



Police & Crime Commissioner and Chief Constable for Avon and Somerset

Joint Governance Framework

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Joint Statement of Corporate Governance

1. Introduction

The purpose of this statement is to give clarity to the way the Police and Crime Commissioner and Chief Constable for Avon and Somerset will govern both jointly and separately to ensure they are conducting business in the right way, for the right reason at the right time.

2. Context

The principal statutory framework within which the Office of Police and Crime Commissioner and Office of Chief Constable will operate is:

- Police Reform and Social Responsibility Act 2011,
- Policing Protocol Order 2011,
- Financial Management Code of Practice,
- Strategic Policing Requirement.

This framework creates a public sector relationship, based upon the commissioner provider arrangement but with unique elements such as the single elected commissioner and operational independence of the police service. The Police and Crime Commissioner and Chief Constable are each a corporation sole.

3. Principles

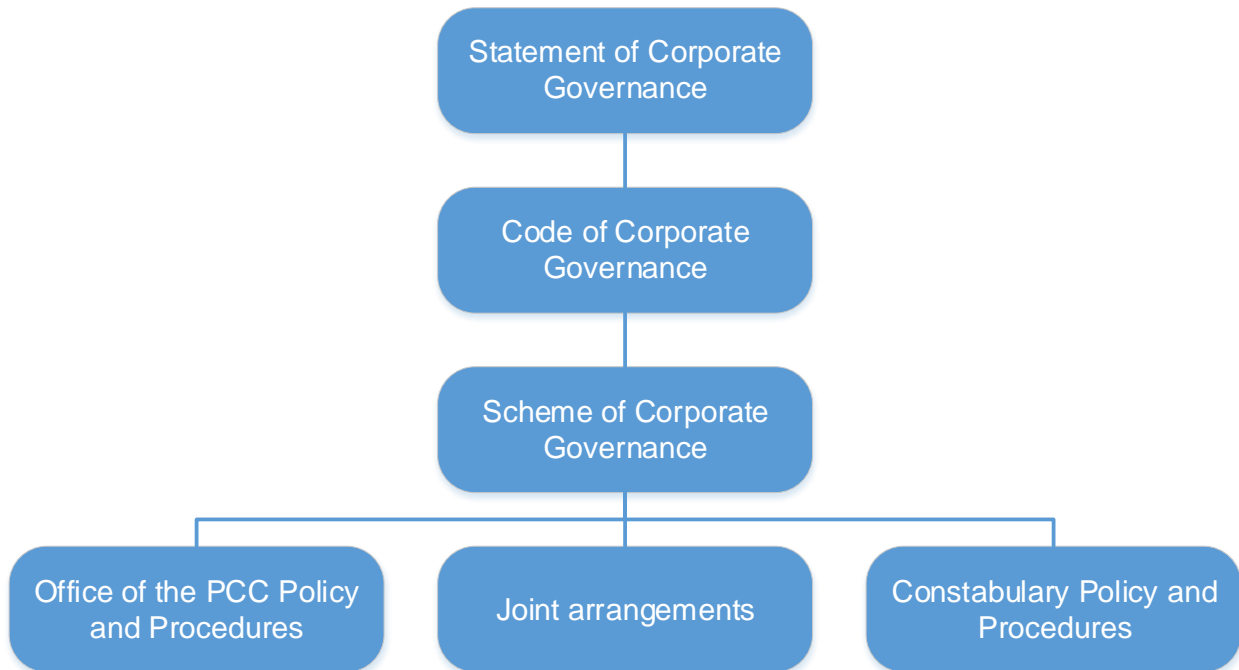
The core principles adopted by both Offices are those highlighted by the good governance standard for public services known as the 'Nolan principles':

- Focus on outcomes for local people;
- Clarity of roles and functions;
- Promotion of values and demonstrating these through behaviour;
- Informed, transparent decisions & managing risk;
- Developing capacity and capability;
- Engaging with local people to ensure robust accountability.

4. Framework /Instruments of governance

The corporate governance framework within which the PCC and Chief Constable govern, both jointly and separately consists of:

- Statement of corporate governance – statutory framework and local policy;
- Code of corporate governance – sets out how core principles will be implemented,
- Scheme of corporate governance – defines the parameters within which the corporations sole will conduct their business; and
- Separate policy and procedures for each corporation sole, with protocols and other governance documents where they operate jointly.



5. Leadership

Police & Crime Board will review the framework, as required or on the appointment of a new PCC or Chief Constable, and ensure compliance. The Board's objectives will be to oversee governance across both OPCC and OCC and to deal with any issue relating to governance that cannot otherwise be dealt with or any issue relating to governance referred from either Office.

JOINT CODE OF CORPORATE GOVERNANCE

1. INTRODUCTION

Governance is about how organisations ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, cost effective, open and accountable manner. It comprises the systems, processes, culture and values by which organisations are directed and controlled, and through which they account to, engage with and lead their communities.

This Code of Corporate Governance describes how the Police and Crime Commissioner (PCC) and the Chief Constable of Avon and Somerset discharge their responsibilities in this respect, reflecting their commitment to the statutory requirements and using the six good governance core principles¹ as the structure for setting out the statutory arrangements and local requirements.

It should be read alongside the Scheme of Corporate Governance which establishes how decisions are made, including schemes of delegations, consents, financial regulations and standing orders relating to contracts.

The term "Avon and Somerset" is used throughout this document to reflect both the PCC and the Constabulary.

The PCC has key statutory responsibilities:-

- To set a direction for policing and tackling crime in the region summarised in a Police and Crime plan;
- To appoint and hold to account the Chief Constable of Avon and Somerset Constabulary for the exercise of his/her functions and those of persons under his/her direction and control in the delivery of this plan;
- To secure the maintenance of an efficient and effective local police force; and
- To set the annual council tax precept and set a budget.

The PCC also has wider community safety and criminal justice responsibilities.

In exercising these functions the PCC is accountable to the electorate in the Avon and Somerset police area.

The Chief Constable has a statutory responsibility for the control, direction and delivery of operational policing services provided by the Constabulary to meet the requirements of the Police & Crime Plan and other statutory requirements placed upon the Chief and the Constabulary.

¹ Good Governance Standard for Public Services 2005

2. THE CODE OF CORPORATE GOVERNANCE

A FOCUSING ON THE PURPOSE OF THE PCC AND THE CONSTABULARY, AND ON OUTCOMES FOR LOCAL PEOPLE, AND CREATING A VISION FOR THE LOCAL AREA.

The function of governance is to ensure that organisations fulfil their purpose and achieve their intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner. This concept should guide all governance activity.

- 2.1. The PCC has issued a Police & Crime Plan². It outlines the police and crime objectives (outcomes) and the strategic direction for policing Avon and Somerset. The PCC has also issued a number of local policing plans.
- 2.2. The Chief Constable has set out a strategic framework to describe how he intends the Constabulary to deliver policing in Avon and Somerset in accordance with the PCC's police and crime plan.
- 2.3. The PCC and Chief Constable have agreed a joint statement of how they will work together including clarity over direction setting, design and delivery.
- 2.4. A medium term financial plan (MTFP) has been developed jointly by the PCC and Chief Constable. This will be reviewed and refreshed at least annually to ensure delivery of the corporate aims and objectives. Detailed arrangements for financial management are set out in financial regulations.
- 2.5. The PCC issues an annual report³.
- 2.6. The PCC has approved a commissioning and grants strategy, incorporating commissioning intentions and priorities.
- 2.7. Collaboration agreements set out those areas of business to be undertaken jointly with other Forces and local policing bodies, whether to reduce cost, increase efficiency or increase capability to protect local people.
- 2.8. The PCC and Chief Constable will decide jointly how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available.
- 2.9. The PCC and Chief Constable will ensure that effective mechanisms exist to monitor service delivery.
- 2.10. The PCC and Chief Constable will ensure that effective arrangements are in place to deal with failure in service delivery.
- 2.11. The PCC and Chief Constable will jointly consider how best to achieve value for money and ensure that their agreed approach is reflected in the Police and Crime Plan objectives and associated plans for delivery.

B WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES

The PCC is responsible for maintaining an efficient and effective police service and holds to account the Chief Constable of Avon and Somerset for the exercise of his/her

² PRSR Act 2011, section 5

³ PRSR Act 2011, section 12

functions and those of persons under his/her direction and control.

The Chief Constable has a statutory responsibility for the control, direction and delivery of operational policing services provided by the Force.

- 2.12. The Act⁴ clearly sets out the functions of the PCC and Chief Constable and the protocol⁵ sets out how these functions will be undertaken to achieve the outcomes of the police and crime plan.
- 2.13. The Act requires the PCC to have a chief executive and chief finance officer⁶. The chief executive will be head of paid service in the OPCC and undertake the responsibilities of monitoring officer⁷.
- 2.14. The Act requires the Chief Constable to appoint a chief finance officer⁸.
- 2.15. The financial management code of practice and statements of roles⁹ set out the responsibilities of chief finance officers for both the PCC and the Chief Constable and of the chief executive.
- 2.16. The Scheme of Corporate Governance highlights the parameters for key roles in both Offices including delegations or consents from both the PCC and the Chief Constable, financial regulations and contract standing orders.
 - Officers, police support staff and staff of the OPCC will operate within the rules set out in this Framework and as informed by the policies and procedures of the OPCC or Constabulary.
 - The joint independent audit committee (“JAC”) operates in accordance with Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and in accordance with the guidance provided by the Financial Management Code of Practice¹⁰.
- 2.17. The PCC and Chief Constable will seek to ensure that when working in partnership with others that there is clarity about the legal status of the partnership and that representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

C PROMOTING THE VALUES FOR THE PCC AND CONSTABULARY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR

Good governance flows from a shared ethos or culture and from systems and structures. It cannot be reduced to a set of rules, or achieved fully by compliance with a set of requirements. This spirit or ethos of good governance can be expressed as values and demonstrated as behaviour.

- 2.20 The PCC and Chief Constable are committed to adhering with the Policing Protocol Order 2011 which requires all parties to abide by the seven Nolan principles¹¹ and these will be central to the conduct and behaviour of all. Those principles are adopted by the PCC and Chief Constable; the Constabulary has adopted these in

⁴ PRSR Act 2011, Sections 5-8

⁵ Policing Protocol Order 2011

⁶ PRSR Act 2011, Schedule 1 Para 6

⁷ Local Government and Housing Act, Section 5

⁸ PRSR Act 2011, Schedule 2 Para 4

⁹ Financial Management Code of Practice for the Police, Section 4; CIPFA Statement on the role of the CFO's; APACE Statement on the role of the Chief Executive.

¹⁰ Financial Management Code of Practice for the Police, Section 11.1.3

¹¹ Standards in public life, 2005 as amended by the 14th report of the committee on Standards in public life

creating its own set of good governance principles. The Nolan principles are summarised as:

- **Selflessness** – Holders of public office should act solely in terms of the public interest.
- **Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** – Holders of public office should be truthful.
- **Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2.21. The Policing Protocol Order 2011 also highlights the expectation that the relationship between all parties will be based upon the principles of goodwill, professionalism, openness and trust.

2.22. The Financial Management Code of Practice requires the PCC and Chief Constable to ensure that the good governance principles are embedded in the way the organisations operate. This will be underpinned by the PCC and Chief Constable setting the tone for their respective organisations by creating a climate of openness, support and respect.

2.23. The PCC has set out the standards for her own behaviour and the behaviour of her staff in the PCC and OPCC Codes of Conduct.

2.24. The ethos of the Constabulary is set out in its Strategic Framework which incorporates its Mission, Vision and Values, and is supplemented by the Code of Ethics for Policing which the Chief Constable has adopted for the Constabulary.

D TAKING INFORMED AND TRANSPARENT DECISIONS, WHICH ARE SUBJECT TO SCRUTINY AND MANAGING RISK

Decision making within a good governance framework is complex and challenging. It must further the organisation's purpose and strategic direction and be robust in the medium to longer terms. To make such decisions, the PCC, Chief Constable and their respective senior officers must be well informed.

The PCC and senior officers making decisions need the support of appropriate data and systems, to help ensure that decisions are implemented and that resources are used legally and efficiently.

Risk management is important to the successful delivery of public services. An effective

risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective.

- 2.25. The PCC will develop and agree with the Chief Constable effective arrangements to hold the Chief Constable to account¹² for force performance and delivery of the Police & Crime Plan.
- 2.26. The business planning cycles for the police and crime plan, the OPCC and the force corporate planning process will be coordinated to ensure proper governance by bringing together the right information at the right time including strategic needs assessments, costs, budgets and all other relevant considerations.
- 2.27. The scheme of corporate governance defines the parameters for key roles in the organisations including schemes of delegations and/or consents from the PCC or Chief Constable, financial regulations and contract standing orders and the management of risk and resources.
- 2.28. A JAC¹³ operates in accordance with CIPFA guidance and the Financial Management Code of Practice.
- 2.29. The Police and Crime Panel¹⁴ provides checks and balances in relation to the performance of the PCC. It does this by reviewing and scrutinising the decisions and actions of the PCC. However, the Panel does not scrutinise the Chief Constable.
- 2.30. The PCC and Chief Constable will recognise the limits of lawful action placed on them (e.g. the ultra vires doctrine) and will observe both the specific requirements of legislation and the general responsibilities placed on the PCC and Chief Constable by public law and in particular will integrate the key principles of good administrative law - rationality, legality and natural justice into their procedures and decision making processes.

E DEVELOPING THE CAPACITY AND CAPABILITY OF THE PCC, OFFICERS OF THE PCC AND THE CONSTABULARY TO BE EFFECTIVE IN THEIR ROLES

Effective governance relies on public confidence in the PCC, Chief Constable and their respective employees. Good governance strengthens credibility and confidence in our public services.

Organisations need people with the right skills to direct and control them effectively. Governance roles and responsibilities are challenging and demanding, and the PCC and Chief Constable need the right skills for their roles. In addition, governance is strengthened by the participation of people with different types of knowledge and experience.

- 2.31. The PCC may appoint a *deputy*¹⁵ who will be a member of her staff as highlighted in the Act. The role description approved by the PCC will incorporate functions delegated within the scheme of corporate governance.
- 2.32. The PCC and Chief Constable will encourage excellence in people through the guiding principles of their respective HR Strategies and will ensure

¹² PRSR Act 2011, Sections 1 (7) and (8)

¹³ CIPFA: Audit Committees – Practical Guidance for Local Authorities

¹⁴ PRSR Act 2011, Schedule 6

¹⁵ PRSR Act 2011, Section 18 (1)

performance development review processes are in place for individuals.

F ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY

The PCC has a statutory responsibility to make arrangements to obtain the views of the community and victims of crime in their area about matters concerning the policing of the area. The PCC must, in exercising their functions, have regard to the relevant priorities of each responsible authority in the area. In discharging this responsibility the PCC is helping to ensure that the Force is held to account for the way services are delivered to the public and at what cost and, in addition, reflecting his/her own accountability to the public.

- 2.33 The PCC and the Constabulary engage with the public on many levels utilising all appropriate methods of achieving this:
- 2.34 The decisions and actions of the PCC, including the Police and Crime Plan, proposed council tax precept and annual report, are subject to review and scrutiny by the Police and Crime Panel. Both the PCC and the Force are subject to external review and scrutiny through the external audit of their financial statements and the Constabulary through the work of HMICFRS. They are required to publish their financial statements and the PCC is required to publish an annual report.
- 2.35 The protocol¹⁶ highlights that the PCC is accountable to local people and that she draws on this mandate to set and shape the strategic objectives for the force area in consultation with the Chief Constable.
- 2.36 The police and crime plan will clearly set out what the strategic direction and priorities are to be and how it will be delivered.
- 2.37 The PCC, with the support of the Chief Constable, will engage with the Police and Crime Panel¹⁷ on matters of mutual interest, over and above development of the annual budget and police and crime plan.
- 2.38 The PCC and Chief Constable will develop arrangements for effective engagement with key stakeholders, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction.
- 2.39 As appropriate the PCC will hold the Chief Constable to account through public meetings.
- 2.40 The PCC publishes an annual report¹⁸ on the activities of the PCC in relation to monitoring its own performance and that of the Chief Constable and Force.
- 2.41 The PCC and Chief Constable will ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.

3. ARRANGEMENTS FOR REVIEW OF EFFECTIVENESS OF GOVERNANCE

- 3.1 The PCC and Chief Constable have put in place arrangements to review the

¹⁶ Policing Protocol Order 2011, Section 14

¹⁷ PRSR Act 2011, Schedule 6

¹⁸ PRSR Act 2011, Section 12

effectiveness of the Code of Corporate Governance in conjunction with the JAC.

- 3.2 The PCC and Chief Constable are committed to a joint local Code of Corporate Governance and for carrying out an annual review of its effectiveness.
- 3.3 A review of both the Code of Corporate Governance and the Scheme of Corporate Governance will be undertaken after the election of a PCC and after the appointment of a Chief Constable or earlier if required by material changes to systems and controls, or material changes to the governing law or changes to relevant professional guidance.

The Police and Crime Commissioner (PCC)

- 3.4 The PCC will produce an Annual Governance Statement (AGS) which will be published on her website alongside the annual Statement of Accounts. The AGS will include an action plan to rectify any significant areas of weakness in internal control and/or corporate governance that may have been identified.

The Constabulary

- 3.5 The Chief Constable, through appropriate delegation to a chief officer, is responsible for corporate governance issues affecting the Constabulary, ensuring that appropriate reviews, both proactively and reactively, are carried out into key areas and highlighted, including:
 - Professional standards and performance;
 - Strategic coordination and planning, including risk management and business continuity, and strategic assessments;
 - Crime recording; and
 - Management of information, including information security and data protection.
- 3.6 The Chief Constable will produce an Annual Governance Statement (AGS) which will be published on the Force website alongside the annual Statement of Accounts. The AGS will where necessary include an action plan to rectify any significant areas of weakness in internal control and/or corporate governance.

The Joint Audit Committee (JAC)

- 3.7 The JAC's terms of reference include the following key requirements in respect of corporate governance:
 - Advise the PCC and Chief Constable on good governance;
 - Review risk assurance and advise the PCC and Chief Constable on risk management strategy and framework;
 - Review the risk registers of PCC and OCC;
 - Advise on appropriate arrangements for internal audit, appointment of internal auditors and approve internal audit program and strategy;
 - Scrutinise internal audit reports and ensure remedial actions are taken as required from audit findings;
 - Approve external audit program;
 - Review external audit reports and monitor implementation of any agreed recommendations;
 - Oversee the financial reporting process and external audit of the annual accounts, consider significant accounting policies and consider the annual

- governance report and annual external audit letter;
- Review and monitor OCC and PCC policies re fraud, irregularity and corruption;
- Note the findings from other inspections (e.g. HMICFRS) and ensure best practice is followed and remedial actions are taken if required;
- Scrutinise financial and non-financial performance to the extent that it affects the PCC and Chief Constable's exposure to risk or weakens the control environment.

Internal audit

- 3.8 The primary role of internal audit is to give assurance to the JAC, PCC and Chief Constable, on the effectiveness of the systems of controls in place to manage risks.
- 3.9 The Internal Auditor provides regular update reports to the JAC, including areas of concern and any major control weaknesses.
- 3.10 The review of both the corporate governance and risk management arrangements may periodically feature in the annual audit plan. Corporate governance and risk management issues may arise through other reviews carried out by the Internal Audit Team. In this case the issues will be dealt with initially in the relevant audit report.

External Audit

- 3.11 The external auditor will audit the financial statements of the PCC and Chief Constable, as well as the Group accounts and will also review the Annual Governance Statement(s). External audit plans and reports, including the Annual Audit Letter, are considered by the JAC at appropriate times in the annual cycle of meetings.

Her Majesty's Inspectorate (HMICFRS)

- 3.12 The role of HMICFRS is to promote the economy, efficiency and effectiveness of policing in England, Wales and Northern Ireland through inspection of Constabularies to ensure agreed standards are achieved and maintained; good practice is spread and performance is improved.
- 3.13 HMICFRS reports are sent to the Chief Constable and the PCC for consideration and agreeing appropriate action. HMICFRS, alongside external audit, will play a key role in informing the PCC and the public on the efficiency and effectiveness of their forces and, in so doing, will facilitate the accountability of PCCs to the public.