

## **Scheme of Consent - Chief Executive and Chief Finance Officer**

This Scheme of Consent enables the Office of the Police and Crime Commissioner and the Commissioner to function in an efficient and effective manner.

It sets out how the Commissioner allows the Chief Executive and the Chief Finance Officer to make decisions that are the formal/statutory responsibility of the Commissioner and also allows for those two post holders to exercise the statutory responsibilities that fall to them specifically. Accordingly, it allows the Commissioner to focus personally on matters they consider to be most important. It is to be used in conjunction with Financial Regulations issued and can be amended by the Commissioner at any time.

The Scheme set out below is intended to strike a balance between allowing independence and sensible and reasonable managerial freedom while retaining the Commissioner's ability both to hold the Force to account and to give managerial direction to their staff. The Scheme is intended to ensure that the decision-making process provides good value for money.

### **Principles**

The following principles underlie the Scheme:

1. The Commissioner must make statutory (see below) and other key decisions in respect of resources, performance standards and objectives across their responsibilities.
2. All assets, liabilities and contracts will remain under the ownership of the Commissioner.
3. The Commissioner must have sufficient information at the appropriate time and have sufficient decision-making powers to enable effective oversight and scrutiny and to ensure efficiency and effectiveness.
4. The Commissioner's day-to day activities will be focussed on strategic issues including holding to account and scrutiny, interacting with the public and stakeholders, and promoting delivery of the Police and Crime Plan.
5. The Chief Constable must be given (in addition to operational independence) sufficient non-operational decision-making powers to enable him to lead and manage the Force effectively and efficiently.
6. The Chief Executive must have reasonable managerial freedom to run the Commissioner's office and to progress business on the Commissioner's behalf and be provided with adequate resources to properly discharge the role of 'Monitoring Officer'. Likewise, the Chief Finance Officer will be provided with support and access to enable them to discharge the role in line with CIPFA and Home Office codes of practice.
7. The Commissioner's management and administrative responsibilities will be largely discharged on their behalf by the Chief Executive and the Chief Finance Officer, provided that this does not undermine the Commissioner's ability to scrutinise the Force effectively and does not expose the Commissioner or the Force to reputational risk.
8. The Commissioner reserves the right to require that a specific matter is referred to them for a decision and not dealt with under this scheme.
9. Delegation to officers under this scheme does not prevent an officer from referring the matter to the Commissioner for a decision if it is considered appropriate.

## **Special Provision**

Should the Commissioner become unable to fulfil their duties for an extended period, due to illness or personal circumstances, with their express written approval, their responsibilities will pass to the Chief Executive to undertake as far as legally possible under the relevant statute applying to the powers of a Commissioner. In such circumstances, the Chief Executive will notify the Chief Constable and Chairman of the Police and Crime Panel of the temporary arrangement. In exercising such delegations under such circumstances, the Chief Executive will consult with the Chief Finance Officer as far as possible, as the other statutory officer, in arriving at decisions normally determined by the Commissioner.

## **Statutory responsibilities of the Commissioner**

The Commissioner has certain specific responsibilities set out in legislation, which cannot be delegated to officials (although some could be delegated to a Deputy Commissioner). These are:

- Issue a Police and Crime Plan
- Determine police and crime objectives
- Set the precept
- Set the budget for the Force
- Award grants
- Approve the Annual Report
- Approve a Community Safety Partnership (CSP) merger
- Approve Section 22 Agreements
- Appoint, suspend and dismiss their Chief Executive
- Appoint, suspend and dismiss their Chief Finance Officer
- Appoint, require to retire or resign, suspend and dismiss the Chief Constable
- Appoint and dismiss a Deputy Commissioner
- Appoint an Audit Committee
- Commission victims' services
- Convene a meeting of Community Safety Partnership's across the police and crime area
- Request a report from a Community Safety Partnership
- Responsibilities of a Corporation Sole
- Decide on applications for, and amounts of, pension forfeiture

## **Statutory responsibilities of the Chief Executive**

- To act as 'Monitoring Officer' under section 151(1) of the Local Government and Housing Act 1989.

## **Statutory responsibilities of the Chief Finance Officer**

- To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
- To act as 'Chief Finance Officer' under section 151 of the Local Government and Housing Act 1989.

## Chief Executive

The Chief Executive may make the following decisions **after consulting the Commissioner**:

No	Item
CE1	To consider whether, in consultation with the Chief Finance Officer, to provide indemnity to the Commissioner 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.
CE2	To appoint and dismiss staff (other than the Chief Finance Officer) who are under the direction and control of the Chief Executive.
CE3	To determine staff terms and conditions of service for those working under the direction of the Chief Executive.
CE4	To advise the Commissioner on any complaint made against the Chief Constable and/or referral to the IOPC, and where appropriate make arrangements for appointing an officer to investigate low level complaints and report to the Commissioner. Serious complaints will be investigated by the IOPC and the Chief Executive will keep the Commissioner informed.
CE5	To respond to consultations on proposals affecting the Commissioner or their statutory responsibilities.
CE6	To approve any proposal from the Chief Constable, subject to consultation with the Chief Finance Officer, to acquire or dispose of property owned by the Commissioner.
CE7	To implement health and safety policies and procedures for staff in accordance with relevant legislation.

The Chief Executive may make the following decisions **subject to the Commissioner being informed** when the decisions are taken:

CE8	Provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.
CE9	To consider and approve, in consultation with the Chief Finance Officer, provision of indemnity and/or insurance to individual staff of the Commissioner in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.
CE10	To make arrangements, including obtaining legal or other expert advice and the authorisation of people, to initiate, defend, withdraw or settle any claims or legal proceedings on the Commissioner's behalf, in consultation with the Commissioner's Legal Advisor (and the Chief Finance Officer if there are significant financial implications).

The Chief Executive may make the following decisions **without reference to the Commissioner**:

CE11	To order goods and services and spend on items provided for in the revenue budget.
CE12	To ask for and accept quotations and tenders for goods and services provided for in the revenue budget in line with Financial Regulations.
CE13	To decide on any appeal against the outcome of a complaint against the police.
CE14	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 2018.
CE15	To process all appeals made by police officers retired due to ill health, and to implement the subsequent awards made, in line with the provisions of the Police and Pensions Regulations.

CE16	To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Scheme (Internal Dispute Resolution Procedures) Regulations 1996.
CE17	To deal with Freedom of Information Act requests and to prepare and issue Publication Schemes under the Freedom of Information Act 2000.
CE18	To manage the Independent Custody Visitor Scheme.
CE19	To deal with any correspondence on the Commissioner's behalf.
CE20	To make arrangements for consultation and engagement on the Commissioner's behalf.
CE21	To make decisions, by agreement with the Chief Constable, to award pensions to minors under the Police Pensions Regulations 1987 and 2006 (and any amendments thereto).
CC22	To sign contracts on behalf of the Commissioner in accordance with agreed policy or decisions made.
CC23	To affix the common seal of the Commissioner wherever it may be required or wherever the Commissioner so determines.
CC24	To seek whatever advice, external or internal, deemed necessary to enable delivery of statutory duties as Monitoring Officer.

In addition, the Chief Executive may authorise other staff in the office to make decisions on their behalf.

## Chief Finance Officer

The Chief Finance Officer may make the following decisions **after consulting the Commissioner**:

No	Item
CF1	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.
CF2	To issue and amend the Financial Regulations.

The Chief Finance Officer may make the following decision **subject to the Commissioner being informed** when the decision is taken:

CF3	To report to the external auditor any unlawful or potentially unlawful spending by the Commissioner's staff, or the Force's officers or staff.
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The Chief Finance Officer may make the following decisions **without reference to the Commissioner**:

CF4	To approve the arrangements for securing and preparing the Commissioner's accounts and seek assurances that there are appropriate arrangements in place for the preparation of the Force's accounts.
CF5	To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts.
CF6	To undertake the day to day financial management of the Commissioner's budget.
CF7	To administer grants awarded by the Commissioner.
CF8	To be responsible for investing and borrowing money, as necessary, in line with the Treasury Management Strategy.
CF9	Sign cheques on behalf of the Commissioner.
CF10	Provide for an adequate and effective internal audit service.
CF11	To sign contracts on behalf of the Commissioner in accordance with agreed policy or decisions made.
CF12	To affix the common seal of the Commissioner wherever it may be required or wherever the Commissioner so determines.
CF13	To order goods and services and spend on items provided for in the revenue budget.
CF14	To seek whatever advice, external or internal, deemed necessary to enable delivery of statutory duties as the Chief Finance Officer.
CF15	To execute property and estates matters in line with the overall policy set by the Commissioner.
CF16	To determine when goods are surplus to requirements or obsolete and arrange for disposal in line with Financial Regulations.

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I agree to this Scheme of Consent for the Chief Executive and the Chief Finance Officer.

**Name: Matthew Scott (Kent Police & Crime Commissioner)**

**Signed:** 

**Date: 14 May 2021**