



**POLICE & CRIME  
COMMISSIONER  
for Leicestershire**

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Your voice in Leicester,  
Leicestershire & Rutland

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## **Decision Making Policy**

### **For Publication**

*Version 2  
Review Date: August 2028*

**Policy Owner:** Chief Executive Officer

**Role Responsible:** Policy and Compliance Officer

**Senior Manager Review:** Chief Executive Officer

**Date of next review:** August 2028

## Review log

<b>Date</b>	<b>Minor / Major / No change</b>	<b>Section</b>	<b>Author</b>
17/8/22	First draft	All	7491 (N Padhiar)
30/8/23	Minor Changes	All	9080 (A Champness)
30/8/23	No Change		Approved by SMT-Final version.
17/4/2024	Minor Changes		7491 (N Padhiar)

## Important

**Once you have completed the document, please delete the comment boxes on the right, as these are for guidance in completing the fields above.**

## **1. Introduction**

- 1.1 The Police and Crime Commissioner (PCC) is required by law to publish a policy statement in relation to the making of decisions of significant public interest that arise from the exercise of their duties. Whilst the definition of what is meant by 'significant public interest' is not defined in law, this Decision-Making Policy establishes a framework for facilitating good decision making by the PCC. This framework sets out the key principles in determining which decisions will normally be regarded as decisions of significant public interest.
- 1.2 The PCC is committed to ensuring that decisions are made in a consistent, fair, open and transparent way, with due regard to the statutory framework within which the PCC operates and good practice governance principles. The PCC is committed to a robust decision-making policy process to achieve consistent, reliable and objectively sustainable decisions.
- 1.3 This policy process outlines the decision-making process and provides information on how decisions will be made, recorded and published. This policy also applies to those exercising delegated authority on behalf of the PCC.

## **2. Statutory Framework**

- 2.1 The PCC operates within a statutory framework consisting of:
  - The Police Reform and Social Responsibility Act 2011, which created the PCC as a corporation sole, assigning functions, giving ancillary powers to facilitate the principal functions and requiring that the PCC's decisions and actions are reviewed and scrutinised by the Police and Crime Panel.
  - Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012, which requires the PCC to swear an oath of impartiality. It commits the PCC to serve local people without fear or favour and to set out publicly their commitment to tackling their role with integrity, impartiality and fairness.
  - The Policing Protocol Order 2023, which requires the PCC to abide by the seven Nolan principles of governance in public life.
  - The Elected Local Policing Bodies (Specified Information) Order 2011 and the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 sets out the information that must be published by the PCC. Specifically, in relation to decision making:
    - Paragraph 6(b) of the 2011 Order, the PCC is required to publish 'a statement of the policy of the elected local policing body in relation to the making of decisions of significant public interest arising from the exercise of the body's functions' (paragraph 6(b)).
    - Paragraph 5(d) of the 2011 Order requires publication of "a record of each decision of significant public interest arising from the exercise of the elected local policing body's functions, whether made by the body at or as a result of a meeting or otherwise" relating to, amongst other things, decision making.

- The Financial Management Code of Practice for the Police Service provides clarity around the financial governance arrangements and specifies the need to embed the principles of good governance into the way the PCC operates. The Code requires the PCC and Chief Constable to establish a Joint Audit Committee with that Committee recommended to consider internal and external audit reports and advice according to good governance principles and appropriate risk management arrangements.
- Public law principles of good decision making.

### **3. Governance Principles**

- 3.1 Decisions taken by the PCC arising from his statutory duties and in exercising his powers, the PCC shall have due regard to:
- Standards in Public Life, 2005 as amended by the 14th report of the Committee on Standards in Public Life (the 'Nolan principles').
  - International Framework: Good Governance in the Public Sector, jointly developed by IFAC and the Chartered Institute of Public Finance and Accountancy (CIPFA) 2014.
  - The views of the people of Leicester, Leicestershire and Rutland and key stakeholders, as appropriate.

### **4. Police and Crime Commissioner Responsibilities**

- 4.1 The PCC has variety of statutory responsibilities. Summary headline responsibilities are set out below:
- The PCC publishes a Police and Crime Plan (the Plan) setting out the aims and objectives to guide the provision of policing services in Leicestershire. The Plan may also contain the PCC's aims and intentions for other aspects of the statutory responsibilities. The PCC must present his Plan or any revision of the Plan to the Police and Crime Panel and must have regard to any report or recommendations made by the Panel.
  - The PCC issues a Council Tax Precept before the 1 March each year following review by the Police and Crime Panel and sets the financial strategy and annual budget for policing.
  - The PCC is responsible for appointing and if necessary, dismissing, the Chief Constable, and for holding them to account for the delivery of their functions.
  - The PCC arranges for the provision of services to secure crime and disorder reduction and to help victims and witnesses.
  - The PCC engages and communicates with the public of Leicester, Leicestershire and Rutland.

### **5. Decisions of Significant Public Interest.**

- 5.1 Decisions taken by the PCC will primarily arise from discharging statutory functions and are likely to include, but are not limited to, the following areas:

- Strategic direction including the preparation and publication of the Police and Crime Plan and the Annual Report
- Setting the budget and council tax precept
- The approval of quarterly budget monitoring reports where they include a financial recommendation outside the original budget approval, and the final year end outturn position.
- Decisions that incur a cost that is not provided for within annual budgets, therefore not within the remit of those with delegated powers; that will require financing outside of the baseline budget, which may include the use of reserves.
- Decisions that incur a cost that are not included or not explicit within the capital budget, which may incur a determination of financing,
- Asset acquisition, disposal and significant works
- Appointment, suspension or removal of the Chief Constable
- Appointment of a Deputy PCC or OPCC Statutory Roles
- Approval of key strategy documents
- Governance and assurance including policy development and holding the Chief Constable to account for force performance.
- Collaboration and partnerships to achieve efficient and effective service delivery.
- Commissioning of services and the award of contracts and grants, in particular when they are of a significant financial value.
- Decisions that may be considered to have any aspects that are novel, contentious, repercussive or politically sensitive.

5.2 The following decisions will not normally be regarded as matters of significant public interest:

- Day to day internal management decisions
- Changes to staff terms and conditions of employment, appointment, suspension or dismissal of OPCC staff, or other HR processes
- The acquisition of office supplies or spend related with the running of the office.
- Engagement and consultation with the public and victims and witnesses of crime
- Where staff or officers are operating within the approved scheme of delegation

5.3 A decision that a matter is not of significant public interest should not be taken to mean that it is of no public interest. The intention of restricting the publication of decisions to those of significant public interest is to avoid all decisions made in the normal course of business, however minor, being subject to publication. However, any freedom of information request for information that would require disclosure of a non-published decision will be dealt with on its own merits.

## **6. Decision Making Process**

### **Key Principles**

- 6.1 Through adopting principles of good governance, the PCC will ensure that the right climate is set for decision making. 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 PCC makes and will form part of the decision-making process. The basic process to be followed, prior to a request for decision being made will depend upon factors such as the complexity, impact, cost and public interest associated with the decision, as set out below:
- All relevant material, information, and facts will be assembled,
  - Consultation will take place with all interested and affected parties,
  - There will be consideration of all available courses of action.
  - Specialist advice will be sought where required,
  - Information will be presented which focuses on core issues, consistent with the PCC's aims and objectives,
  - Value for money considerations will be considered as well as the financial implications of the decision.
- 6.2 The Chief Executive Officer and Monitoring Officer and Chief Finance Officer have statutory responsibilities for identifying and reporting any contraventions of law or maladministration. These post holders will be responsible for ensuring compliance to good governance principles of decision making and this Policy.
- 6.3 The PCC will ensure that a record of key decisions taken is kept in line with the OPCC Retention Policy and published on the OPCC website (see section 6.7 below). The PCC will ensure that all recorded decisions are notified to the Police and Crime Panel, whose scrutiny role extends to the review and scrutiny of decisions.
- 6.4 We will maintain a list of routine annual decisions that we make every year. This can be found at Appendix C.
- 6.5 To ensure an effective and efficient policing service in Leicester, Leicestershire and Rutland, the PCC has planned for the delegation of a number of his responsibilities and associated decision-making to specified post-holders. The framework setting out the delegation of responsibilities and decision making is the Scheme of Delegation which is incorporated into the Joint Corporate Governance Framework. The Corporate Governance Framework sets out the parameters within which the delegations are to be exercised and can be found on the OPCC website.
- 6.6 The PCC may require any action or decision, otherwise authorised under the scheme of delegation, to be authorised by him. Furthermore, any decisions that the PCC is likely to regard as novel, contentious, repercussive or likely to be politically sensitive must be brought to the PCC's attention by the relevant decision-maker.
- 6.7 Information in Decision Records and their supporting documentation are subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Unless the information provided is covered by an exemption, it should be assumed that

the information contained in the form will be published, in full, on the Leicestershire OPCC website.

- 6.8 Where any information within the Decision Record itself or in the associated document(s) is not suitable for publication, a rationale must be given which should be recorded in the relevant section on the Decision Record. This should quote the relevant exemption being applied.
- 6.9 Where only some portions of a document are not suitable for disclosure, consideration must be given to redacting these (quoting the relevant exemptions when doing so) so that the remainder of the document can be published. The 'Status' section of the Decision Record should be updated to reflect this position. Careful notice should be made of the Government Security Classification markings of documents provided alongside Decision Record, to ensure they are suitably marked for publication where appropriate (i.e., marked no higher than Official if intended for disclosure or with an appropriate higher classification and handling instructions where exemptions apply).
- 6.10 It is the responsibility of those supplying information on which Decision Records are determined to ensure that the above guidance is complied with – failure to do so may require a Decision Record to be re-drafted or re-submitted and could delay the decision being reached and signed off.
- 6.11 The PCC's Decision-Making Process is shown as a flowchart at Appendix A. All requests for a PCC decision must be submitted by the Lead Officer to the OPCC Policy and Compliance Officer on the decision record form, which will provide details and justification for the decision. A template of the decision record form is contained in Appendix B.
- 6.12 The decision notice form requires relevant considerations to be considered including matters relating to legality, probity, finance and equality impacts, all of which are to be recorded. For complex decisions it is anticipated that the template form will be supported with additional information at an appropriate level of detail for the Commissioner to make the decision.
- 6.13 The Lead Officer will be the individual responsible for the matter for which a decision is required. Depending upon the nature of the decision the Lead Officer will be either be an OPCC staff member or an officer or member of staff of Leicestershire Force. At all times, the sections within the decision record form relating to the financial and legal aspects of the matter should be completed by the OPCC Chief Finance Officer and Chief Executive Officer and Monitoring Officer (or the OPCC's legal adviser) respectively.
- 6.14 Where the request for a decision is urgent and the urgency has been justified by the Lead Officer an extraordinary PCC decision making meeting will be convened.
- 6.15 The OPCC Policy and Compliance Officer is responsible for ensuring that the decision record form is fully completed including all accompanying papers and that the Lead Officer and any other staff / advisors are available to brief the PCC and/or Chief Executive Officer if required. No decision will be made unless accompanied by the appropriate decision template form and recorded in writing.
- 6.16 Following approval of each decision, the OPCC Policy and Compliance Officer will add a reference number to the decision record form and arrange for

publication on the OPCC website in accordance with the principles set out in above.

- 6.17 The Chief Executive and Monitoring Officer and Chief Finance Officer have statutory responsibilities for identifying and reporting any contraventions of law or maladministration. These post holders will be responsible for ensuring compliance to good governance principles of decision making and this decision-making process.

## **7. Retention of Records**

- 7.1 All concerns raised, and actions taken in response to disclosure will be recorded, and reports on all disclosures and Investigations will be retained by the designated person for 6 years.

## **8. Monitoring the Operation of the Policy**

- 8.1 The Chief Executive and Monitoring Officer has responsibility for the maintenance and operation of this policy.
- 8.2 To ensure compliance with this policy, the Policy and Compliance Officer is responsible for the quality assurance aspects of decision records. Line managers must ensure staff meet appropriate timeframes for dealing with decision making matters.
- 8.3 To understand if the decision-making process is meeting the needs of the Police and Crime Commissioner the decision-making log will be analysed for compliance with the protocol.



## 8.4 Appendix A

### Decision Making Flowchart

Request for PCC decision submitted to OPCC Policy and Compliance Officer on decision record form (template form shown in Appendix B)

OPCC Policy and Compliance Officer to ensure decision notice form is fully completed including all accompanying papers and that the Lead Officer and any other staff / advisors are available to brief the PCC/CEO, if required.

OPCC Policy and Compliance Officer to progress sign-off.

1. Send to CFO and CEO for approval.
2. Once approval received send to PCC/DPCC as delegated to sign.

Following approval of each decision, the Policy and Compliance Officer to add a reference number to the decision notice form and arrange for publication on the OPCC website in accordance with the below principles:

- Where a decision record is stated to be 'non-confidential' it can be published in its entirety
- Where a decision record is stated to be 'confidential' it is exempt from publication and the exemptions relied upon to withhold disclosure will be set out on the OPCC website, alongside the reference number and title of the decision record. (In exceptional circumstances the subject matter of the decision may also be exempt from disclosure and in this case only the reference number will be published)
- Where a decision record is stated to be partly confidential, those parts of the decision record that are confidential should be redacted prior to publication with the exemptions relied upon to withhold the information being clearly stated.

## Decision Record Template



Date of Decision: Click here to enter text.

Lead Officer: Click here to enter text.

Decision Record URN: Click here to enter text.

Title: **Click here to enter text**

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### **Decision summary:**

**Click here to enter text.**

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### **Decision Sought:**

To be completed by Lead Officer

**Click here to enter text.**

Note: If a request for a decision is from the Force, this section needs to show the decision-making process within the force, highlighting clear advice and clear recommendations and showing the support of the Chief Constable and/or Chief Officer Team.

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### **Supporting information**

#### **1) Background information**

Click here to enter text.

2) **Detail of additional information attached.**

Click here to enter text.

3) **Expected benefits.**

Click here to enter text.

4) **Impact of not approving the application**

Click here to enter text.

5) **Financial implications (including any cost savings)**

Click here to enter text.

6) **Consultations** (Details of any consultations that have been carried out or reason as to why no consultations has taken place):

Click here to enter text.

7) **Collaboration** (is there an opportunity to collaborate with partners)

Click here to enter text.

8) **Equality, Diversity & Human Rights implications**

Click here to enter text.

9) **Legal comments**

Click here to enter text.

10) **Publication**

**To be completed**

It is appropriate to publish this record of decision made by the Police and Crime Police and Crime Commissioner: Yes / Part Redacted / No

It is appropriate to publish the contents of the supporting papers:  
Yes / Part Redacted / No

It is appropriate to publish details of the decision by the Police and Crime Police and Crime Commissioner for Leicestershire: Yes / Part Redacted / No

**Reasons for any non-Publication (referencing appropriate legislation):**

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Unless the information provided is covered by an exemption and stated to be either confidential or partly confidential, the information contained in the form will be published on the OPCC website.

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**Chief Finance Officer:**

**Comments:** Click here to enter text

I have been consulted about the proposal and confirm that financial advice has been taken into account in the preparation of this report and assurances sought have been outlined within the report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Police and Crime Commissioner for Leicester, Leicestershire and Rutland.

**Signature:**

**Name:**

**Date:**

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**Chief Executive and Monitoring Officer:**

**Comments:** Click here to enter text

I have been consulted about the proposal and confirm that legal and equalities advice have been taken into account in the preparation of this report and assurances sought have been outlined in this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Police and Crime Commissioner for Leicester, Leicestershire and Rutland.

**Signature**

**Name**

**Date**

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**Police and Crime Police and Crime Commissioner for Leicestershire:**

Having received the advice set out above and reviewed relevant documentation my decision in regard of this matter is:

**Approved / Not Approved**

I confirm that my register of interests' declaration is up to date and that none of my interests preclude me from making this decision.

**Signature:**

**Date:**

**Name of Police and Crime Commissioner:**

## PCC Decisions

Decision Record details	Anticipated timing of decision
Appointment of Deputy Commissioner, Chief Constable and Statutory Officers	As and when
Annual Commissioners Grant Allocations	As and when
Capital Strategy	Annually
Reserves Strategy	Annually
Budget, Medium Term Financial Plan and Precept proposal	Annually
Police outturn budget monitoring report, including reserve transfers- carry forwards	Annually
Treasury Management Policy	Annually
Estates Strategy	Annually
Asset Management Strategy	Annually
IT Strategy	Annually
PCC's Risk Management Strategy	Annually
Intellectual Policy	Annually
Equality Strategy	Annually
Internal Audit Plan	Annually
Anti-Money Laundering Policy	Annually
Gifts, Loans and Sponsorship Policy	Annually
Joint Corporate Governance Framework	Annually
Contracts over Public Contract Regulations Threshold	As and when these occur
Change in Leases	As and when these occur

Purchase or sale of land or buildings	As and when these occur
OPCCs Commissioning Framework	Annually
Appointment of Internal/External auditors	As and when these occur

This list is not intended to be exhaustive and represents what is considered to be the minimum level of annual key decisions.