

Scheme of Consent – Chief Constable

This Scheme of Consent enables the Force and the Commissioner to function in an efficient and effective manner following the formal transfer of staff under the Stage Two Transfer Provisions.

It sets out how the Commissioner allows the Chief Constable to make decisions that are the formal/statutory responsibility of the Commissioner. It also allows the Commissioner to focus personally on the matters which they consider most important. It is to be used in conjunction with the separate Scheme of Consent for the Commissioner's Chief Executive and Chief Finance Officer and Financial Regulations and Standing Orders for Contracts issued and updated by the Commissioner from time to time.

The Scheme set out below is intended to strike a balance between allowing operational independence and sensible and reasonable managerial freedom while retaining the Commissioner's ability both to hold the Force to account and to be confident in ensuring consistency with their Police and Crime Plan and sound stewardship of public monies. The Scheme is also intended to ensure that the decision-making process provides good value for money.

Subject to consultation with the Chief Constable (and the Home Office where appropriate), the Scheme of Consent can be amended by the Commissioner at any time.

The scheme is part of a broader governance framework which meets statutory and other requirements of the Commissioner.

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 (unless an operational policing contract) 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 Commissioner reserves the right to require that a specific matter is referred to them for consultation before a decision is made regardless of any delegations under this scheme.
7. Delegation under this scheme does not prevent the Chief Constable discussing the matter with the Commissioner if they feel it is appropriate, prior to arriving at a decision.

Statutory responsibilities of the Commissioner

The Commissioner has certain specific responsibilities set out in legislation. 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 Constable

These include:

- The ability to take all operational decisions in line with relevant statutes.
- Management of officers and staff under his/her direction and control.
- To appoint a Deputy Chief Constable and Assistant Chief Constables, after consultation with the Commissioner.
- To retire or dismiss a Deputy Chief Constable or Assistant Chief Constable after notifying the Commissioner.
- Responsibilities of a Corporation Sole.
- In conjunction with the Commissioner, approve Section 22 Agreements.

Chief Constable

The Chief Constable will comply with Financial Regulations and Standing Orders, but as part of that day to day process, may make the following decisions **subject to the Commissioner being informed** when the decision is taken:

CC1	To approve business cases for revenue expenditure below £1M provided there is on-going budget provision as necessary and the case is consistent with the Police and Crime Plan.
CC2	To approve business cases for capital expenditure below £0.5M subject to budget provision.
CC3	All agreements for the provision of policing services to other organisations with a value greater than £100,000 (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 which is an operational matter).
CC4	Settlement of employment tribunal cases and grievances of police officers and staff under the direction and control of the Chief Constable.
CC5	Approve the financial settlement of all claims or requests for compensation where: <ul style="list-style-type: none"> a) the total compensation to be paid is £50,000 or more (to include multiple or linked claims/claimants) except in the case of accident claims where the threshold will be £200,000 or more; and b) they do not involve chief police officers or police staff chief officers; and c) there is no particular public interest in the case; and d) there is no significant risk that the Commissioner or Kent Police will be exposed to serious public criticism; and e) it is not the nature of a test case.
CC6	Institute, defend or participate in legal actions to protect the interests of Kent Police and the Commissioner (where appropriate) and having regard to the wider public interest.
CC7	To determine rewards for exceptional diligence or other meritorious conduct.

The Chief Constable can make the following decisions **without reference to the Commissioner**:

CC8	To undertake the day to day management of the budget in accordance with Financial Regulations and standing orders for contracts.
CC9	Commit expenditure within the approved budget to meet policies and objectives set out in the Police and Crime Plan.
CC10	In accordance with Financial Regulations, transfer or move budgets between budget headings, on a permanent or temporary basis for all individual amounts below £0.5m notifying the Commissioner's Chief Finance Officer through the budget monitoring process. Virement proposals above £0.5m will need the consent of the Commissioner's Chief Finance Officer in advance.
CC11	Undertake the day to day management of the insurance function in line with the strategy approved by the Commissioner's Chief Finance Officer on an annual basis.
CC12	To approve the award of contracts up to a value coinciding with the financial limits, with the exception of any the Commissioner requests involvement in.
CC13	To undertake the day to day management of the property function subject to the Financial Regulations and standing orders.
CC14	To keep a register of all property and major assets owned by the Commissioner or leased by him/her showing a current value of £12,000 or above and of all vehicles and all desktop equipment of measurable value.
CC15	To be responsible for the management of all his staff in accordance with best practice and policy.

CC16	To manage the numbers, locations, ranks and grading of police officers and police staff within the overall workforce budget set by the Commissioner (subject to consultation with the Commissioner in respect of chief police officer and police staff chief officer ranks).
CC17	To negotiate with, and reach agreements which are within authorised budgets with, recognised trade unions and staff associations on any conditions of service matters that can be decided locally.
CC18	Determine all requests for financial assistance to officers and staff involved in legal proceedings or inquests in the course of their normal duties unless: a) The officers and staff are facing individual criminal or disciplinary proceedings for alleged actions contrary to the law and/or Force policy. In such cases the Chief Constable shall discuss and agree any subsequent or retrospective support depending on the outcome of such proceedings.
CC19	To sign contracts on behalf of the Commissioner, irrespective of value, except those which are required to be executed under the common seal of the Commissioner.
CC20	To buy or lease the vehicles, machinery, equipment and services needed and to make arrangements for them to be used, disposed of, returned and replaced as appropriate.
CC21	To exercise the powers and duties of the Police (Property) Regulations 1997 by authorising requests to donate unclaimed lost property to charity. In addition to exercise the powers and duties under the Police (Property) Act 1897 where property is no longer claimed or the court determines ownership and the proceeds of sale or monies recovered will be placed into the Police Property Fund. The Police Property Fund will then be used for charitable donation or policing purposes.
CC22	To provide premises, equipment, other material or facilities jointly with another force.
CC23	To provide advice or assistance to any international organisation or institution or to any other policing body in the UK.
CC24	To consent to service by officers and staff outside of the Kent Force.
CC25	To administer the Local Government Pension Scheme in respect of police staff contributors.
CC26	To apply all Regulations covering Special Constables.
CC27	Approve the provision of advice or assistance to international organisations under the Police Act 1996 (Commissioner to be informed if the amount exceeds £100K).
CC28	To implement health and safety policies and procedures for officers and staff under their direction and control in accordance with relevant legislation.

I agree to this Scheme of Consent for the Chief Constable.

Name: Matthew Scott (Kent Police & Crime Commissioner)

Signed: 

Date: 3 October 2022