

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

Background

The Police & Crime Commissioner (PCC) has in place a framework of governance, underpinned by mechanisms for control and management of risk. This framework enables the effective discharge of the PCC's statutory responsibilities, good decision-making and holding the Chief Constable to account. Since the last elections in May 2021, the PCC has reviewed this framework to ensure it remains fit-for-purpose.

The PCC has a legal duty to hold the Chief Constable to account for the exercise of his functions and for the functions of those staff under his direction and control. The PCC 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 the PCC's 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 key decisions are communicated.

The PCC is also bound by statutory responsibilities, as well as the arrangements in place for financial control and risk management such as the Joint Audit Committee, Financial Regulations, a Scheme of Delegation 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 framework for decision-making and accountability enables the PCC 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' 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 2016, the Chartered Institute of Professional Finance and Accounting (CIPFA) updated their 'Delivering Good Governance in Local Authorities', which has been revised for a policing context and defines good governance as follows:

- a. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- b. Ensuring openness and comprehensive stakeholder engagement
- c. Defining outcomes in terms of sustainable economic, social and environmental benefits
- d. Determining the interventions necessary to optimise the achievement of the intended outcomes
- e. Developing the entity's capacity, including the capability of its leadership and individuals within it
- f. Managing risks and performance through robust internal control and strong public financial management
- g. Implementing good practices in transparency, reporting and audit to deliver effective accountability.

Decisions: Making and Publicising Key Decisions

The PCC is required to publish "key decisions" to the public and needs to be able to demonstrate what decisions have been taken in order that these can then be scrutinised by the Police and Crime Panel (PCP). The PCC publishes a decision log online (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 or dismissing a Chief Constable
- Holding the Chief Constable to account for the performance of Surrey Police
- Allocating grants for crime reduction or victim support 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 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 the PCC's functions. However, when involving partners (particularly the Police & Crime Panel or Joint Audit Committee) in governance arrangements, care is taken not to blur lines of accountability by allowing them to hold the PCC to account, or to deviate into scrutiny of the Chief Constable's functions which remains a role solely for the PCC.

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. In holding the Chief Constable to account, the PCC does not fetter his operational independence or undermine his 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 six weekly), performance 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 his functions. These alternative between public 'Performance & Accountability' meetings and private 'Resources & Efficiency' meetings. In the spirit of openness and transparency, papers for both meetings are, where possible, made available on the PCC's website. There is provision for confidential matters to be discussed in a 'part two', private session.

Performance & Accountability meetings focus on those areas of police performance that are likely to be of most interest to residents – perhaps where the PCC has received particular feedback. The PCC is currently implementing a new style of meeting, held on Facebook to allow more interaction. These meetings enable the PCC 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, on a more informal and ad-hoc basis, the PCC draws together senior staff and officers from the Office of the PCC and the Force to be briefed on emerging issues or 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 performance meetings. A separate, quarterly meeting looks at trends in complaints matters. The PCC also ensures that relevant Force performance information is published on the website.

A responsive approach to decision making and accountability

The PCC recognises that the means by which the Chief Constable is held to account or a decision is taken 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 Joint Audit Committee

The PCC, together with the Chief Constable, has established a Joint Audit Committee. The Committee provides independent and effective assurance about the adequacy of financial management and governance arrangements within the Force and OPCC. It also reviews systems 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 holds regular meetings with counterparts from the south east region to oversee collaborated functions.

Partnership Governance

The PCC has a place in the complex partnership landscape in Surrey, particularly given their wider role in community safety and criminal justice. The PCC works closely with statutory bodies such as local authorities, the health sector, probation providers, the Health & Wellbeing Board, Community Safety Partnerships and criminal justice agencies. There are various partnership boards in place which allow the PCC to progress this work, including the Surrey Criminal Justice Board and the newly formed Community Safety Assembly – both chaired by the PCC.

Review

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