

Police & Crime Commissioner's (PCCs)

Grant Conditions

2019/20

1. Overview

Police & Crime Commissioners (PCCs) are responsible for setting the strategic direction of policing in their local area and ensuring that this is being delivered effectively and efficiently. As a result, the budget allocated to PCCs predominately focuses on the delivery of policing through the funding the PCC provides to the Chief Constable. However, PCCs also have responsibilities to deliver the 'and crime' element of their role which includes working in partnership to reduce crime and anti-social behaviour (ASB), deliver community safety initiatives and support victims. To support this responsibility the PCC has a budget available that enables the commissioning or grant funding of service(s) and project(s). This responsibility predominately relates to the two categories of,

- Services, projects or initiatives that support delivery of the PCCs Safer in Kent Plan
- Services or projects that support Victims of crime and where appropriate immediate family members

All funding applications submitted to the PCC must demonstrate a clear need for the service, project, or initiative and it must clearly articulate how it meets the PCCs priorities and criteria of the funding stream.

2. Purpose of the Grant Conditions

These grant conditions have been developed to ensure that all those services, projects or initiatives funded by the PCC maintain a minimum set of requirements throughout the period that they are funded by the PCC. They ensure that those services, projects or initiatives are operating at a safe and effective level and enables the PCC to hold them to account of delivery and quickly act on concerns raised.

It is incumbent on those applying for funding that they have fully read and understood these conditions, as the submission of an application form and acceptance of any subsequent funding offer are seen as an automatic agreement to the conditions.

3. Responsible Officers

Organisations receiving funding from the PCC will be accountable to the PCC. However, the management of the grant has been devolved to the following staff within the Office of the Police & Crime Commissioner (OPCC).

Delivery Lead:

Claire Gatward, Head of Partnerships

Support:

Lisa Breeze, Partnerships and Commissioning Officer
Beth Jefferys, Partnerships and Commissioning Officer

All queries regarding funding and or the commissioning of services must be made to pcc.commissioning@Kent.pnn.police.uk or by telephoning the OPCC and requesting to speak to a member of the Partnerships & Commissioning Team.

4. Monitoring

- 4.1 All funded services, projects or initiatives are required to submit monitoring returns to OPCC on the forms provided. The monitoring requirements will vary depending on the funding stream but as a minimum will be bi-annually. The monitoring requirements will be clearly set out in grant or funding offer letter, including deadlines for submission. Any submission of late monitoring will result in funding being withheld or withdrawn. This may also impact on any future bids submitted.
- 4.2 All monitoring returns will be reviewed by the OPCC and payment of subsequent funding instalments maybe withheld or reduced if satisfactory information is not provided.
- 4.3 The OPCC may raise additional queries regarding monitoring returns or request additional information to enable subsequent funding instalments to be released and these should be dealt with promptly.
- 4.4 The PCC may use information provided within monitoring returns within reports, press releases and other communications.

5. Financial Management

- 5.5 A financial assessment will be undertaken as part of the application process and this will include consideration of key financial information and an assessment of the total funding requested vs the bidding organisations income. In addition, no more that 10% of the overall funding requested should be allocated to core organisational costs. This financial assessment will be taken into consideration in all funding decisions.
- 5.6 The PCC reserves the right that, if on review of proposed spend an overlap in delivery is identified across multiple areas or the same provider is being used by different organisations to deliver the same or similar service, project or initiative then funding may be retained. This will enable the PCC to commission the service or provider to deliver consistently across the county and potentially allow for greater cost effectiveness.
- 5.7 Funds must be spent by the end of the financial year in which the award took place and on the service, project or initiative that the funding was issued for. Funding must not be transferred to any other service, project or initiative or another provider. The Recipient must notify the OPCC in writing as soon as reasonably practicable that an

underspend is forecast. Any sums forecast to be unspent must be returned to the OPCC as soon as is reasonably practical. Funding cannot be carried forward to a new financial year.

- 5.8 The PCC will not accept liability for any overspend.
- 5.9 Funding must not be used to incur expenses improperly; to support, directly or indirectly any organisation or activity which is likely to bring the PCC into disrepute, to support or promote religious activity; to influence, attempt to influence, or to support activity intended to influence Parliament, government or political parties: to influence, or attempt to influence the awarding or renewal of contracts or grants; to influence or attempt to influence legislative or regulatory action.
- 5.10 Payment of the grant will vary depending on the funding stream and may be paid in advance or in equal instalments. Details of the payment schedule will be clearly documented in the grant offer letter.
- 5.11 Where it is requested that an invoice is submitted these must be sent directly to the Kent Business Centre Business Services at business.services@kent.essex.pnn.police.uk or Business Services, Great Dunmow Police Station, Chelmsford Road, Great Dunmow, Essex, CM6 1LW quoting the framework number provided in the grant offer letter. Invoices submitted to the OPCC will not be processed.
- 5.12 Invoices may only be submitted when confirmation of satisfactory monitoring has been received and payment will be processed within 30 days.
- 5.13 Payment of any funding will only be made to a business account which has at least two signatories.

6. Business Requirements

- 6.1 The Recipient¹ must notify the OPCC of the nominated officer and their contact details who has responsibility of the management of the PCCs grant. This nominated officer is responsible for the submission of monitoring returns and any other requirements associated with the provision of the grant.
- 6.2 The service, project or initiative funded must be free of charge and confidential, unless risk overrides this requirement.
- 6.3 The service, project or initiative funded must be non-discriminatory (including being available to all regardless of residence status, nationality or citizenship)
- 6.4 The OPCC may require involvement in governance processes and this should be facilitated if this need is identified. The OPCC also reserves the right to visit the

¹ Recipient refers to the organisation in receipt of the PCCs funding

Recipients premises and undertake ad-hoc audits to ensure compliance with these conditions and that the service, project or initiative is delivering effectively.

- 6.5 The Recipient must notify the OPCC as soon as practicable of any changes e.g. sale, merger etc to the organisations business structure or governance. This notification should occur prior to any changes taking place.
- 6.6 The Recipient must comply and ensure all members of its staff comply with all applicable laws in England and Wales regulating how services, projects or initiatives operate, the work carried out, the employment of staff or the procurement of goods and services. This should include, but not be limited to, not committing any act of discrimination rendered unlawful by the Equality Act 2010. The Recipient will ensure that throughout the funding period there is an Equal Opportunities Policy and a Data Protection Policy in place.
- 6.7 Where the service, project or initiative involves working with children, young people or vulnerable adults the Recipient must have a designated Safeguarding lead and Safeguarding policy, which all staff are trained in and that is kept under review and adheres to all relevant laws and good practice throughout the funding period. This policy should include but not be limited to the reporting and management of serious incidents, Child Sexual Exploitation (CSE) and Radicalisation and Extremism. They must also ensure that staff are trained and are familiar with all relevant protocols such as the Kent and Medway Safeguarding Children Procedures and the Kent and Medway Safeguarding Adults Protocol. The OPCC must be notified in the event of a serious incident being reported.
- 6.8 The Recipient will obtain all approvals and licenses and any profile checks required by law including but not limited to enhanced Disclosure and Barring Service (DBS) checks of all individuals (including volunteers) who are to provide the services and shall, on request, make the same available to OPCC. The Recipient warrants that at all times it has no reason to believe that any person who is or will be employed or engaged by the Recipient in the provision of the services is barred from the activity in accordance with the provisions of the Safeguarding Vulnerable Groups Act 2006 (as amended). If staff are believed to have committed any offence defined by regulations they must be immediately reported to the Disclosure and Barring Service (DBS)
- 6.9 The Recipient will comply with its obligations under the Data Protection Act (DPA) 2018 in the processing of all personal information. The parties acknowledge that the Recipient is the Data Controller as defined in the Data Protection Act. In addition, the Recipient must observe its obligations under the Freedom of Information Act, where relevant, General Data Protection Regulation (GDPR), Environmental Information Regulations 2014 (EIR) and Human Rights Act 1998 (HRA) and under the common law duty of confidentiality. The Recipient shall also comply with all applicable laws, regulations, best practice and codes of practice and shall notify the OPCC immediately of any data breaches or significant departure from such legislation, regulations or codes.

- 6.10 Funded organisations must take steps to ensure that modern slavery and or human trafficking is not taking place within the organisations own business or within those services or organisations that it funds. These steps may include a Modern Day Slavery Statement, an Anti-Slavery Policy and Whistleblowing Policy and those that it employs either directly or indirectly are on the national minimum wage or national living wage.
- 6.11 The Recipient must ensure that staff have appropriate levels of training in mental health issues and the development of clear pathways with mental health services to improve access to appropriate services for those identified with mental health problems. In addition where those accessing the service, project or initiative with substance misuse problems may require a multi-agency response to co-ordinate support.
- 6.12 Where the PCCs funding is being considered as a contribution towards commissioning a service the Recipient must seek approval from the OPCC prior to any opportunities being released to the market. If it is agreed the PCCs funding can be used in this way the OPCC must be fully involved in the procurement process, including reserving the right to participate in the tender review.
- 6.13 Where the Recipient is providing support services for victims of crime, regardless of whether that crime has been reported to the Police they must be able to, on direction of the OPCC promptly and efficiently mobilise support for victims or immediate family members affected by a major Incident. A major incident is defined by the Civil Contingencies Act (2004) as an event or situation which threatens serious damage to human welfare in a place in the UK; an event or situation which threatens serious damage to the environment of a place in the UK; war, or terrorism, which threatens serious damage to the security of the UK. The requirement to mobilise only relates to those major incidents where there is a police investigation that could lead to a prosecution
- 6.14 The Recipient makes a commitment to work collaboratively with partner organisations, particularly those funded by the PCC to ensure joined up service delivery and referral pathways.
- 6.15 The Recipient must ensure that those accessing the service, project or initiative are able to access a complaints procedure which enables them to easily raise complaints and to obtain appropriate redress.
- 6.16 The Recipient must disclose to the OPCC immediately any circumstances that may negatively impact on the reputation of the PCC. These may be known at the time of the award or become known at any stage during the period of the grant award.
- 6.17 The Recipient must disclose to the OPCC immediately if they, at any point are made or become aware of a serving or recently retired officer or member of staff from Kent Police being involved in an organisation being funded, either as a volunteer, paid staff or as part of the governance structure.

- 6.18 If the Recipient has any grounds for suspecting financial irregularity (e.g. fraud, other impropriety or mismanagement) in the use of the funding they must notify the OPCC immediately in writing, explaining what steps are being taken to investigate the suspicion and keep the OPCC informed as to the progress of the investigation in writing. The OPCC reserves the right to take their own actions as necessary in these circumstances.
- 6.19 Funding is provided only for the service, project or initiative documented on the funding application form and it should not be diverted to other services, projects or initiative.
- 6.20 Funding must not duplicate areas where the PCC is already providing a contribution for either a formally commissioned service or grant funded. Should duplication or potential overlap be identified the OPCC must be contacted immediately.
- 6.21 The PCC must be identified as contributing funding by use of the PCC logo on project correspondence or literature (including media release, which will be in conjunction with PCCs Communications Manager). At the point the PCCs funding ceases the logo must immediately be removed from all the organisations literature or communications.
- 6.22 The PCC withholds the right to withdraw funding with 30 days' notice in writing for non-compliance with the stated grant conditions. This may result in all or part of the grant having to be repaid.
- 6.23 The OPCC may terminate this funding with three months' notice or sooner, if sufficient risk, is identified in writing if the OPCC considers that for legal, policy, budgetary or financial reasons, termination is necessary or desirable.
- 6.24 The OPCC may amend these grant conditions during the funding period and will notify the Recipient in writing should amendments be made.

7. Exclusions

- 7.1 The funding must not be used to run separate grant funding processes or schemes.
- 7.2 The funding must not be used to support any contributions to services, which are already being directly or indirectly funded by the PCC.
- 7.3 The funding must not be used to support finder's fees for additional funding or bonus payments to staff.
- 7.4 The funding must not be used to fund Kent Police projects, salary or overtime costs.
- 7.5 The funding must not be used to replace funding for projects where other statutory agencies funding has either reduced or been withdrawn.
- 7.6 The funding must not be used to fully fund a formally commissioned service.