficient authority, training and resources to undertake the duty in hand.

## **1. FINANCIAL MANAGEMENT**

### **1.1 RESPONSIBILITIES**

#### **1.1.1 POLICE AND CRIME COMMISSIONER (PCC)**

The PCC has a statutory duty to ensure an efficient and effective police service and to hold the police to account on behalf of the public. The PCC is the recipient of funding relating to policing and crime reduction, including government grant, council tax precept and other sources of income. How this money is allocated is a matter for the PCC in consultation with the CC, and in accordance with any grant terms. The statutory officers of the CC and the PCC will provide professional advice and recommendations on the allocation of funding and account for all income and expenditure.

The PCC shall appoint a Chief Finance Officer (CFO) to be responsible for the proper administration of his/her financial affairs. He or she shall also appoint a Chief Executive (CE) who will act as monitoring officer.

The PCC may appoint a Deputy PCC (DPCC) for that area and arrange for the DPCC to exercise functions of the PCC as set out in the Scheme of Delegation.

The PCC is responsible for: approving the financial policy framework and budget; monitoring financial outcome; and approval of medium term financial plans in consultation with the Chief Constable (CC). The PCC is responsible for approving the overall framework of accountability and control, and for monitoring compliance. In relation to these Financial Regulations this includes:

- Police and Crime Plan
- Financial strategy (including reserves)
- Annual revenue budget
- Capital programme
- Medium term financial forecasts
- Treasury management strategy, including the annual investment strategy
- Asset management strategies (IT, Transport, Estates Equipment Replacement)
- Risk management strategy
- Governance policies

The PCC is responsible for approving procedures for recording and reporting decisions taken and for monitoring compliance with agreed policy and related executive decisions. The PCC is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework.

The PCC shall provide his/her CFO with such accommodation and other resources as are in his/her opinion sufficient to allow the duties under this section to be performed

#### **1.1.2 THE PCC's CHIEF FINANCE OFFICER**

The PCC's CFO has the responsibility for the proper financial administration of the PCC's financial affairs and has a personal fiduciary responsibility to the local council taxpayer.

The PCC's CFO's statutory responsibilities are set out in:

- Paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011
- Section 114 Local Government Finance Act 1988 (formal powers to safeguard lawfulness and propriety in expenditure)
- The Accounts and Audit Regulations 2011

The CFO is the PCC's professional adviser on financial matters and shall be responsible for:

## NOT PROTECTIVELY MARKED

- 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;
- ensuring that the funding required to finance agreed programmes is available from Central Government, council tax 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;
- when it appears that expenditure is likely to exceed the resources available
- advising the PCC on the robustness of the estimates and the adequacy of financial reserves;
- preparing the annual statement of accounts, in conjunction with the CC's CFO;
- ensuring the provision of an effective internal audit service, in conjunction with the CC's CFO;
- securing the treasury management function, including loans and investments;
- advising, in consultation with the CE on the safeguarding of assets, including risk management and insurance
- arranging for the determination and issue of the precept
- liaising with the external auditor; and
- advising the PCC on the application of value for money principles by the Force to support the PCC in holding the CC to account for efficient and effective financial management.

The PCC's CFO, in consultation with the Chief Executive, CC'S CFO and/or Chief Constable as appropriate, shall be given powers to institute any proceedings or take any action necessary to safeguard the finances of Surrey or Sussex Police.

The PCC's CFO 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 the group accounts.

The CFO is the PCC's professional adviser on financial matters. To enable him/her to fulfil these duties and to ensure the PCC is provided with adequate financial advice the CFO:

- must be a key member of the PCC's Leadership Team, working closely with the CE, 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 in alignment with the PCC's financial strategy;
- 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.

The PCC's CFO must have full access to all relevant financial information as laid down in the PCC Scheme of Delegation.

The PCC's CFO must have a properly qualified deputy should he/she be unable to perform the duties under section 114 of the Local Government Finance Act 1988.

Section 113 of the Local Government Finance Act 1988 requires that the PCC's Chief Finance Officer must be a member of one or more of the bodies listed below:

The Chartered Association of Certified Accountants  
The Chartered Institute of Management Accountants  
The Chartered Institute of Public Finance and Accountancy  
The Institute of Chartered Accountants in England & Wales  
The Institute of Chartered Accountants in Scotland  
The Institute of Chartered Accountants in Ireland, and

Any other body of accountants established in the UK and for the time being approved by the Secretary of State for the purposes of this section.

### **1.1.3 THE PCC's CHIEF EXECUTIVE**

The CE is responsible for the leadership and general administration of the PCC's Office.

The CE is also the PCC's designated monitoring officer, appointed under section 5(1) of the Local Government and Housing Act 1989.

The monitoring officer is responsible for:

- ensuring the legality of the actions of the PCC and his/her officers.
- ensuring that procedures for recording and reporting key decisions are operating effectively
- advising all staff and officers about who has authority to take a particular decision
- advising the PCC about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework
- consulting the CFO and seeking approval on any matter liable to affect the PCC's finances materially, before any commitments are incurred.
- signing contracts on behalf of the PCC.

#### **1.1.4 THE CHIEF CONSTABLE**

The CC is responsible for implementing the strategic direction set by the PCC and has direction and control over the Force's officers and staff. The CC holds office under the Crown, but is appointed by the PCC.

The CC is accountable to the law for the exercise of police powers and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the CC, his/her constables and staff, remain operationally independent in the service of the public.

To help ensure the effective delivery of policing services and to enable the CC to have impartial direction and control of all constables and staff within the Force, the CC should have day to day responsibility for financial management of the Force within the framework of the agreed budget allocation and Scheme of Delegation.

The CC shall appoint a CFO to be responsible for the proper administration of the CC's financial affairs.

The CC must ensure that the financial management of their allocated budget remains consistent with the objectives and conditions set by the PCC. The CC will discharge this through his/her CFO who will lead for the Force on financial management.

The CC is responsible for approving the operational content of any contractual arrangements for any work by the force for third parties or external bodies, including the identification of all risks related to that work.

The CC shall prepare Financial Instructions to supplement the Financial Regulations and provide detailed instructions on the operation of the specific financial processes delegated to the CC. The CC shall ensure that all employees are made aware of the existence of these Regulations and are given access to them. Where appropriate, training shall be provided to ensure that the Regulations can be complied with.

#### **1.1.5 THE CHIEF CONSTABLE'S CHIEF FINANCE OFFICER**

The CC's CFO has the responsibility for the proper financial administration of the CC's financial affairs and has a personal fiduciary responsibility to the local council taxpayer.

The CFO is responsible to the CC for all financial activities within the Force or contracted out under the supervision of the Force.

The CFO's responsibilities are set out in:

- Paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to the Police Reform and Social Responsibility Act 2011
- Section 114 Local Government Finance Act 1988 (formal powers to safeguard lawfulness and propriety in expenditure)
- The Accounts and Audit Regulations 2011

## NOT PROTECTIVELY MARKED

The CFO is responsible for:

- ensuring that the financial affairs of the Force are properly administered and that these financial regulations are observed and kept up to date;
- Reporting to the CC, the PCC and the PCC's CFO and to the external auditor:
- any unlawful, or potentially unlawful, expenditure by the CC or officers of the CC;
- when it appears that any expenditure of the CC is likely to exceed the resources available
- advising the CC on value for money in relation to all aspects of the Force's expenditure;
- advising the CC, the PCC and the PCC's CFO on the soundness of the budget in relation to the Force;
- liaising with the external auditor;
- working with the PCC's CFO to produce the statement of accounts for the CC and to assist in the production of the group accounts

The CFO 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, a statement of the CC's accounts. The CFO will need to observe the locally agreed timetable for the compilation of the group accounts with the PCC's CFO.

The CFO is the CC's professional adviser on financial matters. To enable him/her to fulfil these duties the CFO:

- must be a key member of the CC's Management Team, 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 CC to ensure immediate and longer term implications, opportunities and risks are fully considered;
- must lead the promotion and delivery by the CC 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.

Section 113 of the Local Government Finance Act 1988 requires that the CC's CFO must be a member of one of the bodies listed below:

The Chartered Association of Certified Accountants  
The Chartered Institute of Management Accountants  
The Chartered Institute of Public Finance and Accountancy  
The Institute of Chartered Accountants in England & Wales  
The Institute of Chartered Accountants in Scotland  
The Institute of Chartered Accountants in Ireland, and

Any other body of accountants established in the UK and for the time being approved by the Secretary of State for the purposes of this section.

## **1.2 THE AUDIT COMMITTEE**

The Home Office Financial Management Code of Practice states that the PCC and Chief Constable should establish an independent audit committee. This is a combined body which will consider the internal and external audit reports of both the PCC and the Chief Constable.

The Audit Committee will advise the PCC and the Chief Constable according to good governance principles and will adopt appropriate risk management arrangements in accordance with proper practices. In establishing the Audit Committee the PCC and the CC shall have regard to the CIPFA guidance on Audit Committees.

The Audit Committee shall comprise of between three and five members who must be independent of both the PCC and the CC.

The Audit Committee shall establish formal terms of reference, covering its core functions, which shall be formally adopted and which it will review on an annual basis. The terms of reference set out the full scope and responsibilities of the Joint Audit Committee.

The PCC and the CC shall be represented at all meetings of the Audit Committee.

## **1.3 ACCOUNTING RECORDS AND RETURNS**

Maintaining proper accounting records is one of the ways in which the PCC and the CC will discharge their responsibility for stewardship of public resources.

To ensure that proper accounting records are maintained, the PCC's and CC's CFOs will jointly:

- determine the accounting procedures and records, in accordance with recognised accounting practices, and approve the strategic accounting systems and procedures employed by the PCC and the CC.
- make proper arrangements for the audit of the PCC's, CC's and Group accounts in accordance with the Accounts and Audit Regulations 2011.
- ensure that bank reconciliations and other key control reconciliations are regularly performed on a timely basis.
- prepare and publish the audited accounts in accordance with the statutory time-table.

## **1.4 THE ANNUAL STATEMENT OF ACCOUNTS**

The PCC's and the CC's CFOs have the responsibility of preparing the respective Annual Statement of Accounts and Annual Governance Statements in accordance with the requirements of the Code of Practice on Local Authority Accounting in the United Kingdom. The accounts will comprise separate statements for the PCC and the CC as well as a set of group accounts.

The CC's CFO will comply with accounting guidance provided by the PCC's CFO and will supply within a reasonable time-scale all financial and accounting information needed to allow him/her to meet all relevant statutory requirements.

The Audit Committee is responsible for scrutinising the Annual Statement of Accounts and recommending that the PCC formally approves them.

Annual Statement of Accounts is subject to External Audit scrutiny and sign-off.

The PCC and CC are responsible for approving their respective final Annual Statement of Accounts.

The PCC is responsible for approving the group Statement of Accounts.

The PCC's CFO will publish the approved and audited accounts of the PCC Group each year in accordance with the statutory time-table.

## **2. FINANCIAL PLANNING**

### **2.1 POLICY FRAMEWORK**

The PCC in consultation with the CC, other relevant partners and key stakeholders, is responsible for agreeing the financial policy framework, budget and precept. In terms of financial planning, the key elements are:

- the Police & Crime Plan, which the PCC is required to submit to the Police & Crime Panel covering the time period up to the next PCC election. Plus any amendments which the PCC makes to the Plan during that period, which also have to be submitted to the Police & Crime Panel.
- a Medium Term Financial Plan
- the Revenue Budget
- the Capital Programme

## **2.2 PREPARATION OF THE POLICE & CRIME PLAN**

The PCC is responsible for the preparation of the Police & Crime Plan. The PCC must consult with the Chief Constable on its development and the Chief Constable must have due regard to the Plan once agreed. The Plan must also be informed by an understanding of local need. It must include:

- The PCC's police and crime objectives for the area
- The policing of the police area which the CC is to provide as set out in the CC's Operational Policing Plan
- The financial and other resources which the PCC is to provide to the CC
- The means by which the CC will report to the PCC on the provision of policing
- The means by which the CC's performance in providing policing will be measured and
- The specific grants which the PCC is to make and the conditions (if any) of those grants.
- The Police and Crime Plan (and any variations to the plan) will be presented to the Police and Crime Panel for review.

## **2.3 BUDGETING**

### **2.3.1 BUDGET FORMAT**

The general format and approach to setting the revenue budget and capital programme must be approved by the PCC's CFO and must comply with all legal requirements and with the latest guidance issued by CIPFA. Proposed budgets should include the sums allocated to different services and projects, levels of grant income and proposed precept levels and contingency and reserve funds.

### **2.3.2 BUDGET PREPARATION GUIDANCE**

The PCC's CFO and the CC's CFO will issue guidance on budget preparation to the appropriate officers and staff within Surrey/Sussex Police to take account of

- Legal requirements.
- Medium term financial plan
- Policing Plan.
- Operational requirements of the Chief Constable.
- Efficiency plans.
- Relevant government guide lines.

### **2.3.3 BUDGET & CAPITAL PROGRAMME PREPARATION**

The CC's CFO is responsible for ensuring that CC budget proposals are properly prepared in accordance with requirements agreed with the PCC's CFO.

The PCC's CFO is responsible for ensuring that the PCC's budget is compiled and properly combined with the CC's revenue and capital budgets to produce a group budget that complies with all statutory requirements, before it is presented for approval to the PCC.

The PCC will be advised by her/his CFO on the appropriate level of general balances, earmarked reserves and provisions to be held and the prudential indicators arising from the application of the Prudential Code of Capital Finance in Local Authorities to the proposed revenue and capital budget.

The PCC will be advised by his/her CFO on the most appropriate level of revenue support and appropriate levels of borrowing to support the capital programme, in line with requirements of the Prudential Code.

It is the responsibility of the two CFOs to ensure that the estimates contained within the budget are realistic and prudent and subject to risk assessment.

The PCC proposed budget will be presented to the Police & Crime Panel in support of the Precept Proposal being put forward by the PCC.

Following completion of the Police & Crime Panel's scrutiny process for reviewing the PCC's Precept Proposal (which will by implication enable the PCC to approve the Revenue and Capital Budget), the PCC's CFO will issue to the billing authorities the statutory Precept Notice.

The CC in consultation with his/her CFO is then responsible for issuing guidance on the general content of the budget within the Force, as soon as possible following the issue of the statutory Precept Notice.

#### **2.3.4 PREPARATION OF A MEDIUM TERM FINANCIAL PLAN**

The PCC and CC share a responsibility to provide effective financial and budget planning for the short, medium and long term. This objective is achieved by preparing a medium term financial plan made up of at least three year estimates of revenue and capital expenditure and income, efficiency and improvement savings plans, reserves and balances and risk assessments. This must contain:

- plans that reflect the PCC's consultations with not only the CC, but also other relevant partners and key stakeholders.
- plans for the development of services and the priorities for the allocation of both capital and revenue resources between services that reflect the strategic direction outlined in the Police and Crime Plan.
- the financial effects of all known commitments together with any other proposals for changes to levels of existing services, or the introduction of new services.
- take account of the funding available from central government and other sources and balance the need for expenditure against the impact that proposed plans will have on the local Council Tax payer.
- a range of alternative financial planning scenarios (optimistic, likely, pessimistic) based on assessed financial risk.
- budget planning assumptions

### **2.3.5 BUDGET MONITORING AND CONTROL**

The PCC's CFO and CC's CFO will agree an annual timetable for reporting of PCC, CC and combined budgets to the PCC and CC.

The CC's CFO is responsible for ensuring that regular and appropriate financial information is provided to the PCC's Office, to enable both revenue budgets and the capital programme to be monitored effectively throughout the year.

It is the CC's responsibility to ensure that each element of expenditure and income has a nominated budget manager to take responsibility for that part of the budget, thereby ensuring that income and expenditure is properly monitored and controlled and that appropriate action is taken to avoid the approved budget and capital programme allocations being exceeded. Any issues identified which might lead to expenditure exceeding the budget for the year should be reported to the PCC's CFO and form part of regular reporting.

The CC's CFO can approve business cases for new revenue expenditure below £500,000 with the exception of expenditure proposals of an exceptional nature, which will be determined in consultation with the PCC's CFO and Chief Executive.

The specific additional requirements for control and reporting on capital expenditure are set out in section 2.3.9 below.

### **2.3.6 VARIATIONS TO APPROVED CAPITAL AND REVENUE BUDGETS (VIREMENTS)**

Virements are intended to enable the CC to manage budgets flexibly within the overall policy framework determined by the PCC and, therefore to provide the opportunity to optimise the use of resources to emerging needs.

The CC is only required to refer back to the PCC when a proposed virement would change the overall policy framework determined by the PCC, where a revenue virement might create a future year or continuing commitment, or exceeds the level set below. It must be noted that while revenue funds can be vired to cover capital expenditure, revenue expenditure can only be funded from revenue funds.

The Chief Constable's CFO may transfer or move budgets between budget headings, on a permanent or temporary basis up to a value of £500,000, notifying the PCC through the agreed financial and budget reporting process. All proposed virements outside this limit must be reported to the PCC's CFO for approval by the PCC.

### **2.3.7 OUT-TURN REPORTING**

The CC's CFO will report on the outturn of income and expenditure to the PCC's CFO as soon as practicable after the end of the financial year.

The PCC's CFO and CC's CFO will prepare out-turn reports for approval of the PCC and CC within 2 months following the end of the financial year. The outturn report by the PCC's CFO and CC's CFO will recommend for PCC approval the use or transfer of any surplus or deficit on revenue and capital budgets in line with the Reserves Policy.

### **2.3.8 CAPITAL EXPENDITURE**

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and may create financial commitments in the form of financing costs and revenue running costs.

Surrey/Sussex Police are able to undertake capital investment providing the spending plans are affordable, prudent and sustainable. Capital plans should be prepared in accordance with CIPFA's Prudential Code.

The Capital programme is linked to the approved financial strategy and will be developed in line with requirements for budget preparation and medium term financial planning set out in Section 2.3.3 and 2.3.4.

The total amount available to fund capital expenditure in any year is determined by the PCC who will take account of the available capital resources i.e. capital grants, capital receipts, loans and under spending carried forward from the previous year.

Before commencement of any capital scheme a business case must be prepared in format to be agreed by the PCC's CFO and CC's CFO and include estimates and profile of capital expenditure, any financing costs, and on-revenue running costs. Approval of business cases is subject to funding being agreed within the capital programme or transferred from revenue budget.

The CC's CFO can approve business cases for capital expenditure below £500,000 with the exception of expenditure proposals of an exceptional nature, to be determined in consultation with PCC's CFO and Chief Executive.

The virement of capital scheme budgets within the approved capital programme may be approved by the CC's CFO in line with limits set out in virements section 2.3.6.

Expenditure incurred on approved projects will be reported to the PCC as part of the normal financial capital reporting process. Where predicted or actual expenditure on projects varies (up or down) from approved budget by more than 10%, an explanation of the variance will be provided by the CC's CFO as part of regular financial reporting during the year.

The overall approved capital budget for the financial year may not be exceeded without prior approval of the PCC.

## 2.4 PROPERTY/PREMISES LEASES

### Introduction

Leases and hire purchase contracts enable the PCC to obtain the right to use or purchase assets without the burden of formal ownership. Accounting standards classify leases into two types – finance and operating leases – both of which are accounted for quite differently:-

### Operating leases

Involve the lessee paying a rental for the hire of an asset for a period of time, normally substantially less than its useful economic life. The lessor retains most of the risks and rewards of ownership of the asset. All rental payments associated with such leases must be classified as revenue expenditure and charged to the Income and Expenditure Account.

### Finance leases

These usually involve payment by the lessee to the lessor of the full cost of the asset (i.e. a principal payment) plus interest. The lessee has substantially all the risks and rewards associated with the ownership of the asset, other than legal title. The accounting treatment of a finance lease is more complex: The lease payment must be split into its component elements of principal and interest. All interest payments must be classified as revenue expenditure and charged to the Income and Expenditure Account, but the principal payments can be treated as capital expenditure.

It **cannot** be assumed that lease payments relating to property or premises can automatically be treated as capital expenditure, as the PCC must account for all leases in accordance with accounting standards. All proposed property leases need to be fully assessed prior to the lease being signed, so that they can be correctly classified and the likely on-going financial implications to the revenue budget and capital programme accurately assessed in advance. Otherwise, there is a risk that the PCC will be exposed to significant unplanned costs, to which the PCC is contractually committed for the period of the lease.

All applications for leases will be compliant with the latest version of these financial regulations which take precedence should there be a conflict with any other regulations regarding lease tests.

### Lease Classification

In order to classify a lease and accurately quantify the on-going financial and accounting implications, all potential property leases must be assessed by the Force's Financial Accounting team prior to the lease being signed.

The Force's Financial Accounting team will undertake a simple financial test and consider the terms of the proposed lease against a checklist, in order to decide

whether the lease should be classified as an operating or a finance lease. To complete this process, the Force's Financial Accounting Team requires the following information:

- Proposed lease payment per annum.
- Proposed lease term – including, if applicable, details of any break points where the lease could either be terminated or extended.
- Estimated purchase price of an equivalent asset – it is extremely important that these estimates can be substantiated, and all estimates should be based on professional advice.
- Proposed terms and conditions of the lease – if available a draft copy of the lease should be sent to the Financial Accounting Team. In particular, details of associated property costs (e.g. buildings insurance and maintenance costs, utility costs, service charges) and whether the lessor or the PCC will be responsible for such costs once the lease is signed.
- Contact details of a named individual – the Financial Accounting team may need to discuss the proposed lease, or request further information.

In order to request a lease test, please contact Financial Accounting. The proposed lease will then be assessed, and the results fed back to the originating department as soon as possible.

The CC's CFO may acquire freeholds up to £500,000 and leaseholds with a contract rental value of up to £500,000 over the lifetime of the lease, in the name of the Police and Crime Commissioner.

The CC's CFO may approve all requests to grant a lease with a total contract value up to £500,000 over the lifetime of the lease

## **2.5 MAINTENANCE OF BALANCES AND RESERVES**

The PCC should establish a policy on reserves in consultation with the CC. The PCC will be advised on the reasonable level of reserves that should be maintained by his/her CFO. All Reserves are held by the PCC, but a reasonable operational reserve should be available for use by the Chief Constable to cover operational delivery risks.

The PCC's CFO and CC's CFO will formally review and recommend a Reserves Policy to the PCC for approval annually prior to approval of the revenue and capital budget.

## **3. MANAGEMENT OF RISKS AND RESOURCES**

### **3.1 INTRODUCTION**

It is essential that robust integrated systems are developed and maintained for identifying and evaluating all significant risks to the PCC and the CC. This should

include the proactive participation of all those associated with planning and delivering policing services.

### **3.2 RISK MANAGEMENT**

The PCC and the CC are jointly responsible for approving the risk management policy statement and strategy, and for reviewing the effectiveness of risk management. The CC is also responsible for implementing on an on-going basis the risk management strategy and for promoting a risk aware culture throughout the Force, including the identification of business continuity plans in the event of an unexpected disaster. The CE is similarly responsible for implementing a risk management strategy in respect of the PCC's Office.

### **3.3 INSURANCE**

The PCC will be advised on appropriate arrangements for insurance by his/her CFO, who will determine the appropriateness of using commercial insurance to cover identified risks in conjunction with the CC's CFO. The PCC's CFO will arrange for actuarial reviews to be taken as required. The CC's CFO will be responsible for ensuring that claims against insurance policies are promptly made.

### **3.4 INTERNAL CONTROL**

Internal control refers to the systems of control devised by management to help ensure that the PCC's and CC's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that their assets and interests are safeguarded.

The PCC's CFO, in conjunction with the CC's CFO, is responsible for advising on and implementing effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with statute.

It is the responsibility of the CC, with advice from the CC's CFO, to establish sound arrangements to achieve continuous improvement, economy, efficiency and effectiveness and for achieving financial performance targets.

The 'Review of Effectiveness' section of the Annual Governance Statement considers the effectiveness of the system of internal control. In Surrey this section is informed by all senior colleagues, such as Heads of Profession and Strand Commanders, signing an annual Management Assurance Statement. In so doing, managers are confirming that – to the best of their knowledge – they are satisfied

that controls have been operating effectively during the year across their areas of responsibility and that there are no control breakdowns of which they are aware. Considering the content of the Management Assurance Statements plus that of the overarching Annual Governance Statements, together with the work of the internal and external auditors and HMIC reviews, provides sufficient evidence of good governance.

In Sussex, the 'Review of Effectiveness' section of the Annual Governance Statement (AGS) section is informed by all senior colleagues, including Heads of Profession who confirm that controls have operated effectively during the year and that actions identified in the Annual Governance Statement for the previous financial year have been completed. The 'Review of Effectiveness' section of the AGS follows the six principles identified in the revised CIPFA "Delivering Good Governance in Local Government: Guidance Note for Police 2012". The Force Organisation Reassurance Board considers the information from the review of Annual Governance, together with the work of the internal and external auditors and HMIC reviews, to ensure sufficient evidence of good governance.

### **3.5 INTERNAL AUDIT REQUIREMENTS**

The Accounts and Audit Regulations 2011 require that the PCC and the CC arrange for an effective internal audit of their affairs. The regulations state that relevant bodies must maintain adequate and effective systems of internal audit of its accounting records and of its system of internal control. The guidance accompanying the legislation states that proper internal control practices for internal audit are those contained in the CIPFA Code of Practice. In fulfilling this requirement the PCC and CC should have regard to the Code of Practice for Internal Audit in Local Government in the United Kingdom issued by CIPFA. In addition, the Statement on the Role of the Head of Internal Audit in Public Service Organisations issued by CIPFA sets out best practice and should be used to assess arrangements to drive up audit quality and governance arrangements.

In addition to enabling the PCC and the CC to fulfil their requirements in relation to the relevant Accounts and Audit Regulations, Internal Audit is needed:

- to satisfy the PCC and the CC that effective internal control systems are in place; and
- to satisfy the external auditor that financial systems and internal controls are effective and that the Police Fund is managed so as to secure value for money.

It will be the responsibility of the two CFOs to ensure that an adequate and effective internal service is provided and it is the responsibility of the PCC and the CC to ensure that the internal auditors have access to all assets, records, documents, correspondence, control systems and appropriate personnel as well as having the right to access all Police premises, subject only to security clearance.

The Joint Audit Committee will advise and make recommendations to the PCC and CC on the adequacy of the internal audit.

The Chief Internal Auditor will prepare an internal audit plan, which will be developed in consultation with the two CFOs before being submitted to the Audit Committee for endorsement. Progress in completing the plan will be reported to each Audit Committee meeting, together with a report on matters arising from completed audits and the extent to which action has been taken in response to issues raised in those reports.

The Chief Internal Auditor will present an annual report to the Audit Committee which will include an opinion on the reliance that may be placed on the internal control framework.

The PCC and CC are required to respond promptly to weaknesses, issues and recommendations in audit reports and ensure that all critical or significant actions arising from the audit are carried out in accordance with the agreed action plan included in each internal audit report. The CC's CFO must ensure that the introduction of new systems for maintaining financial records or records of assets, or significant changes to existing systems, are discussed with and agreed by the PCC's CFO and internal audit prior to implementation.

The CC's CFO must notify the PCC's CFO immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of Police property or resources. Pending investigation and reporting, the CC should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration. Investigation of internal financial irregularities shall normally be carried out by the Professional Standards Department, who will inform the Chief Constable and will consult with the Head of Internal Audit as appropriate and keep him/her informed of progress. At the conclusion of the investigation the Head of Internal Audit shall review the case to identify any internal control weaknesses that allowed the financial irregularity to happen and shall make recommendations to ensure that the risk of recurrence is minimised.

### **3.6 EXTERNAL AUDIT**

Both the PCC and the CC will, from time to time, be subject to audit, inspection or investigation by external bodies such as the External Auditors, HMIC and HM Revenue and Customs, who have statutory rights of access to all documents, facilities and information necessary for audit and inspection purposes.

The Audit Commission is responsible for appointing the external auditor, who will audit both the PCC's Office and the Force and will carry out his/her functions in accordance with the Code of Audit Practice, which sets out the auditors objectives to review and report upon:-

- the financial aspects of the audited body's corporate governance arrangements.

- the audited body's financial statements.
- aspects of the audited body's arrangements to secure Value for Money.

In auditing the annual accounts the external auditor must ensure that:

- the accounts are prepared in accordance with all relevant guidance and statutory regulations
- that proper accounting practices have been observed in the compilation of the accounts
- that proper arrangements have been made for securing economy, efficiency and effectiveness

The PCC and the CC will be expected to respond to issues arising out of the external audit and to account to the Audit Committee for having implemented agreed actions within a reasonable time frame.

### **3.7 PREVENTING FRAUD AND CORRUPTION**

The PCC and the CC have a responsibility for the development and maintenance of an Anti-Fraud and Anti-Corruption strategy which applies to all staff under their operational control.

The strategy should be designed to prevent and detect fraud and corruption and identify a clear pathway for investigation and remedial action. It must be based on a series of inter related procedures covering culture, prevention, the internal control system and training on detection and investigation.

The PCC and the CC and their respective staff must declare any pecuniary interests in contracts and must not accept fees or rewards other than by proper remuneration. Any hospitality or gifts received on behalf of the Force or PCC's Office must be properly recorded in detail in their respective Register of Hospitality and Gifts.

The PCC and CC will maintain a whistle blowing policy that will enable members of their respective staffs, contractors and members of the general public to make allegations of fraud, misuse and corruption in confidence and without recrimination, to an independent contact. The policy will ensure that allegations are properly investigated as to their validity, to ensure that they are not malicious and that the appropriate action is then taken to address any valid concerns identified. All employees must be made aware of the policy.

### **3.8 ASSETS**

Ownership and funding of all Police assets (land, property, vehicles, equipment, furniture and other items) rests with the PCC, but the CC is responsible for the direction and control of the Force and will therefore have day to day management of all assets used by the Force.

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

The CC's CFO may approve acquisition of freeholds and leaseholds in the name of the Police and Crime Commissioner, up to £500,000 in line with the approved Estates Strategy.

In planning the annual budget and developing the Medium Term Financial Plan, the PCC will consult with the CC in order to ensure a full assessment of the assets and human resources required to meet operational needs.

The CC is responsible for maintaining an up to date Asset Register that will record sufficient detail to allow sound asset management and proper fixed asset accounting to take place.

It is also the responsibility of the CC to physically safeguard all Police assets and to ensure that contingency plans are in place for the security of assets and continuity of service in the event of a disaster or major systems failure.

The CC must ensure that the title to all Police land and buildings is properly recorded at the Land Registry.

Assets no longer required are to be disposed of at best value or if of no further economic value, to be written off in line with authorities and limits set out in Asset Disposal section 3.8.4.

The CC's CFO may let temporarily surplus police houses.

All assets are depreciated except land, assets in the course of construction and, under IFRS, assets held for sale.

Land and buildings are to be recorded in the accounts at current cost (fair value), while all other fixed assets are to be valued at historic cost.

### **3.8.1 VALUATION**

The CC's CFO must maintain an asset register for all fixed items with a value in excess of the limits shown below, in a form approved by the PCC's CFO. Assets are to be recorded when they are acquired by Surrey or Sussex Police. Assets shall remain on the register until disposal. Assets are to be valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom and the requirements specified by the PCC's CFO.

*Land & Buildings*

*£50,000*

## NOT PROTECTIVELY MARKED

<i>Vehicles</i>	<i>£10,000</i>
<i>ICT hardware</i>	<i>£10,000</i>
<i>Plant &amp; Equipment</i>	<i>£10,000</i>

### **Revaluations**

Land & buildings are assessed for value by external experts on a rolling five year basis.

### **Assets under construction (AUC)**

AUCs are valued at historic cost and are not depreciated until the year after they are fully completed when they are transferred to the appropriate fixed asset category and valued as described above.

AUCs are controlled by the Financial Accounting Team who will conduct a full annual review.

### **Assets held for sale (surplus assets)**

Under IFRS assets classified as held for sale are not depreciated and are valued at the lower of the carrying value or fair value (market value) less cost to sell.

### **Depreciation**

All assets that are subject to depreciation are depreciated on a straight-line basis commencing in the month after capitalisation. Although depreciation is calculated on the estimated life of the specific individual asset concerned, the approximate average depreciation periods are as follows:

- Buildings - 25 Years
- Equipment - 5 Years
- Vehicles - 5 Years
- Intangibles – 3 Years

## **3.8.2 INVENTORIES**

The CC's CFO should keep a register of all property and major assets owned by the PCC or leased by him/her showing a current value in excess of £50,000

The CC's CFO should ensure that inventories are maintained in a format that records an adequate description of items with a value in excess of £500 by the 31<sup>st</sup> March 2015. Other items of equipment should also be recorded if they are deemed to be both desirable and portable. The format of inventories will be in accordance with Financial Instructions.

Assets valued below the threshold of £500 are recorded separately on spreadsheets/databases. These include mobile phones, equipment used in covert operations and ICT equipment.

## **3.8.3 INTELLECTUAL PROPERTY**

Any intellectual property created by an officer or member of staff of the PCC or the CC during the course of their employment is deemed to belong to the PCC or CC and not the officer or member of staff. Examples of intellectual property are the creation of specific pieces of computer software, particular inventions or written solutions to managerial or operational problems.

In the event that the PCC or CC decides to commercially exploit intellectual property, matters should only proceed after taking appropriate legal advice to ensure that the PCC or CC's rights in the intellectual property are properly protected by patents for example.

The PCC's CFO & the CC's CFO must ensure that the accounting arrangements to be adopted relating to Intellectual Property Rights are satisfactory and appropriate. The PCC's CE must be consulted as to the overall governance arrangements and legal issues when Intellectual Property Rights are a component of proposed agreements with external bodies.

#### **3.8.4 ASSET DISPOSAL**

The CC's CFO may dispose of all properties with an estimated value of £500,000 or above, which have previously been approved by the Police and Crime Commissioner when the property is being disposed of to the highest bidder and the price equals or exceeds the agreed estimate. The Police and Crime Commissioner must be notified of this disposal in writing.

The CC's CFO may approve the disposal of Force goods under £10,000 that are deemed surplus to requirements or obsolete.

Disposal of goods over £10,000 will require the approval of the PCC's CFO.

### **3.9 TREASURY MANAGEMENT**

The PCC will ensure that the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (The Code) are adopted.

The PCC will approve the Annual Treasury Management Policy, which will state the policies and objectives and approach to risk management of its treasury management activities.

The PCC will create and maintain, as the cornerstones for effective treasury management:

- A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;

- Suitable Treasury Management Practices (TMPs) setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- An annual Investment Strategy setting out the approach to investment and borrowing

The approved policies and practices will be submitted to the Audit Committee for review on an annual basis. The Audit Committee will be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

The PCC's CFO will implement and monitor treasury management policies and practices in line with the CIPFA Code and other professional guidance.

The PCC's CFO will prepare treasury management reports for the PCC on policies, practices and activities, including as a minimum, an annual strategy, a mid-year monitoring report and an annual report.

The PCC's CFO will ensure that all borrowings and investments are made in compliance with the CIPFA code and in the name of the PCC.

### **3.10 CASH AND BANKING**

The PCC's CFO has overall responsibility for banking arrangements and is the only individual with authority to open and close bank accounts.

The PCC's CFO must produce in consultation with the CC's CFO a policy on the maintenance of bank accounts, which as a minimum will include the following requirements:-

- all bank accounts to be reconciled on a monthly basis.
- receipts to be issued for all cash seized or obtained by other means.
- all cash held prior to banking to be retained in a secure safe.
- all cash to be banked within 7 working days of the receipt, unless it needs to be retained for evidence or sent for destruction due to contamination in which case the destruction must be authorised by the PCC's CFO on the basis of information supplied by the CC's CFO.
- All bank mandates are to be reviewed and updated annually.
- Clear instructions are to be maintained and issued to all personnel who handle cash.

The PCC's CFO and the CC's CFO will jointly prepare detailed financial instructions for dealing with petty cash and these shall be issued to the appropriate officers and staff.

The petty cash system provides appropriate officers and staff with the cash, bank imprests or pre-paid cash cards to meet minor expenditure. The two CFOs will jointly determine reasonable petty cash limits and ensure that a record is maintained of all transactions and petty cash advances made, and periodically review the arrangements for the safe custody and control of these advances.

### **3.11 MONEY LAUNDERING**

To be alert to the possibility that forces might become the subject of an attempted money laundering transaction, suspicious cash deposits in any currency in excess of £12,000 (or equivalent) should be reported to the Serious Organised Crime Agency (SOCA).

The PCC's CFO is the nominated Money Laundering Reporting Officer and will decide whether a particular transaction gives rise to a suspicion or concern that should be reported to SOCA.

The PCC's CFO & the CC's CFO have a responsibility to ensure that within their respective corporations they undertake appropriate checks to ensure that all new suppliers and counterparties are bona fide.

There is a duty on all officers and staff of the PCC and CC to inform the PCC's CFO if they receive information which may result in them knowing or having reasonable grounds for knowing or suspecting money laundering, fraud or use of the proceeds of crime.

### **3.12 ADMINISTRATION OF EVIDENTIAL & NON-EVIDENTIAL PROPERTY**

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

The CC will determine procedures for the safekeeping of the private property of a person, other than a member of staff, under his guardianship or supervision and ensure that these procedures are drawn to the attention of all appropriate officers and members of staff.

There is a duty on all officers and staff to notify the CC in the case of loss or diminution in the value of such private property.

### **3.13 TRUST FUNDS**

Trust Funds have a formal legal status governed by a Deed of Trust. Employees and police officers acting as trustees must ensure that they are conversant with the requirements of the Trust Deed and the law and comply fully with them.

No employee shall open a trust fund without the specific approval of the Chief Constable and PCC's CFO in consultation with the PCC

## **4. FINANCIAL SYSTEMS AND PROCEDURES**

### **4.1 INTRODUCTION**

The PCC's CFO & the CC's CFO have a statutory responsibility to ensure that the financial systems used by both the PCC and CC are sound, are populated with accurate data, are well administered and contain controls that ensure that transactions are properly processed and errors detected promptly.

The CC through his/her CFO is responsible for operating accounting systems, which must be kept in a form approved by the PCC's CFO in order to allow the PCC's CFO to meet his/her statutory obligation to compile the PCC Group Accounts.

The CC's CFO is responsible for ensuring that a complete audit trail is maintained that allows for all financial transactions to be traced from the accounting records to the original document and vice versa.

The CC must ensure officers and staff using any financial system or procedure receive relevant and appropriate financial training that has been approved by the CC's CFO.

The PCC must ensure that all PCC staff receives relevant financial training that has been approved by the PCC's CFO.

The CC's CFO must ensure that there is a documented and tested business continuity plan to allow key system processing to resume quickly in the event of an interruption. Effective contingency arrangements, including back up procedures, are to be in place to deal with any failure in the computer systems.

### **4.2 INCOME**

The PCC and CC should adopt the ACPO national charging policies and national guidance when applying charges under Section 25 of the Police Act 1996 and bear in mind that the purpose of charging for special services is that those using them should normally pay for them.

The CC's CFO should agree a charging policy for the supply of goods and services, including the appropriate charging of VAT and to review it in line with corporate policies. All charges should be on a full cost recovery basis except where regulations require otherwise, and income fully recovered and banked promptly.

The writing off of bad debt can be authorised by either the PCC's CFO or the CC's CFO in respect of their own corporations up to a value of £10,000 in individual bad debt cases and £25,000 cumulatively in any one financial year. For write off of bad debts of individually more than £10,000 and cumulatively not more than £50,000 in any one financial year, both CFOs are required to authorise. In Surrey, The Audit Committee should be presented with an annual schedule of all debts written off and will approve where appropriate the writing off of debts in excess of the CFOs delegated authority. In Sussex, the PCC will approve where appropriate the writing off of debts in excess of the CFOs delegated authority. This is due to a variation in the terms of reference of the respective Audit Committees in Surrey and Sussex.

#### **4.3 PAYMENTS TO EMPLOYEES**

The CC through the CC's CFO is responsible for all payments of salaries and wages to all employees, including payments for overtime and allowances.

The PCC's CE is responsible for ensuring that all officers and staff working for the PCC are correctly paid all allowances, salaries and wages to which they are entitled.

Payroll transactions shall only be processed through the payroll system and payments to individuals employed on a self-employed consultant or subcontract basis, shall only be made in accordance with HM Revenue & Custom's (HMRC) requirements. If in doubt about the status of an individual to whom payments are to be made advice should be sought from HMRC.

#### **4.4 TAXATION**

Both CFOs have a responsibility to advise the PCC and the CC respectively on all taxation issues.

The CC through the CC's CFO is responsible for maintaining the tax records and for directing that all tax payments that fall due are processed, all tax credits are received and tax returns submitted by their due date.

#### **4.5 ORDERING & PAYING FOR WORK, GOODS AND SERVICES**

All orders for the supply of Work, Goods and Services must comply with Contract Standing Orders.

Individual external purchases shall not be made without the prior authorisation of the Head of the Joint Procurement Service, where the work, goods and services are available through the Supplies Department, established contracts or approved suppliers.

A Purchase Order must be issued prior to any works, goods or services being supplied with the exception of where such works, goods or services are being purchased via the Government Procurement Card (GPC). There are no circumstances in which it is permitted to raise an official order or use a Government Procurement Card for personal or private purchases.

Officers and staff should declare any links or personal interests that they may have with purchasers, suppliers and contractors if they are engaged in contractual or purchasing decisions on behalf of Surrey and Sussex Police and will be disqualified from taking part in the selection process of a supplier or contract with which they are connected.

The Head of the Joint Procurement Service will issue guidance and instructions to staff on the procurement process. Key requirements are:

#### **4.6 PURCHASE CARDS AND EXPENSES**

Purchase cards, are usually issued to staff who regularly order goods and services, with the aim of reducing the transaction costs associated with processing high volume low value transactions. Additionally, purchase cards are issued to senior staff and police officers (equivalent to Chief Superintendent and above) to allow them to pay for personal expenses necessarily and exclusively incurred while carrying out official police business. Under no circumstances should a Purchase Card be used to pay for any personal expenses that are not incurred as a direct result of carrying out official police business.

Holders of purchasing cards will be responsible for ordering and paying for goods and services in accordance with Contact Standing Orders and procedures laid down by the CC's CFO.

#### **4.7 COMPENSATION AND EX GRATIA PAYMENTS**

The CC's ACO (in Surrey) or the CC's Director of HR (in Sussex) may approve the financial settlement of claims or requests for compensation felt to be non-significant if the compensation to be paid is £50,000 or less (to include multiple or linked claims/claimants) except in the case of accident claims where the threshold will be £200,000 or less. Claims will be considered non-significant if:-

- they do not involve a high profile claimant including Association of Chief Police Officer (ACPO) rank police officers
- there is no particular public interest in the case

- there is no real risk that the Police and Crime Commissioner or the Chief Constable will be exposed to serious public criticism, or serious weaknesses in the organisation's policies and procedures will be revealed.
- it is not in the nature of a test case.

An ex gratia payment is a payment made in circumstances where there is no legal obligation to make such a payment. An example of an ex gratia payment would be where a police officer were recompensed for damage done to personal property in the execution of his/her duty or to a member of the public for providing assistance to a police officer in the execution of his/her duty.

The CC's ACO (in Surrey) or the CC's Director of HR (in Sussex) may authorise ex-gratia payments up to the value of £5,000. The PCC must authorise payments of over £5,000. Any claims beyond £7,500 should only be made by the PCC after taking legal advice.

#### **4.8 GIFTS, LOANS & SPONSORSHIP**

The PCC's CFO & the CC's CFO are responsible for ensuring that all gifts of money, gifts or loans of other property, including sponsorship, which are received by the PCC or the CC or their officers or staff, are properly recorded in the financial statements. As a general rule officers and staff may only accept gifts of low intrinsic value.

The PCC or the CC may accept gifts, loans and sponsorship from any source which has genuine and well-intentioned reasons for wishing to support specific police projects. In return the provider may expect some publicity or other acknowledgement, such as displaying an organisation's name or logo. This is acceptable provided that it does not dominate or detract from the purpose of the supported project.

The CC must refer all gifts, loans and sponsorship above £50,000 to the PCC for approval before they are accepted.

Gifts and loans and sponsorship should not be accepted where there is a risk of offending the integrity or propriety of the police.

Priority shall be given to meeting the needs of the PCC or Police rather than those of any sponsor and care should be taken to avoid association with inappropriate sponsors, giving the impression that sponsors have accrued a commercial advantage, entering into projects of dubious or limited benefit and allowing unacceptable conditions to be attached to sponsorships.

The total value of gifts, loans and sponsorship accepted should not exceed a maximum equivalent value of 1% of the Force annual Net Budget Requirement.

Both CFOs must ensure that registers for the Office of the PCC and the Force are maintained which respectively record, all gifts of money, gifts or loans of other property, including sponsorship.

#### **4.9 HOSPITALITY**

No expenditure on alcohol is permitted in external hospitality situations. All hospitality received should be reasonable in nature and clearly related to work activity.

### **5. EXTERNAL ARRANGEMENTS**

#### **5.1 JOINT WORKING ARRANGEMENTS**

Public bodies are increasingly encouraged to provide seamless service delivery through working closely with other public bodies, local authorities, agencies and private sector providers.

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

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

##### **5.1.1 PARTNERSHIPS**

The PCC and the CC provide distinctive leadership roles within the community to make Surrey and Sussex safer through effective and efficient delivery of the right police services for the county. This role can be enhanced through working in successful partnership with other organisations.

Partnerships typically fall into three main categories: Statutory (e.g. Community Safety Partnerships, Local Strategic Partnerships), Strategic (partnerships set up to deliver core policing objectives), and Ad-hoc (locally based informal arrangements agreed by local senior police officers).

Under Section 10 of the Police Reform and Social Responsibility Act 2011, the PCC is given the responsibility for co-operative working. This allows, within the constraints of the relevant funding streams, the PCC to pool funding as they and their local partners deem appropriate. The PCC can commission services or award grants to organisations or bodies that they consider will support their community safety priorities in accordance with their Police and Crime Plan. They may do this individually or collectively with other local partners including non-policing bodies. The PCC must have regard to the relevant priorities of each responsible authority and take account of these when setting the Police & Crime Plan.

When the PCC commissions services, agreement is required on the shared priorities and outcomes expected to be delivered through the contract or grant agreement with each provider. Ring-fenced provision of crime and disorder grants is allowed in support of local priorities. The inclusion of detailed grant conditions directing local authorities how to spend funding need not be the default option. The power to make crime and disorder grants with conditions is contained in section 9 of the Police Reform and Social Responsibility Act 2011. The power to contract for services is set out in paragraph 14 of Schedule 1 and paragraph 7 of Schedule 3 to the Police Reform and Social Responsibility Act 2011.

The PCC has a responsibility to make appropriate arrangements to commission services from either the Force or external providers, following consultation with the CC. The PCC's CFO should be consulted as soon as possible so that advice can be given regarding appropriate accounting arrangements and correct taxation treatment.

It is important to ensure that risk management and project appraisals are in place to assess the viability – both on initiation and on an on-going basis – of all external arrangements and an exit strategy is prepared.

A Memorandum of Understanding (MOU) setting out appropriate governance for partnership projects should be drawn up and signed by the PCC's CE.

The PCC's CFO must report if financial expenditure exceeds the budget given to achieve the objectives set out in the Police & Crime Plan where services are commissioned within community initiatives,

### **5.1.2 CONSORTIUM ARRANGEMENTS**

A consortium is a long-term joint working arrangement with other bodies, operating with a formal legal structure approved by the PCC. Before such an arrangement is entered into, the PCC's CE will establish that the correct legal framework is being used to formalise the arrangement.

The PCC's CFO should be consulted as soon as possible so that advice can be given regarding the treatment of taxation and other accounting arrangements.

A fully costed business case must be produced showing the full economic benefits and associated risks that are foreseen as arising from participation in the consortium.

An MOU setting out appropriate governance for each proposed project should be drawn up and signed by the PCC's CE.

### **5.1.3 COLLABORATION**

Under sections 22A to 22C of the Police Act 1996 as amended by section 89 of the Police Reform and Social Responsibility Act 2011, CCs and PCCs have the legal power and duty to enter into collaboration agreements to improve the efficiency or effectiveness of one or more police forces or Police PCC's Offices. Any collaboration which relates to the functions of a police force must first be agreed with the CC of the force concerned.

The PCC shall hold the CC to account for any collaboration in which the Force is involved.

Any proposal for collaboration must be discussed with both the PCC's CFO and the CC's CFO.

## **5.2 FUNDS FROM EXTERNAL AGENCIES**

Funds from external agencies can and do provide additional resources to enable the CC to deliver his/her policing objectives. The main source of such funds will be specific government grants, additional contributions from local authorities (e.g. for ANPR, CCTV and additional PCSOs) and donations from third parties (e.g. towards capital expenditure).

It is the responsibility of the PCC's CFO & the CC's CFO to ensure that all funding notified by external bodies is received and properly accounted for and that all claims for funds are made by the due date and that any audit requirements specified in the funding agreement are met.

The CC must ensure that any conditions placed on the PCC or CC in relation to external funding are in accordance with the approved policies of the PCC. If there is a conflict this needs to be taken to the PCC for resolution.

## **5.3 WORK FOR EXTERNAL BODIES**

If the PCC or CC provides services to other bodies outside of its normal obligations, charges should be made e.g. training, special services etc. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is not ultra vires and that normal work is not compromised by providing services externally.

## NOT PROTECTIVELY MARKED

The CC's CFO should ensure that proposals for the provision of such services are properly costed, that no contract is subsidised by the Force and that, where possible, payment is received in advance of the delivery of the service, so that there is no risk from any liabilities such as bad debts.

The CC's CFO must ensure that appropriate insurance arrangements are in place and that all contracts are properly documented.

The CC's CFO may approve all agreements for provision of police services to other organisations with a value below £500,000. (This does not apply to the provision on mutual aid by the Chief Constable to another force under Section 24 of the Police Act 1996, or the provision of advice or assistance to international organisations under the Police Act 1996, which are operational matters. However these are subject to consultation with the Police and Crime Commissioner).

The submission of tenders for the supply of goods and/or services should be approved in line with Contract Standing Orders.

## **APPENDICES**

### **A. PROTOCOL BETWEEN THE CC & THE PCC'S CFO FOR FUNDING SPECIAL UNBUDGETED OPERATIONS**

Notwithstanding the normal arrangements for the creation of Gold Commands and the involvement of the PCC's Office, where the CC believes that necessary expenditure for an operational commitment will exceed the budget at the Force's disposal and therefore create a budget overspend, he/she will arrange a briefing for the PCC's CFO.

Subject to vetting clearance, this briefing may of necessity be limited to the financial consequences of the commitments being entered into. In deciding whether to arrange a briefing, the CC will make no assumption about the availability of special grant, from any source, or the availability of general reserves to support the operation.

In the light of the level of resources committed to the operation and the likely duration of the operation, the PCC's CFO will agree with the CC, in consultation with the PCC, how the financial commitment will be managed.

The CC will be responsible for ensuring that the operation is managed efficiently (including ensuring that the use of mutual aid and overtime will only be when such use is necessary and appropriate) and will brief the PCC's CFO and the PCC on these issues, including providing a risk assessment including the likely impact on the level of general reserves.

The CC will respond to any request made by the PCC's CFO and/or the PCC for information and will arrange for briefings to take place as necessary. The PCC's CFO will ensure that the requirements of the Local Government Finance Act 1988 are complied with and if this is not the case will, following consultation with the PCC's CE and the External Auditor, seek independent legal advice on the necessity to take action under the Act.

The CC will ensure that the costs of the operation are separately identified and that the CC's CFO highlights them when he/she submits the monthly revenue and capital monitoring reports to the PCC.

The PCC's CFO will ensure that Home Office officials are made aware of the situation at the earliest opportunity should it become likely that a financial claim for support will be made to the Home Office. In this case the PCC's CFO will in consultation with the CC's CFO to arrange for a special grant claim to be formulated and submitted to the Home Office, at the earliest opportunity.

The PCC's CFO will, as appropriate, brief the Audit Committee and External Auditor on the situation and of the steps being taken to ensure that the financial standing of the PCC and Surrey/Sussex Police Force is maintained.

**B. LIST OF KEY POLICIES AND FINANCIAL INSTRUCTIONS**

- Contract Standing Orders
- Procurement Procedures
- Reserves Policy
- Budget Preparation
- Budget Monitoring
- Capital Investment Approval
- Capital Accounting
- Banking and Imprest
- Asset Inventory
- Accounting policies
- Budget Management
- Grants claims and monitoring
- Income Generation and Charging
- Donations and Sponsorship from Members of the Public, Companies and other Bodies
- Asset Purchase and Disposal
- Invoicing and Debt Recovery
- Joint Working Relationship

NOT PROTECTIVELY MARKED

**C. SCHEDULE OF DELEGATED LIMITS**

		Limits	Responsibility	Ref
Virements		Up to £500,000	CC's CFO	2.3.6
		Over £500,000	PCC	
Property	Acquire Freeholds	Up to £500,000	CC's CFO	2.4
	Acquire Leaseholds	Contract rental value up to £500,000 over lifetime	CC's CFO	
	Grant Lease	Contract rental value up to £500,000 over lifetime	CC's CFO	
		Above CC's CFO delegated authority	PCC	
Asset Register	Land & Buildings	Over £50,000	CC's CFO	3.8.1
	Vehicles	Over £10,000	CC's CFO	
	ICT hardware	Over £10,000	CC's CFO	
	Plant & Equipment	Over £10,000	CC's CFO	
Asset Inventory		Over £500	CC's CFO	3.8.2
Asset Disposal		Up to £10,000	CC's CFO	3.8.4
		Over £10,000	PCC's CFO	
Money Laundering	Suspicious cash deposits	Over £12,000	PCC's CFO to report to SOCA	3.11
Gifts, Loans and Sponsorship		Up to £50,000	CC	4.8
		Over £50,000	PCC	
Write off bad debt		Up to £10,000 (individual cases) or up to £25,000 (cumulatively)	PCC's CFO or CC's CFO	4.2
		Over £10,000 (individual cases) or up to £50,000 (cumulatively)	Both CFO's	
		Above CFOs delegated authority	Audit Committee (Surrey) PCC (Sussex)	
Business Cases for revenue and capital Expenditure		Up to £500,000	CC's CFO	2.3.5
		Over £500,000	PCC	2.3.9 4.2
Compensation		Up to £50,000 and non-significant (Or up to £200,000 if accident claim)	Assistant Chief Officer (Surrey) Director of HR (Sussex)	4.7
Ex-Gratia		Up to £5,000	Assistant Chief Officer (Surrey) Director of	4.7
		Over £5,000	PCC	
		Over £7,500	PCC (seek legal advice)	
Provision of police services to other organisations		Up to £500,000	CC's CFO	5.3
		Over £500,000	PCC	

**D. POLICE OFFICER & POLICE STAFF CERTIFICATE OF COMPLIANCE**

THE FOLLOWING ARE THE SENIOR POLICE OFFICERS & POLICE STAFF WITHIN THE OFFICE OF THE POLICE & CRIME PCC FOR SURREY, THE OFFICE OF THE POLICE & CRIME PCC FOR SUSSEX OR WITHIN SURREY OR SUSSEX POLICE FORCES WITH PRIMARY RESPONSIBILITY FOR ENSURING THAT THE FINANCIAL REGULATIONS ARE PROPERLY UNDERSTOOD AND OBSERVED

<b>Key Post Holders</b>	
Chief Constables	Chief Supts – Specialist Crime
Deputy Chief Constables	Chief Supts – Operations
Assistant Chief Constables	Chief Supts - Divisions
Assistant Chief Officer - Support Services	Heads of PSD
Heads of Human Resources	Chief Constable’s Chief Finance Officer
Heads of ICT	Head of Strategic Change
Heads of Shared Services	Head of Contact & Deployment
PCC Chief Executive	PCC Chief Finance Officer

Each individual key post holder listed above is required, upon receipt of the Financial Regulations, to return within one month, a signed dated statement as follows.

**I confirm that I have received a copy of the PCC’s Financial Regulations and have read and familiarised myself with the contents. I will ensure that, within the area for which I have financial responsibility, the regulations will be complied with. I confirm that all members of my staff have been made aware of those regulations which impact on the activities that they carry out in pursuance of their employment with Surrey or Sussex Police, the Office of the Surrey PCC or the Office of the Sussex PCC.**

**Signed:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Post:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Return to:



**Sussex  
Police & Crime  
Commissioner**

**Office of the Police and Crime  
Commissioner for Surrey**

---

# **CONTRACT STANDING ORDERS**

**BETWEEN:**

**THE POLICE AND CRIME COMMISSIONER FOR SUSSEX ('the Commissioner'),**

**and**

**THE CHIEF CONSTABLE FOR SUSSEX POLICE ('the Chief Constable')**

**and between**

**THE POLICE AND CRIME COMMISSIONER FOR SURREY ('the Commissioner'),**

**and**

**THE CHIEF CONSTABLE FOR SURREY POLICE ('the Chief Constable')**

## CONTENTS

<u>DEFINITIONS</u> .....	3
<u>CONTRACT STANDING ORDER 1 – SCOPE OF ORDERS</u> .....	5
<u>SECTION 3 - EXEMPTIONS</u> .....	6
<u>SECTION 3 – THE PROCESSES</u> .....	7
<u>3.1 Process 1 (up to £500)</u> .....	8
<u>3.2 Process 2 (£500 - £5K)</u> .....	8
<u>3.3 Process 3 (£5K - £50K)</u> .....	8
<u>3.5 Process 4 (£50K Upwards)</u> .....	8
<u>3.6 Process 5 – Consultancies</u> .....	10
<u>3.7 Process 6 – Disposal of Assets</u> .....	11
<u>3.8 Process 7 – Contracts for the Supply of Goods and Services by Sussex / Surrey Police</u> .....	11
<u>SECTION 4 – ESSENTIAL CONDITIONS OF CONTRACT</u> .....	12
<u>SECTION 5 – FRAMEWORK AGREEMENTS / CALL OFF CONTRACTS</u> .....	13
<u>SECTION 6 – CONSORTIUM ARRANGEMENTS</u> .....	14
<u>SECTION 7 – CONTRACTS AND AGREEMENTS OF A COMPLEX OR UNUSUAL NATURE, CONTRACTS OF STRATEGIC IMPORTANCE</u> .....	15
<u>SECTION 8 – CONTRACT MANAGEMENT</u> .....	16
<u>SECTION 9 – CALCULATING CONTRACT VALUE</u> .....	17
<u>SECTION 10 – DECLARATION OF AN INTEREST IN A CONTRACT OR AN AGREEMENT, RECEIPT OF GIFTS BENEFITS AND/OR MONEY</u> .....	18
<u>SECTION 11 – CONTRACT REGISTER</u> .....	20
<u>SECTION 12 – BREACH OF CONTRACT STANDING ORDERS</u> .....	21
<u>APPENDIX I - THE PROCESS THAT SHOULD BE FOLLOWED WHEN SEEKING AN EXCEPTION TO CONTRACT STANDING ORDERS</u> .....	20
<u>APPENDIX II - CHOICE OF PROCUREMENT PROCEDURE</u> .....	22

## DOCUMENT APPROVAL & HISTORY

Sign - Off Authority	Role	Date	Signature
Surrey Joint Audit Committee	Assurance	24-3-14	
Author	Role	Dept	
Paul Bundy	Head of Finance	Finance & Services	
Contributors	Role	Contribution	
Ian Perkin	CFO Surrey PCC	Content and review	
John Eagles	CFO Sussex PCC	Content and review	
Mark Baker	Director of Finance Sussex	Content and Review	

## DEFINITIONS

For the purposes of these Standing Orders, the following terms shall have the meanings set out below:-

“**Police Force**” means the Sussex/Surrey Police Force as appropriate

“**PCC**” Means the Sussex/Surrey Police and Crime Commissioner

“**Chief Constable**” means the Chief Constable of Sussex/Surrey

“**CSO**” means these Contract Standing Orders

“**Purchaser**” means the individual within Sussex/Surrey Police tasked with or responsible for the acquisition of the goods works services being sought or the agreement or arrangement being entered into

“**Authorised Officer of Sussex/Surrey Police**” means any Sussex/Surrey Head of Department or Business Lead, or rank above occupying a post at the relevant time as listed separately in this document.

“**Designated Officer**” means a Procurement Officer not associated with the tender or a PCC Officer where the tender value exceeds the EU Threshold

“**Current Quotation**” means a quotation dated within 90 days (maximum) of the Purchase Order\*

\*Quotations may be sought from suppliers to remain ‘open’ for a period of up to 90 days (maximum) and used to support more than one Purchase Order (where the goods/services/quantities are alike) within that period. After such time has expired a revised quotation should be sought from the supplier.

## INTRODUCTION

Sussex and Surrey have combined their procurement functions to establish a Joint Procurement Service. This new operating model works across Sussex & Surrey and builds resilience and depth and moves the function to a more consultative and proactive service.

One of the key improvements required is the focus on contract management alongside the tendering function. Contract management has been a secondary exercise and a lower priority. Within the new structure specific roles have been created to address this.

By bringing the two forces contracts registers together there is the potential to make cost savings, the Opportunity Assessment Exercise, where savings are anticipated from contract rationalisation and applying the most cost effective contract and contract alignment.

Both Forces operate to a joint strategy, policy and procedures. These Contract Standing Orders apply to both Sussex and Surrey.

## CONTRACT STANDING ORDER

### 1 SECTION 1 – SCOPE OF ORDERS

- 1.1 All expenditure for the supply of goods works services to Sussex/Surrey Police must comply with the applicable Process set out in Section 3
- 1.2 These Contract Standing Orders should be read in conjunction with Financial regulations.
- 1.3 Any disposal of Police assets or property shall comply with the applicable Process set out in Financial Regulations.
- 1.4 The applicable Processes set out in these Orders shall also apply to contractors who are permitted by Sussex/Surrey Police to sub-contract competitive bids for the supply of goods, works or services and in-house service providers required by Sussex/Surrey Police to compete with external persons or bodies
- 1.5 These contract standing orders should be used in conjunction with the Procurement Policy and procedures issued by the Head of Procurement

## SECTION 2 - EXEMPTIONS

- 2.1 No exception can be made to undertaking a tender process where it is a requirement under European or UK legislation
- 2.2 Subject to 2.1 above these Contract Standing Orders shall not apply to:-
- Contracts of Employment
  - Contracts of Insurance (where the proposal has been examined by Sussex/Surrey Police's current insurance broker)
  - Contracts for legal advice, assistance or advocacy
  - Goods, works or services provided by statutory undertakers or other bodies where they have monopoly status e.g. mutual aid
- 2.3 Subject to 2.1 above Contract Standing Orders shall not apply where the relevant:-
- Chief Constable in consultation with the PCC (or in their absence respective designated deputies) direct otherwise
  - PCC after consideration resolves to waive them on such conditions as they may specify in the resolution
- 2.4 All requests for exception under 2.3 above shall follow the process set down in Appendix 1 which also contains the detail of the information required in the Waiver document

## SECTION 3 – THE PROCESSES

Process 1 - goods works & services up to £500

Process 2 - goods works & services £500 – £4,999

Process 3 - goods works & services £5,000 - £49,999

Process 4 - goods works & services £50,000 Upwards

**(EU Thresholds - £172,514 goods & services, £4,322,012 works) over the life of the contract.**

Process 5 - Consultancy

Process 6 - Disposal of assets

Process 7 – Goods & services supplied by Sussex/Surrey Police

Individual external purchases shall not be made without the authorisation of the Head of the Joint Procurement Service where goods or services are available through central supplies, established Contracts or Approved Suppliers

### **3.1 AUTHORITY TO APPROVE AND SIGN TENDERS AND CONTRACTS**

3.1.1 Irrespective of value any proposal to create or enter into a contract that is novel, contentious or repercussive is to be agreed with the PCC before embarking on a procurement process.

3.1.2 Acceptance of a quotation/tender for goods, services and consultancy shall be in writing and signed by the Officer responsible as directed below:-

Value referring to whole contract life

Up to £0.5 million – Chief Constable's Chief Finance Officer (of relevant Force)

At £0.5 million and above – The PCC or delegated post holder (of relevant OPCC)

3.1.3 Signing of a contract can be in writing or through an electronic method and can be made by;

Under £50,000 locally by the business units Purchaser

For £50,000 and above Chief Constable's Chief Finance Officer (CFO)

Contracts under seal and contracts for the Office of the PCC by the PCC or Chief Executive or by a delegated postholder

### **3.2 PROCESS 1 (UP TO £500)**

- 3.2.1 Purchaser to obtain quotation for order (verbal quotation acceptable)
- 3.2.2 Purchaser to raise an Official Purchase Order
- 3.2.3 The use of a Government Procurement Card is the preferred method and the guidelines for their use available on the Joint Procurement Service intranet page.
- 3.2.4 Where a product is available on the National Procurement Hub electronic catalogue the requisition should be processed through the system, except where there is significant price or availability factors making this impractical.

### **3.3 PROCESS 2 (£500 - £4,999)**

- 3.3.1 Where there is a contract or appropriate framework agreement in place the purchaser shall obtain a quotation under the agreement.
- 3.3.2 Where there is no contract in place the Purchaser is to obtain a minimum of 1 (one) current, written quotation (received by post, fax or email) **or alternatively** price(s) shown in a current suppliers catalogue(s) may be used
- 3.3.3 Purchaser to raise an Official Purchase Order.

### **3.4 PROCESS 3 (£5,000 - £49,999)**

- 3.4.1 Purchaser to obtain a minimum of 3 (three) current written quotations (received by post, fax or email)
- 3.4.2 Provided the Purchaser intends to accept the lowest of the quotations - an Official Purchase Order is raised.
- 3.4.3 If the Purchaser wishes to accept a quotation other than the lowest quotation or is unable to obtain the minimum number of quotes required, the Purchaser shall provide a written justification to the Head of the Joint Procurement Service or his/her deputy and obtain written consent to accept that quotation or (as applicable) the lowest of the quotes obtained.
- 3.4.4 Recommendations to exercise extension options must be approved by the Head of the Joint Procurement Service and reported to the Joint Procurement Board.

### **3.5 PROCESS 4 (£50,000 UPWARDS)**

- 3.5.1 Any initiation of procurement activity, award or extension of contract shall require the respective Portfolio Lead/Budget Holder and Head of the Joint Procurement Service's approval.

NOT PROTECTIVELY MARKED

*For all tenders of £50k and above refer to the Terms of Reference for the Joint Procurement Board to determine if the Portfolio Lead/Budget Holder will be required to present a Procurement Options Paper to the Joint Procurement Board for consideration and approval*

*The Head of the Joint Procurement Service shall inform the Portfolio Lead/Budget Holder of the outcome before further progression*

A summary of the options deciding on the appropriate route to tender is provided in Appendix 1

- 3.5.2 The Joint Procurement Service shall give public notice :-
- (a) via the Joint Surrey & Sussex Police electronic Procurement Portal; and
  - (b) in the Official Journal of the European Union in cases valued over the EU threshold
- 3.5.3 The public notice shall :-
- (c) specify details of the contract into which Surrey or Sussex Police wish to enter; and
  - (d) invite persons or bodies interested to apply to tender; and
  - (e) specify a time limit of not less than 14 days (or the minimum timescale applicable in cases valued over the EU threshold) in which such applications are to be submitted to the Joint procurement Service
- Note-** No additional information may be provided via the Surrey & Sussex Police Procurement Portal, than is given in the notice published in the Official Journal of the European Union
- 3.5.4 After the expiry of the time limit specified in the public notice, invitations to tender shall be sent to a minimum of 5 (five) suppliers. If it is not possible or it is undesirable for some reason to shortlist 5 invitees then a request must be made in writing to the Head of the Joint Procurement Service justifying the number of tenderers invited (a minimum of 2) and permission obtained to invite tenders from that lower number
- 3.5.5 All suppliers submitting tenders will be subjected to appropriate financial and capability checks before decision of an award is completed.
- 3.5.6 Every invitation to tender shall be completed electronically via the electronic Quotation/Tendering System
- 3.5.7 Tenders shall be kept secure electronically and unopened until the time and date specified for their opening
- 3.5.8 No tender received after the time and date specified shall be considered

## NOT PROTECTIVELY MARKED

- 3.5.9 All tenders received by the time and date specified shall be opened together in the presence of the Head of the Joint Procurement Service and a designated Officer and recorded on the Tender Opening Log
- 3.5.10 Criteria for the award of contracts shall be disclosed within the tender invitation and these criteria shall be strictly observed by Officers designated to evaluate the tender.
- 3.5.11 Where appropriate a Framework agreement may be used for requirements over £50,000 following the guidance set out in section 5 for use.
- 3.5.12 Recommendations to exercise extension options above, accumulate value of £500,000 must be approved by the CC's CFO, extensions above this value must be approved by the PCC and reported to the Joint Procurement Board as per requirements in the Terms of Reference.

### **3.6 PROCESS 5 - CONSULTANCY SERVICES**

- 3.6.1 All proposed Contracts for Consultancy Services shall require the prior approval of the Joint Procurement Board.
- 3.6.2 Any extension of Contract for Consultancy Services (irrespective of value) shall also require prior approval of the Joint Procurement Board
- 3.6.3 Where the approval of the Joint Procurement Board cannot be achieved within the required timescales such approval may be sought outside of the Joint Procurement Board by the Surrey DCC (Chair of the Joint Procurement Board), Sussex Director of Finance or the Surrey ACO
- 3.6.4 Where such Services are to be engaged within the DCC's portfolio such approval sought outside of the Joint Procurement Board must be from the Chief Constable
- 3.6.5 Where such approval is given (outside of the Joint Procurement Board) the Business Lead will provide a Justification/Update Paper to the next meeting of the Board
- 3.6.6 All proposed Contracts for Consultancy Services with an estimated value at or in the excess of the EU threshold must comply fully with the tendering process detailed in Process 4
- 3.6.7 Where the estimated value is below the EU threshold the applicable process shall be followed, that is Process 1 to 3 dependent on value, unless the relevant PCC and Chief Executive in consultation with the Head of the Joint Procurement Service direct otherwise. Requirements of the Joint Procurement Board shall still be required.
- 3.6.8 Regardless of 3.6.3 above the Purchaser or Authorised Officer must consult with the Head of the Joint Procurement Service to establish an appropriate agreement that clearly and carefully specifies the services to be supplied, the

agreed programme for delivery and the price and terms for payment together with all other terms and conditions that are agreed prior to the Consultant undertaking such services

**3.7 PROCESS 6 - DISPOSAL OF ASSETS**

3.7.1 For the disposal of assets refer to the financial regulations

**3.8 PROCESS 7 - CONTRACTS FOR THE SUPPLY OF GOODS AND SERVICES BY SUSSEX/SURREY POLICE**

Any Contract or Agreement for the supply of goods and/or services by Sussex/Surrey Police shall be for the best market value for Sussex/Surrey Police unless the relevant Chief Constable, Director of Finance or the ACO directs otherwise and such agreement is provided in writing. Costs should be in line with ACPO guidance on charging for services.

Refer to Financial Regulations for the approval limits applicable to enter into an agreement to supply goods or services.

In all such Contracts or Agreements Officers are required to seek to minimise any risk to or liability of Sussex/Surrey Police to a proportionate level. Where there is likely to be any significant risk or liability assumed by Sussex/Surrey Police no Agreement, Contract or Process shall be entered into without the prior agreement of an Authorised Officer of Sussex/Surrey Police in consultation with the Joint Procurement Service

## SECTION 4 – ESSENTIAL CONDITIONS OF CONTRACT

### 4.1 Every Contract shall :-

- (a) be made in writing under English Law and unless under seal must be signed in accordance with section 3.1 Authority to Approve and Sign Tenders and Contracts
- (b) clearly and carefully specify the goods, services or works to be supplied, the agreed programme for delivery and the price and terms for payment together with all other terms and conditions that are agreed
- (c) contain an Anti-Corruption Clause to protect Sussex/Surrey Police against fraud
- (d) use an appropriate model form of Contract approved by or in consultation with Joint Procurement Service
- (e) include performance bonds for contracts of a value greater than £1m and to be a consideration in other contracts where appropriate
- (f) include contract monitoring provisions including; establishing key performance indicators, frequency of reporting requirements, the mechanism to bring issues to the attention of the contractor and the time for the contractor to respond and or remedy, including the provision for penalties for not performing to performance indicators where appropriate
- (g) require the contractor to notify of any interests they are aware of between the Sussex/Surrey PCC/Force and themselves
- (h) make provision to protect any intellectual property rights of Sussex/Surrey Police and where this applies register such rights with the Joint Procurement Service and if suitable with appropriate bodies.
- (i) be executed under seal where Joint Procurement Service advise that it is appropriate to do so.
- (j) Include sufficient insurance cover as approved by the Joint Insurance Manager.
- (k) Ensure that the ability to release information under either Freedom of Information or under a statutory requirement is permitted and does not breach any confidentiality clause
- (l) Ensure that contractors must comply with the requirements set out in the Data Protection Act .
- (m) Provide provision for an specific information management and security requirements
- (n) Ensure that clauses covering the vetting requirements of staff attached to the contract are included.
- (o) Ensure compliance with equality, diversity and human rights legislation compliance, such as the Equality Act 2010
- (p) Requirements for any sub-contractors to also comply with the contract terms agreed

## SECTION 5 – FRAMEWORK AGREEMENTS / CALL OFF CONTRACTS

**Note** – A Framework Agreement or a Call Off Contract is where the supplier's offer to supply the goods, works or services is held open for a guaranteed period of time, ready for acceptance by the purchaser for what could be a single contract or a series of mini-contracts, each 'calling off' under the terms and conditions established.

- 5.1 Where a Framework Agreement has been established by Sussex/Surrey Police, then this must be used regardless of the value of the individual order being placed
- 5.2 Any Framework Agreement awarded must be established using the applicable Process as set out in Section 3.
- 5.3 Multi-supplier Framework Agreements may be used with the prior agreement of the Head of the Joint Procurement Service. Such Agreements shall require a mini competition to be conducted with all capable suppliers before the placement of any orders made under it
- 5.4 Where a Framework Agreement has been established by another body and is available for use by Sussex/Surrey Police then the Purchaser may use such Framework Agreement subject to obtaining prior written agreement from the Head of the Joint Procurement Service.
- 5.5 No other Framework Agreement shall be used where a Sussex/Surrey Police Framework Agreement already exists.
- 5.6 Each Framework Agreement used by Sussex/Surrey Police shall be reviewed by the Head of the Joint Procurement Service at intervals of not more than 4 years and where appropriate each shall be re-tendered using the applicable Process
- 5.7 Before using a Framework the purchaser will ensure that Sussex/Surrey Police are able to access the agreement and that they understand the instructions for appropriately using the agreement.
- 5.8 Where a mini-competition is required the competition process will be processed through the electronic tender portal to all suppliers on the framework.

## SECTION 6 – CONSORTIUM ARRANGEMENTS

Note – In this context a Consortium can include either a loose or a formal arrangement between two or more public authorities to purchase goods, works or services from a Supplier

- 6.1 Where a Consortium Contract has been established by another body and is available for use by Sussex/Surrey Police then the Purchaser may use such Contracts subject to obtaining prior written agreement from the Head of the Joint Procurement Service
- 6.2 No such Consortium Contract shall be used where a Sussex/Surrey Police Contract for those goods works or services already exists subject to obtaining prior written agreement from the Head of the Joint Procurement Service

## SECTION 7 – CONTRACTS AND AGREEMENTS OF A COMPLEX OR UNUSUAL NATURE, CONTRACTS OF STRATEGIC IMPORTANCE

- 7.1 Irrespective of the financial value, no Contract, Agreement or Process shall be undertaken by any Officer without the prior agreement of the Head of the Joint Procurement Service or Chief Executive of PCC where such Contract or Agreement is of strategic importance, unusual or complex nature.
- 7.2 In all such Contracts or Agreements Officers are required to seek to minimise any risk to or liability of Sussex/Surrey Police to a proportionate level. Where there is likely to be any significant risk or liability assumed by Sussex/Surrey Police no Agreement, Contract or Process shall be entered into without the prior agreement of the Head of the Joint Procurement Service or relevant Chief Executive of PCC and/or Insurance and Risk Management
- 7.3 The acceptance of any significant risk liability or indemnity, other than those ordinarily provided for under corporate insurance policies, shall be determined by the relevant Chief Executive of PCC.
- 7.4 Choice of Procurement procedures are detailed in appendix II.

## SECTION 8 – CONTRACT MANAGEMENT

8.1 For each Contract awarded following Process 4 the Purchaser must appoint a Contract Manager whose name should be notified to the Contractor and whose responsibilities should include:-

- (a) monitoring performance of the Contractor against the Contract
- (b) monitoring the continuing level of operational and financial risk (including risk of fraud) to which Sussex/Surrey Police are exposed
- (c) facilitating the resolution of issues between the Contractor and key Sussex/Surrey Police user(s).
- (d) ensuring the prompt settlement of invoices correctly and properly submitted by the Contractor in accordance with the Contract
- (e) Recommending whether extension options within contracts are used. (Note all extensions are approved by the Head of the Joint Procurement Service).

## SECTION 9 – CALCULATING CONTRACT VALUE

9.1 Where like goods services works are required the Contract Value used for calculating the relevant threshold shall be calculated by aggregating the estimated total annual value of the like goods services works and multiplying this by the number of years that the proposed Contract is to run for both Forces.

Where the Contract does not specify the length of the period it is to run, then four years shall be taken as the multiplier

9.2 In no case shall an Officer divide a Contract into a number of constituent parts in order to avoid compliance with the processes set out in these Contract Standing Orders

## SECTION 10 – DECLARATION OF AN INTEREST IN A CONTRACT OR AN AGREEMENT, RECEIPT OF GIFTS BENEFITS AND/OR MONEY

**Note** - It is an offence under the Local Government Act 1972 for any Officer to be paid or to accept any fee or reward whatsoever other than his/her proper remuneration. It is also a requirement under that Act to declare in writing any pecuniary interest (direct or indirect) that an Officer has or becomes aware of in respect of a Contract placed by his/her Authority.

**The following CSO is in addition to those statutory obligations.**

- 10.1 Any Officer who has either a potential or established interest in any Contract or Agreement placed or to be placed for or on behalf of Sussex/Surrey Police shall:-
- declare that interest immediately to their Line Manager by completing a Declaration of Interest/Hospitality Pro-forma (refer to respective Force's policy and procedures).
  - Immediately remove him/herself from the Process
- 10.2 Such Interests will be construed as (but not limited to):-
- Any employee who is also employed (full or part time) by any of the other parties to the Contract
  - Any employee who is a director, partner or substantial shareholder of or has a financial interest in any of the other parties to the Contract
  - Any employee who has family members who are owners, employees or have another substantial interest in any of the other parties to the Contract
  - Any Officer who receives or is offered a gift benefit and/or money as a result of or in connection with their employment or service with Sussex/Surrey Police shall immediately declare such gift benefit and/or money to their Line Manager by completing a Declaration of Interest/Hospitality/Gift Pro-forma (refer to respective Force's policy and procedures).
- 10.3 The Head of the Joint Procurement Service will review and make recommendations to the ACO (Surrey) or Director of Finance (Sussex) regarding the interest declared and or the suitability of the hospitality/gift offered
- 10.4 The Head of the Joint Procurement Service will notify the Officer of any further action necessary (declaration of interest) or whether the hospitality/gift offered can be accepted
- The Head of the Joint Procurement Service shall record all such declarations of interest, hospitality, gifts (accepted and declined) on the Force Register (refer to respective Force's policy and procedures).

NOT PROTECTIVELY MARKED

- 10.5 In respect of the acceptance of hospitality nothing in these Contract Standing Orders shall be construed as limiting any obligation imposed by either :-  
a) Police Regulations (in respect of police officers) or  
b) Statute (in respect of police staff)
- 10.6 Officers may accept hospitality provided by other police or local authorities or by partnership bodies or as part of a course of instruction provided it is reasonable to do so.
- 10.7 If the Officer is in any doubt about whether any other offer of hospitality should be accepted he/she should first consult with the Head of the Joint Procurement Service

## SECTION 11 – CONTRACT REGISTER

- 11.1 The ACO (Surrey) and Director of Finance (Sussex) shall maintain a Register of all such Contracts awarded following Process 4 and 5 specifying the name of the Contractor, the goods works services to be supplied, the length of the Contract, its expiry date and the value
- 11.2 Copies of the Register maintained under 11.1 above shall be made available (if requested) to both Forces, the PCC, PCC's Chief Executive and PCC's CFO

## SECTION 12 – BREACH OF CONTRACT STANDING ORDERS

- 12.1 Failure to comply with these Contract Standing Orders may result in the application of the relevant Forces or PCC's disciplinary procedures
- 12.2 Any breach of these Contract Standing Orders must in the first instance be reported in writing to the Head of the Joint Procurement Service
- 12.3 The Head of the Joint Procurement Service will record all substantiated breaches on a Register and shall notify the ACO (Surrey), Director of Finance (Sussex) in writing specifying (as a minimum) the nature, risk and implications of the breach
- 12.4 The ACO/Director of Finance shall review the breach reported and in consultation with the Head of Department or Business Lead take the appropriate form of action
- 12.5 Where the application of the relevant Force's or PCC's disciplinary procedures are recommended the ACO or Director of Finance shall report the breach to the respective Deputy Chief Constable for consideration or relevant PCC/Chief Executive as appropriate
- 12.6 Contracts will be subject to routine audit to review compliance with these Standing Orders.

## APPENDIX I - THE POLICY AND PROCESS THAT SHOULD BE FOLLOWED WHEN SEEKING AN EXCEPTION TO CONTRACT STANDING ORDERS

### Waivers of Contract Standing Orders

Waivers cannot be used to avoid the complying with requirements in EU Legislation to tender for goods and services above the OJEU Thresholds.

#### Urgent Waiver

Consideration may be given to an urgent waiver of Contract Standing Orders as a result of an emergency involving immediate risk to persons, property or serious disruption to services. An urgent waiver is not acceptable in situations where it may have been reasonable to have foreseen the requirement.

If a request for an Urgent Waiver to Contract Standing Orders is sought then the following process should be followed:

1. The **Urgent Waiver** Proforma should be completed and submitted in the first instance to the Head of the Joint Procurement Services for review and endorsement.
2. The Head of the Joint Procurement Services will consider and approve waivers under £50,000 and make a recommendation to the ACO/Director of Finance for approval for waivers over £50,000.
3. Where the contract value is over £50,000 and the case to waiver is supported by the Head of the Joint Procurement Services the ACO/Director of Finance will consider and agree and/or recommend to the PCC or his/her nominated deputy for approval in accordance with financial limits. The need for approval by PCC is subject to the limits in the Financial Regulations.
4. All contract waivers over £5,000 will be reported to the PCC on a monthly basis.
5. All waivers are required to be reported to the Audit Committees post event in a regular and timely manner.

#### Standard Waiver

If a Waiver of Contract Standing Orders is sought for other reasons, for example as a result of goods, services or works being of a proprietary nature, i.e. one supplier or for technical or design reasons only the original equipment manufacturer (OEM) can supply the goods or service, then the following process should be followed;

1. The **Standard Waiver** Proforma should be completed to include the following information:
  - The department / division seeking the waiver

## NOT PROTECTIVELY MARKED

- Details of the proposed Contract
  - Details of the proposed Contractor
  - The total value of the proposed Contract
  - A detailed explanation of why an exception is being sought including the basis and evidence of the case to waiver and an assessment of the consequences if the correct tender procedure were followed; the level of detail required is proportionate to the spend and risk,
2. Supporting documentation to the Standard Waiver Proforma should include as a minimum:
- A business case for the proposed spend if the contract value is over £50k (e.g. what are the costs and benefits to support that expenditure)
  - The resulting budget implications of the spend
  - Whether the initiating Officer, the Head of the Joint Procurement Service or the ACO/Director of Finance are aware of the contractor carrying out work for the PCC or Force before and if so did the contractor carry out the contract to a reasonable standard?
  - Any other background information or details that the ACO/Director of Finance and PCC will need to know in order to make the decision.
  - A contact person and number for further papers or enquiries.
3. The Standard Waiver Proforma and supporting documentation should be submitted in the first instance to the Head of the Joint Procurement Service for review and endorsement. The Head of the Joint Procurement Service assessment will include the financial reliability of the contractor, given the information available.
4. The Head of the Joint Procurement Services will consider and approve waivers under £50,000 and make a recommendation to the ACO/Director of Finance for approval for waivers over £50,000.
5. Where the contract value is over £50,000 and the case to waiver is supported by the Head of the Joint Procurement Services the ACO/Director of Finance will consider and agree and/or recommend to the PCC or his/her nominated deputy for approval in accordance with financial limits. The need for approval by PCC is subject to the limits in the Financial Regulations.
6. All contract waivers over £5,000 will be reported to the PCC on a monthly basis.
7. All waivers are required to be reported to the Audit Committees post event in a regular and timely manner.

## APPENDIX II – CHOICE OF PROCUREMENT PROCEDURE

### Tendering procedures

1. Contracts should be awarded by competitive tender using either the open procedure, or restricted procedure, save where use of the negotiated procedure or the competitive dialogue procedure is appropriate. The choice of tendering procedures is set out below:

### Open Procedure

2. This may be used where there is no easily identifiable and stable marketplace. Public notice is required in accordance with 3.5, unless an exemption applies. Tenders are issued to all those expressing interest.

### Restricted Procedure

3. This may be used where there is an established marketplace and many competing companies. Public notice is required in accordance with 3.5, unless an exemption applies. A pre-qualification questionnaire is normally issued to all those expressing interest. An invitation to tender is issued to only those successful after pre-qualification. A minimum of 3 persons (5 in the case of a procurement subject to the EU procurement regulations) expressing interest **must** be invited to tender or if there are less than 3 suitable persons, the Chief Constable, the Chief Executive or the Treasurer **must** keep a record of the reasons for this with the project file.

### Negotiated Procedure

4. This may be used in cases where the open or restricted procedures are not considered appropriate. The procedure is most likely to be used in cases where the requirement is difficult to fully specify, the requirement does not permit prior overall pricing, or where best value is likely to be achieved. In any of those circumstances, the Chief Financial Officer of the Chief Constable may decide to use the negotiated procedure in consultation with the Chief Financial Officer of the PCC. Public notice is required in accordance with 3.5 unless an exemption applies. A pre-qualification questionnaire is normally issued to all those expressing interest. An invitation to negotiate is only issued to those successful after pre-qualification.

### Competitive Dialogue Procedure

5. This may be used in cases where the open or restricted procedures are not considered appropriate, and Sussex/Surrey Police wishes to award a particularly complex contract. The Force(s) may be aware of their broad needs but does not know in advance what is the best technical, legal, or financial solution for satisfying their needs. Competitive dialogue is a structured process of identifying one or more solutions to meet the needs of Sussex/Surrey Police. It always involves a competitive tender, and the most economically advantageous award criteria must be used. The Chief

## NOT PROTECTIVELY MARKED

Executive of the PCC or the CFO of the PCC may decide to use the competitive dialogue procedure in consultation with the PCC. Public notice is required as under 3.5. A pre-qualification questionnaire is normally issued to all those expressing interest. An Invitation to Competitive Dialogue is only issued to those successful after pre-qualification.

### **Specialist procedures**

6. The Chief Finance Officer of the Chief Constable may use these procedures as enhancements to the standard tendering procedures, where appropriate

### **Framework Agreements**

7. Framework agreements are used in the case of repetitive purchases to choose suppliers who, when the time comes, will be able to meet the PCC's or Police Force's needs. Framework agreements may be set up in conjunction with the open procedure, restricted procedure, negotiated procedure, or competitive dialogue procedure set out above.
8. Where a framework agreement requires a mini-competition to be used all suppliers **must be** invited to bid with an evaluation criteria set out in the offer document.

### **Dynamic Purchasing System**

9. Dynamic purchasing systems are intended to address commonly used purchases. They are a kind of electronic framework agreement, which bidders can join at any point during its lifetime. The open procedure must be used to establish the system up to the award of contracts. The system must be wholly electronic. Public notice is required as under 3.5.

### **Electronic Auctions**

10. Electronic auctions may be used in conjunction with the open, restricted, negotiated, or negotiated procedures, or the reopening of competition within a framework, or on the opening for competition of contracts to be awarded through a dynamic purchasing system