

Police, Fire and Crime Commissioner for Essex

Decision Making Policy and Procedures

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Reviewed By	D Horsman	October 2021
Policy owner	PFCC CEO	
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Version history

Version Number	Date	Reason for review	Comments
1.0	November 2012		First publication
1.1	February 2016	Update review	Minor amendments
1.2	August 2018	Review	Amendments
2	November 2021	Review	Rewritten to align to constitutions, reflect current practice and provide a clearer procedure.

PFCC and PFCCFRA Decision Making

1.0 Public Accountability

- 1.1 Public accountability for the delivery and performance of Essex Police and Essex County Fire and Rescue Service is placed into the hands of the PFCC on behalf of the electorate. The PFCC draws on their statutory duty and electoral mandate to set and shape the strategic objectives of both Essex Police and Essex County Fire and Rescue Service, to hold the Chief Constable and Chief Fire Officer / Chief Executive to account and set the local council tax precepts for both the force and the service.
- 1.2 The PFCC's Schemes of Delegation and Consent, set out within the Police Constitution and the Fire and Rescue Authority Constitution, clearly demonstrate the powers that must be undertaken by the Commissioner and those which are delegated and who too.

2.0 Principles of decision making

- 2.1 The PFCC defines a decision as any determination by the PFCC to take, or refrain from taking, any action or incurring any obligation with respect to their statutory functions, powers and duties.
- 2.2 All decisions taken in the discharge of a function of the PFCC shall have regard to the following matters –
- 2.3 Proportionality (i.e. the action must be proportionate to the desired outcome).
 - The presumption in favour of openness and transparency.
 - The need for consultation with interested parties.
 - The need to take account of relevant professional advice from appropriate officers.
 - The need for clarity of aims and desired outcomes.
 - The need to identify the range of options considered.
 - The need to give reasons and explanation for a decision.
 - The need to have due regard to the Government Security Classifications when considering disclosure of reports and documents supplied to them by Essex Police or Essex County Fire and Rescue Service.

3.0 Written reports and decision records

- 3.1 The PFCC, or Deputy PFCC, shall not take any decision without first having reviewed and considered a written report on the matter. A decision report will be signed by the PFCC or Deputy PFCC formalising the decision. Report authors should be aware that none of the PFCC's various governance boards

have any formal decision-making powers. As such, a decision is only considered to be taken by the PFCC and DPFCC, and as such may only be acted on by officers (including members of the PFCC's team, the Chief Constable and their staff and the Chief Fire Offices and their staff), once either the relevant decision report has been signed by the Commissioner or their Deputy, or a report setting out the associated recommendation(s) has been presented to the Essex Police, Fire and Crime Panel and minuted as such.

- 3.2 In exceptional circumstances, and with the prior agreement of the Monitoring Officer, the need for a written report may be dispensed with. In which case all verbal advice and opinion provided shall be noted and recorded, as the case may be, in the minutes of the meeting or in the decision record.
- 3.3 Any other person making a decision under powers delegated to them by the PFCC shall, where that person believes that is proportionate to do so in exercising those powers, produce a written statement which must include –
- A record of the decision, including the date it was made.
 - A record of the reasons for the decision.
 - Details of any alternative options considered and rejected when making the decision as soon as reasonably practicable after making the decision.

4.0 **General provisions**

- 4.1 The exercise of any delegated authority to take a decision in the discharge of a PFCC function is subject to the following -
- The person making the decision has first considered a written report prepared by an appropriate officer.
 - Any decision taken shall be in accordance with the PFCC's budget and policy framework, financial regulations and contract standing orders and any condition imposed by the law, this Constitution and any relevant statutory guidance.
 - Any person may, as they may determine appropriate, refer any matter falling within the authority delegated to them by the PFCC (the fact that a function has been delegated shall not prevent the discharge of that function by the person that delegated the function).

5.0 **Openness and transparency**

- 5.1 The Commissioner has committed to ensuring that, wherever possible, decisions are made public and as such all decision reports that can be published will be published on the PFCC's website and subject to scrutiny from the Police, Fire and Crime Panel.

6.0 Ensuring a robust and thorough decision process

- 6.1 To ensure that the decisions made by the Commissioner comply with the principles of decision making set out above, and in the Constitutions, a robust and thorough process has been developed. The process for decisions relating to Essex Police, Essex County Fire and Rescue Service and the PFCC's office are set out below. These vary because of the different role the Commissioner has statutorily in relation to each organisation.
- 6.2 All decisions will be reviewed by the PFCC Monitoring Officer or Deputy Monitoring Officer and the Head of Finance/S151 Officer. The role of the Monitoring Officer and their responsibilities is defined in statute ([Local Government and Housing Act 1989 \(legislation.gov.uk\)](#) the role and responsibilities of a Section 151 Officer is also defined in statute ([Local Government Act 1972 \(legislation.gov.uk\)](#)).

7.0 Decision Report Procedure for the PFCC

- 7.1 When the PFCC is required to make a decision, the following process is to be followed:
- 7.2 The relevant 'Decision Making Template' is to be completed. This form is included in the Police Constitution.
- 7.3 The form includes guidance notes and should be self-explanatory. The draft report should be provided in a format ready for publication without grammatical errors, editorial comments, and track changes. All sections must be completed prior to the decision being taken in order that a robust decision is made and fully documented. This will be vital should any decision subsequently be reviewed either internally or by external bodies.
- 7.4 If further guidance is required this can be sought from the Monitoring Officer, Deputy Monitoring Officer, Section 151 Officer or the relevant Head of Performance and Scrutiny.
- 7.5 All decision reports from Essex Police, including those from Seven Forces Commercial, should have gone through Essex Police's quality assurance process which is coordinated by their Continuous Improvement Team prior to being submitted to the Head of Performance and Scrutiny.
- 7.6 All decision reports from the PFCC team should have been reviewed by the responsible Senior Management Team member prior to submission. In submitting a decision report to the scrutiny officers the author is confirming that it has been endorsed by the relevant Senior Management Team member.
- 7.7 The Scrutiny Officers will provide the decision number to the report author. This can be obtained from the 'PFCC Decision report Log' for the current year. All decision reports scheduled to be received at Strategic Board should have obtained a decision number prior to being submitted to the Board.

- 7.8 The Scrutiny Officers are responsible for maintaining the 'PFCC Decision report Log' and administering the sign off process.
- 7.9 A Word version of the completed decision report should be emailed to the Scrutiny Officers directly (via scrutiny.officers@essex.police.uk) or, where specified in the relevant process, through a named contact within the office. In the case of decision reports going to Strategic Board and virements going to Performance and Resource Board these are submitted via the Head of Performance and Scrutiny, are logged by the scrutiny officers, who are notified by the Head of Performance and Scrutiny, and then discussed at the relevant board. Wherever possible these decision reports should be submitted in good time to enable them to be considered and reviewed by the Statutory Officers before the relevant board.
- 7.10 The Scrutiny Officers will then pass the decision report to the PFCC Monitoring Officer, Deputy Monitoring Officer and Head of Finance/S151 Officer for initial approval. If the decision report has been recommended for approval, without changes, at a Strategic Board the PFCC Chief Executive and Monitoring Officer or Deputy Monitoring Officer will commence the approval process directly from this point. If the Monitoring Officer endorses the decision report electronically, then an audit trail must be provided either by the Monitoring Officer adding their signature themselves or by providing an email requesting this is done by the Scrutiny Officer. The Scrutiny Officers will then record the date of approval on the 'PFCC Decision Report Log'.
- 7.11 The role of the Monitoring Officer and their responsibilities is defined in statute ([Local Government and Housing Act 1989 \(legislation.gov.uk\)](http://legislation.gov.uk)) the role and responsibilities of a Section 151 Officer is also defined in statute ([Local Government Act 1972 \(legislation.gov.uk\)](http://legislation.gov.uk)).
- 7.12 Where the Monitoring Officer, Deputy Monitoring Officer or Head of Finance/S151 Officer do not endorse the recommendation within the Decision Report they will contact the author to work through any required revisions required for approval. If that is not possible, they will highlight the report with the Commissioner, Deputy Commissioner or wider Senior Management Team for discussion and agreed resolution. Following the discussion, the decision report can be amended, retracted, or continue through the process with the relevant statutory officer setting out their reason for not endorsing the recommendation. Where one or both statutory officers aren't able to support the recommendation, the Commissioner will be made aware of this before it is submitted to them.
- 7.13 The Scrutiny Officers will keep a record of who has endorsed the decision report on the PFCC Decision Report log, providing reminders where appropriate, and once it has been signed by both the Monitoring Officer or Deputy Monitoring Officer and the Head of Finance/S151 Officer the Scrutiny Officers will record the date of endorsement on the PFCC Decision Report Log.

- 7.14 The Head of Finance / 151 Officer and/or Chief Executive will check that the author has marked on the decision report whether the report and appendixes are for publication or require redaction.
- 7.15 The Scrutiny Officers will pass the decision report to the PFCC/DPFCC for approval or otherwise. Where the PFCC or Deputy PFCC decides not to agree the recommendation put forward in a decision report, their reasons for this will be recorded in the final section of the decision report template alongside their decision. The date of approval or rejection will be recorded on the PFCC Decision Report Log.
- 7.16 Once completed and signed by the PFCC/DPFCC, final copies are retained by the Scrutiny Officer who will redact the relevant information as marked on the log and then pass to the Monitoring Officer, Deputy Monitoring Officer and the Head of Finance/S151 to seek approval of the redaction. In the case where a decision has been declined by the PFCC or Deputy PFCC but the decision report has been completed with reasons for the decision being declined and a signature, the decision report will be published as normal. Where a decision report is retracted there is no complete report to publish, however it should also be recorded as withdraw on the decision report log.
- 7.17 Once the redaction is approved the Scrutiny Officers will upload a completed version on to the PFCC's website and sends the author a final signed copy. In the case of decision reports that have been through the Essex Police quality assurance process these should also be sent to the relevant member of the Continuous Improvement Team.
- 7.18 Once the final decision reports are uploaded to the PFCC website these will be checked by the Strategic Head of Policy and Public Engagement or in their absence the Communications and Engagement Manager in line with the publication process and published. This check is to ensure the correct approvals have been received and that the decision report is for publication. It does not include a check on the decision itself only the decision to publish.
- 7.19 Where the PFCC/DPFCC, Monitoring Officer or Deputy Monitoring Officer or Section 151 Officer raises questions or seeks clarification on a decision report they will approach the author directly or through the Scrutiny Officers to clarify the issue or seek an amendment. Where this results in a substantive change to the report it must be resubmitted at the beginning of the process.
- 7.20 While not a technical obligation it is expected that all decisions with significant financial or policy implications put through the process will have been discussed with the Commissioner or Deputy in advance and this will not be the first time they will hear of the request. This can happen through the Strategic Boards, Senior Management Team or more informally through a 1-2-1 with the Commissioner or Deputy Commissioner. Decisions that have not been previously discussed may be rejected and asked to be resubmitted after they have gone through a relevant board.

- 7.21 A schedule of decision reports due to go to Strategic Board and virements going to Performance and Resource Board will be included in the relevant board forward plan.
- 7.22 Decision reports received by the Scrutiny Officers will normally be completed within 14 days. Complex decision report including contracts for review, tenders, strategy or specification documents over 40 pages or that involve collaborative arrangements between multiple organisations will normally take significantly longer and may require additional legal advice. In these cases, authors are encouraged to factor this into their timeline and contact the officer in advance to discuss the most practical way to deal with these. In these instances, pre submission briefings for the statutory officers and the Commissioner should be considered.

8.0 Decision Report Procedure for the PFCCFRA

- 8.1 When the PFCCFRA is required to make a decision, the following process is to be followed:
- 8.2 The relevant 'Decision Making Template' is to be completed. This form is included in the PFCCFRA (Essex County Fire and Rescue Service) Constitution.
- 8.3 The form includes guidance notes and should be self-explanatory. The draft report should be provided in a format ready for publication without grammatical errors, editorial comments, and track changes. All sections must be completed prior to the decision been taken so we can demonstrate that a robust decision has been made and fully documented. This will be vital should any decision subsequently be reviewed either internally or by external bodies.
- 8.4 If guidance is required this can be sought from the Monitoring Officer, Deputy Monitoring Officer, Section 151 officer or the relevant Head of Performance and Resources.
- 8.5 The Scrutiny Officers will provide the decision number, to the report author, this can be obtained from the 'PFCC Decision Report Log' for the current year.
- 8.6 The Scrutiny Officers are responsible for maintaining the 'PFCC Decision Report Log' and administering the sign off process.
- 8.7 A Word version of the completed decision report should be emailed to the Scrutiny Officer directly or, where specified in the relevant process, through a named contact within the office. This will be done after the Section 151 Officer and Chief Fire Officer / Chief Executive have reviewed and signed the report. Where necessary all the statutory officers will discuss a decision report before it gets to this stage.
- 8.8 Once received the Scrutiny Officers will then pass the decision report to the PFCC Monitoring Officer and Deputy Monitoring Officer for initial approval. If the Monitoring Officer endorses the decision report electronically, then an

audit trail must be provided either by the Monitoring Officer adding their email themselves or by providing an email requesting this is done by the Scrutiny Officer. The Scrutiny Officers will then record the date of approval on the 'PFCC Decision Report Log'.

- 8.9 Once the decision report is signed by the Section 151 Officer, Chief Fire Officer / Chief Executive and Monitoring Officer or Deputy Monitoring Officer, the Scrutiny Officers will pass the decision report to the PFCC/DPFCC for approval or otherwise. Where the PFCC or Deputy PFCC decides not to agree the recommendation put forward in a decision report, their reasons for this will be recorded in the final section of the decision report template alongside their decision. The date of approval or rejection will be recorded on the 'PFCC Decision Report Log'.
- 8.10 Once completed and signed by the PFCC/DPFCC, final copies are retained by the Scrutiny Officer who will redact the relevant information as marked on the log and then pass to the Monitoring Officer, Deputy Monitoring Officer and the Head of Finance/S151 to seek approval of the redaction.
- 8.11 Once the redaction is approved by the Scrutiny Officers will upload a completed version on to the PFCC's website and sends the author a final signed copy.
- 8.12 Once the final decision reports are uploaded to the PFCC website these will be checked by the Strategic Head of Policy and Public Engagement or in their absence the Communications and Engagement Manager in line with the publication process and published. This check is to ensure the correct approvals have been received and that the decision report is for publication. It does not include a check on the decision itself only the decision to publish.
- 8.13 Where the PFCC/DPFCC, Monitoring Officer or Deputy Monitoring Officer or Section 151 Officer raises questions or seeks clarification on a decision report they will approach the author directly or through the Scrutiny Officers to clarify the issue or seek an amendment. Where this results in a substantive change to the report it must be resubmitted at the beginning of the process.
- 8.14 While not a technical obligation it is expected that all decisions with significant financial or policy implications put through the process will have been discussed with the Commissioner or Deputy in advance and this will not be the first time they will hear of the request. This can happen through the Strategic Boards or more informally through a 1-2-1 with the Commissioner or Deputy Commissioner. Decisions that have not been previously discussed may be rejected and asked to be resubmitted after they have gone through a relevant board.
- 8.15 A schedule of decision reports due to go to Strategic Board or Performance and Resource Board will be included in the relevant board forward plan.
- 8.16 Decisions received by the Scrutiny Officers will normally be completed within 14 days. Complex decision reports including contracts for review,

tender, strategies or specification documents over 40 pages or that involve collaborative arrangements between multiple organisations will normally take significantly longer and may require additional legal advice. In these cases, authors are encouraged to factor this into their timeline and contact the officer in advance to discuss the most practical way to deal with these.

9.0 Implications of the Policy

- 9.1** The Policy will set out the process for the Commissioner to make decisions as the PFCC and PFCC FRA.

10.0 Financial Implications

- 10.1** There are no additional financial implications regarding the implementation of this policy document.

11.0 Staffing and Training

- 11.1** All staff within Essex Police, the Essex County Fire and Rescue Service and the PFCC's office who draft decision reports are required to read and understand this policy.
- 11.2** Training has been provided by the Monitoring Officer to existing report authors during the summer of 2021. Refresher training and / or training for new report authors can be organised at any time on request to the Monitoring Officer.

12.0 Monitoring/Review

- 12.1** The Chief Executive of the Police, Fire and Crime Commissioner's office will formally review this policy and associated procedure every two years from the date of publication, to consider:

- Its effectiveness in the business area concerned
- Any changes to legislation
- Challenges to the procedure
- Any identified concerns in relation to implementation

13.0 Related Policies and Information Sources

- [The Elected Local Policing Bodies \(Specified Information\) Order 2011](#)
- [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2012](#)
- [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2013](#)
- [The Elected Policing Bodies \(Specified Information\) Order 2011 \(Amendment\) Fire and Rescue Authorities 2017](#)
- Information Sharing Protocol between Essex Police and the Police, Fire and Crime Commissioner
- Information Management Protocol between the Police, Fire and Crime Commissioner and the Police, Fire and Crime Commissioner Fire and Rescue Authority

- Information Sharing Protocol between the Police, Fire and Crime Commissioner and the Police, Fire and Crime Panel
- Publication Protocol
- PFCC Constitution
- PFCCFRA Constitution