

## Decision Making and Recording Policy

The Police Reform and Social Responsibility Act 2011 does not refer to the need to take specific decisions, but sets out clearly the functions that commissioners are required to discharge within their statutory role. It does not require that decisions are made in a particular way, other than in relation to the conduct of the decision taker.

### 1. DECISION MAKING PRINCIPLES

- 1.1 The core purpose of good governance in public services is to ensure public bodies take informed, transparent decisions and manage risk. Fair and effective decision making is a crucial part of the Commissioner's work to ensure trust and confidence in Northumbria Police and it is essential that proportionate and timely decisions are taken where appropriate and necessary. This is important for several reasons:
- a) It is the foundation of public accountability
  - b) To uphold standards and maintain confidence in the delivery of policing and community safety services in Northumbria; and
  - c) To drive better value for money, improve efficiency and effectiveness.
- 1.2 The statutory Policing Protocol describes how the Commissioner is responsible for the governance of policing and outlines the relationship between the Commissioner and the Chief Constable. The Policing Protocol requires all parties to abide by the Nolan Principles. These principles are relevant to ensuring the correct conduct of decision makers:
- a) Selflessness – take decisions solely in terms of public interest
  - b) Integrity – not place themselves under obligation from others
  - c) Objectivity – make choices based on merit
  - d) Accountability – submit their decisions for scrutiny
  - e) Openness – be as open and transparent as possible
  - f) Honesty – declare interests and protect the public interest
  - g) Leadership – promote these principles and lead by example
- 1.3 The Commissioner will also have to ensure compliance with guidance issued by the Commission for Local Administration which outlines principles of good administrative practice.
- 1.4 The Elected Local Policing Bodies (Specified Information) Order 2011 specifies that information that must be published by the Commissioner, including specific references to decisions. Key decisions throughout the year will need to be taken around a range of issues including:
- a) Development of the Police and Crime Plan;
  - b) Precept and Budget; and
  - c) Medium Term Financial Planning.

## **2. PROVISION OF INFORMATION IN ORDER TO MAKE A DECISION**

- 2.1 A decision is a conclusion or resolution reached after consideration of all the facts and made in respect of the discharge of the functions of the Commissioner. The quality of information provided to the Commissioner is critical to good decision making. The information needs to be relevant and of sufficient quality and quantity to make an informed decision.
- 2.2 The requirement for information reflects the principles of good administration:
- a) establish all the relevant and material facts
  - b) consult those who might reasonably consider they would be adversely or significantly affected
  - c) consider the reasonable courses of action open to the police and crime commissioner
  - d) seek appropriate specialist advice
- 2.3 The National Audit Office suggest that effective decision making is underpinned by the provision of good quality information. Financial, performance, risk and equality information will be significant in most decisions the Commissioner makes and will be part of the decision making process. The Good Governance Standard also specifically highlights the need to seek and consider professional advice.
- 2.4 Appendix 1 specifies the information required to inform the decision making process. If necessary, the Commissioner will seek further information to ensure that they make a full and fair decision.

## **3 PROCESS FOR DECISION MAKING**

- 3.1 It is important that the Commissioner has sufficient time and information to consider and make decisions in relation to their office or Northumbria Police. A schedule of dates will be agreed by the Commissioner on which she will make such decisions.
- 3.2 All decisions will be recorded and be available for public inspection within 2 working days of them being made, together with the information on which the Commissioner based their decision (see section 5 for further details).

## **4. DOCUMENTING DECISIONS**

- 4.1 The decision itself and the information that was taken into account must be properly recorded. All decisions must be written and supported by an analysis of information and reasoning. The reasons required are proportionate to the importance and complexity of the particular matter. Appendix 2 is a template of the recording form that will be used to evidence decision making.

## **5 PUBLISHING DECISIONS**

- 5.1 The statutory requirement for the recording and publication of information about decisions, as defined in paragraph 3.1, ensures transparency and integrity and requires the publication of:
- a) a statement of the Commissioner's policy in relation to all such decisions of significant public interest
  - b) details of public meetings relating to all such decision
  - c) details of all such decisions of public interest
  - d) register of disclosable interests, gifts and hospitality of the Commissioner and staff
- 5.2 The Elected Local Policing Bodies (Specified Information) Order 2011 requires outcomes of specific decisions to be published:
- a) total budget and level of precept
  - b) proposed expenditure
  - c) annual investment strategy
  - d) information relating to crime and disorder grants
  - e) items of expenditure over £500
  - f) details relating to property, rights and liabilities
- 5.3 A clear and robust decision making process is more likely to lead to a good decision being made. There will be occasions where the nature of the decision dictates the extent to which the Commissioner carries out certain elements of the decision making process. On those occasions the Commissioner will need to restrict the information attached to the record of decisions. A schedule of exempt information is set out in Appendix 3 which will be used as the basis for restricting information, when necessary.
- 5.4 In addition, there may be other occasions when information needs to be restricted. For example, if the decision relates to matters of national security the decision may not be published fully in the public domain.
- 5.5 There may be other issues that impact upon the availability of decision-related information to local people. Security restrictions used by the police under the Government's Protective Marking Scheme could see some information restricted from publication. The Commissioner's Publication Scheme will provide further support and guidance.
- 5.6 As detailed in the Commissioner's Governance Arrangements setting out delegations, all decisions professional officers make under powers given to them by the Commissioner are recorded and available for inspection.

## **6. REVIEWING DECISIONS**

- 6.1 Commissioner decisions are reviewed to ensure compliance with good decision making principles.
- a) The first two checks arise from statutory roles as defined in the Police Reform and Social Responsibility Act; a Chief Executive

who must fulfil the monitoring officer role and a Chief Finance Officer who has ultimate responsibility for the section 151 role. The Monitoring Officer has ultimate responsibility for identifying any deviation from the core principles of good governance and to report anything which gives rise to concern over a proposal, decision or omission.

- b) The third check and balance is the statutory role of the Police and Crime Panel (the Panel). The role of the Panel is to review and scrutinise decisions made by the Commissioner and support the work of the Commissioner in the area. The Panel will focus their attention on important issues and decisions such as the Police and Crime Plan priorities, appointment of the Chief Constable and precept level.

6.2 The main grounds for challenging a decision of a public body are that it is unlawful, unreasonable or unfair. Decisions must be within the powers of the body and where they engage with someone's human rights, must be proportionate to the legitimate aim being pursued by the organisation.

## Information and Advice provided to the Commissioner for Northumbria

### 1. Introduction and background

This section must include an overview of the main issue the Commissioner is asked to make a decision about or is scrutinising.

### 2. Issues for consideration

This section must include a summary of key issues that have been considered to help the Commissioner to reach her decision or to focus their scrutiny:

- a) Links to Police and Crime Plan and Commissioner's Priorities - how does this decision support the delivery of the Police and Crime Plan?
- b) Consultation – has any consultation or public meeting been carried out to help inform the decision or scrutiny?
- c) Risks – how does this decision or scrutiny support the mitigation of risks identified in the Commissioner's Strategic Risk Register?
- d) Options – what other options or considerations have been made?

### 3. Financial considerations

Provide details of any financial implications this decision or scrutiny has with links where appropriate to principles in the Commissioner's Medium-term Financial Strategy as confirmed by the Treasurer.

### 4. Legal considerations

Provide details of any legal implications this decision or scrutiny has with links where appropriate to the Commissioner's legal obligations, roles, responsibilities and register of interests.

### 5. Equality considerations

Provide details of any equality implications this decision or scrutiny has with links to the Commissioner's equality objectives ensuring equality is promoted through-out all of the Commissioner's business areas.

### 6. Background and supporting papers

List the papers, reports or data that has been used to help inform the Commissioner's decision or scrutiny activity.

### 7. Chief Executive Consultation

A statement will be provided to confirm that the Chief Executive as Monitoring Officer has been consulted about this proposal and that the above considerations have been taken into account when preparing the report.

**NORTHUMBRIA POLICE AND CRIME COMMISSIONER**

**Key Decisions**

**Title and Reference**

**Summary**

**Recommendation/ Findings:**

**Northumbria Police and Crime Commissioner**

I hereby approve the recommendation above.

**Signature**

**Date**

**EXEMPT INFORMATION**

Exempt information means information falling within seven categories (subject to any condition):

	Category	Condition
1.	Information relating to any individual	The public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2.	Information which is likely to reveal the identity of an individual	The public interest in maintaining the exemption outweighs the public interest in disclosing the information
3.	Information relating to the financial or business affairs of any particular person (including the OPCC)	<p>The public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>The information is not information required to be registered under the Companies Act, the Charities Act or certain other legislation.</p> <p>‘Financial or business affairs’ includes contemplated, as well as past or current activities.</p>
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the OPCC or a Minister of the Crown and employees of, or office holders under, any authority.	The public interest in maintaining the exemption outweighs the public interest in disclosing information.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	The public interest in maintaining the exemption outweighs the public interest in disclosing information.
6.	Information which reveals that the OPCC proposes: <ul style="list-style-type: none"> <li>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person</li> <li>(b) to make an order or direction under any</li> </ul>	The public interest in maintaining the exemption outweighs the public interest in disclosing information.

	Category	Condition
	enactment	
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The public interest in maintaining the exemption outweighs the public interest in disclosing information.