



Police & Crime
Commissioner
for Cheshire



Cheshire
Constabulary

CHAPTER 1

CODE OF CORPORATE GOVERNANCE

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CHAPTER 1 – CODE OF CORPORATE GOVERNANCE

1 Introduction

- 1.1 Governance is about how the Police and Crime Commissioner and Chief Constable ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner. It comprises the systems, processes, culture and values within the Office of the Police and Crime Commissioner (OPCC) and the Constabulary, and through which the Commissioner and Chief Constable account to, engage with and, where appropriate, lead the community.
- 1.2 The Police and Crime Commissioner may lawfully consent to the Chief Constable (and/or delegate to the statutory officers within the OPCC) the task of discharging functions for dealing with resources. It shall be a condition of such consent (or delegation) that such individuals will be equally required to abide by this Code, (and comply with its principles and obligations, including undertaking separate annual assessments of the adequacy of governance arrangements and preparing Annual Governance Statements) and so where relevant, references to the Commissioner shall apply to staff in the Commissioner's Office, the Chief Constable and those Officers and Staff under his direction/control.
- 1.3 This Code of Corporate Governance describes how the Police and Crime Commissioner for Cheshire¹ will discharge his responsibilities in this respect.
- 1.4 The Commissioner has the legal power and duty to:
- (a) set the strategic direction and objectives of the force through the Police and Crime Plan, which must have regard to the Strategic Policing Requirement set by the Home Secretary;
 - (b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan;
 - (c) hold the Chief Constable to account for the performance of the force's officers and staff;
 - (d) decide the budget, allocating assets and funds to the Chief Constable; and set the precept for the force area;
 - (e) appoint the Chief Constable
 - (f) remove the Chief Constable subject to following the process set out in Schedule 8 to the 2011 Act;
 - (g) maintain an efficient and effective police force for the police area;

¹ The Police and Crime Commissioner for Cheshire is hereinafter referred to as the Commissioner throughout the Scheme of Governance.

- (h) enter into collaboration agreements with other Commissioners, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable
 - (i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
 - (j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;
 - (k) publish information specified by the Secretary of State and information that the Commissioner considers necessary to enable the people who live in the force area to assess the performance of the Commissioner and Chief Constable;
 - (l) comply with all reasonable formal requests from the Police and Crime Panel to attend their meetings;
 - (m) prepare and issue an annual report to the Panel on the Commissioner's delivery against the objectives set within the Plan;
 - (n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable. The Policing and Crime Act 2017 and supporting regulations made significant changes to the police complaints system. Such changes, which took effect from 1 February 2020, now include the Commissioner acting as a Relevant Review Body (RRB), to determine whether the outcome of a complaint to Cheshire Constabulary was reasonable and proportionate, as well as a Local Oversight Body, enhancing local accountability and a statutory responsibility for the Commissioner to hold the Chief Constable to account for the performance of the complaints system locally and for ensuring there are appropriate processes in place for dealing with conduct and DSI matters.
- 1.5 The Commissioner has wider responsibilities than those relating solely to the police force, including:
- (a) a specific responsibility for the delivery of community safety and crime reduction;
 - (b) the ability to bring together Community Safety Partnerships at the force level;
 - (c) the ability to make crime and disorder reduction grants within their force area;
 - (d) a duty to ensure that all collaboration agreements with other Local Policing Bodies and forces deliver better value for money or enhance the effectiveness of policing capabilities and resilience;
 - (e) a wider responsibility for the enhancement of the delivery of criminal justice in their area;

- (f) the ability to provide or commission services that will secure, or contribute to securing, crime and disorder reduction or that are intended to help victims and witnesses of crime and anti-social behaviour.
- 1.6 This Code of Corporate Governance describes how the Chief Constable will meet his responsibility to secure good governance, and in particular his statutory responsibility for the direction, control and delivery of operational policing services.
- 1.7 The Chief Constable is a corporation sole and is responsible to the public and accountable to the Commissioner for:
- (a) leading the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality;
 - (b) appointing and dismissing the force's officers and staff (after consultation with the Commissioner, in the case of officers above the rank of Chief Superintendent and police staff equivalents);
 - (c) supporting the Commissioner in the delivery of the strategy and objectives set out in the Plan;
 - (d) assisting the Commissioner in planning the force's budget;
 - (e) providing the Commissioner with access to information, officers and staff as required;
 - (f) having regard to the Strategic Policing Requirement when exercising and planning policing functions in respect of the force's national and international policing responsibilities;
 - (g) notifying and briefing the Commissioner of any matter or investigation on which the Commissioner may need to provide public assurance either alone or in company with the Chief Constable (all Commissioners will be designated as Crown Servants under the Official Secrets Act 1989, making them subject to the same duties in relation to sensitive material as Government Ministers);
 - (h) being the operational voice of policing in the force area and regularly explaining to the public the operational actions of officers and staff under their command;
 - (i) entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective Policing Bodies;
 - (j) remaining politically independent of the Commissioner;
 - (k) managing all complaints against the force, its officers and staff, except in relation to the Chief Constable, and ensuring that the Commissioner is kept informed in such a way as to enable the Commissioner to discharge their

statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Office for Police Conduct (IOPC) in line with legislation;

- (l) exercising the power of direction and control in such a way as is reasonable to enable their Commissioner to have access to all necessary information and staff within the force;
- (m) having day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the Commissioner.

1.8 The 2016 Framework sets out seven principles of good governance which are taken from the International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014) ('the International Framework') and interprets them for local government, including policing. The seven principles are:

- A – behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- B – ensuring openness and comprehensive stakeholder engagement
- C – defining outcomes in terms of sustainable economic, social and environmental benefits
- D – determining the interventions necessary to optimise the achievement of the intended outcomes
- E – developing the entity's capacity, including the capability of its leadership and the individuals within it
- F – managing risks and performance through robust internal control and strong public financial management
- G – implementing good practices in transparency, reporting and audit to deliver effective accountability.

1.9 To achieve this, a framework has been formulated locally which ensures that these principles are fully integrated in the conduct of the Commissioner's and Constabulary's business as well as establishing a means of demonstrating compliance as reported in the Annual Governance Statement.

1.10 The OPCC and Constabulary can also demonstrate that the systems and processes in place are:-

- Monitored for their effectiveness in practice; and
- Subject to annual review to ensure they remain up to date.

2 The Code of Corporate Governance

2.1 Accordingly, the Commissioner and Chief Constable have developed this Code of Corporate Governance which incorporates the core good governance principles, develops these in a local context, and sets out the arrangements for reviewing their effectiveness.

3 Arrangements for the Review of Governance

3.1 The Commissioner and Chief Constable have put in place the following arrangements to review the effectiveness of the Code of Corporate Governance.

Code of Corporate Governance

3.2 The Commissioner and Chief Constable are responsible for jointly approving this Code of Corporate Governance.

Annual Governance Reviews

3.3 The Commissioner and Chief Constable will carry out separate annual reviews of the adequacy and effectiveness of their respective governance arrangements. A joint Annual Governance Statement will then be produced for inclusion in the Annual Statement of Accounts. The joint AGS, which will include an action plan to rectify any significant areas of weakness in corporate governance, will be signed jointly by the Commissioner; the Chief Finance Officer (OPCC) and the Chief Constable.

The Police and Crime Commissioner

As a corporation sole, the Commissioner is responsible for holding the Chief Constable to account for good governance within the Constabulary and is responsible for corporate governance issues affecting the Office of the Police and Crime Commissioner.

The Chief Constable

3.4 As a corporation sole, the Chief Constable is responsible for corporate governance issues affecting the Constabulary, ensuring that appropriate reviews are carried out into key areas including:-

- Optimisation of operational delivery, with adequate service, governance and financial controls
- Professional standards and performance
- Management of information, including security and data protection
- Strategic co-ordination of service and financial planning, including risk management
- The processes for evaluation, and achievement of value for money

The Police and Crime Panel

- 3.4 The Police and Crime Panel is responsible for reviewing and scrutinising the Commissioner's exercise of his statutory functions. The Panel does not scrutinise the Chief Constable, this is the role of the Commissioner. While the Panel is there to scrutinise the Commissioner, it must also exercise its functions with a view to supporting the effective exercise of the Commissioner's functions.

Joint Audit Advisory Committee

- 3.5 In accordance with the Financial Management Code of Practice for the police service issued by the Home Office, the Commissioner and Chief Constable have established a Joint Audit Advisory Committee (JAAC). This Committee provides the Commissioner and the Chief Constable with independent, objective and high-level assurance on the adequacy of governance, management and internal control arrangements. The JAAC is independent of executive decision making and follows the requirements set out in the Home Office Financial Management Code of Practice.

Internal Audit

- 3.6 The primary role of internal audit is to give assurance to the Commissioner and Chief Constable, on the effectiveness of the controls in place to manage risks. The Internal Auditor will report to the JAAC on a quarterly basis, highlighting any major control weaknesses identified.
- 3.7 The review of both corporate governance and risk management arrangements periodically feature in the annual audit plan which is subject to review by the JAAC. Corporate governance and risk management issues may arise through other reviews carried out by Internal Audit. In this case the issues will be raised through the relevant audit report.

External Audit

- 3.8 The External Auditors audit the Commissioner's and Chief Constable's financial statements, Annual Governance Statement and arrangements for securing value for money, as well as undertaking a number of thematic based reviews. The External Auditor's plans and reports, including the Annual Audit Findings report, will be considered by the Commissioner and Chief Constable and reviewed by the JAAC at appropriate times in the annual cycle of meetings.

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services

- 3.9 The role of HMICFRS is to promote the efficiency and effectiveness of policing in England, Wales and Northern Ireland through inspection of police organisations and functions to ensure agreed standards are achieved and maintained; good practice is spread and performance is improved. It also provides advice and support to the tripartite partners (Home Secretary, Police and Crime Commissioners and forces). The Commissioner can commission the conduct of inspections from HMICFRS if required.

- 3.10 HMICFRS reports are sent to the Commissioner and the Chief Constable for consideration and appropriate action. The Commissioner is required to respond to the Home Secretary regarding any published HMICFRS reports relating to Cheshire and must publish his response.