



Decision Making framework

- 1.1 This decision-making framework details the arrangements to enable the Sussex Police & Crime Commissioner (PCC) to make robust, well-informed and transparent decisions. The framework applies to decision-making by the PCC and those exercising delegated authority on behalf of the PCC.
- 1.2 This framework also sets out what constitutes a decision, the information and support to be provided in advance of a decision being taken and the process of record keeping and publication.
- 1.3 Formal decisions will broadly fall into three categories. These are:
 - Decisions required to be made under legislation (i.e setting the policing precept, appointment of the Chief Constable etc)
 - Decisions relating to significant expenditure or investment; and
 - Other key strategic decisions that may be deemed of significant public interest.
- 1.4 This framework should be operated in conjunction with the Scheme of Governance of the PCC.

Good Governance

- 2.1 Decision making by the PCC should be based on the principles of good governance. Good governance is about people in public office doing the right thing, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner.
- 2.2 Fair and effective decision making is a crucial part of the PCCs work to ensure trust and confidence in Sussex Police and it is essential that proportionate and timely decisions are taken where appropriate and necessary. This is important for several reasons:
 - It is the foundation of public accountability;
 - To uphold standards and maintain confidence in the delivery of policing and community safety services in Sussex; and
 - To drive better value for money, improve efficiency and effectiveness.
- 2.3 PCCs must adhere to the statutory framework for decision making which includes:
 - The Policing Protocol Order 2011 describes how the PCC is responsible for the governance of policing and outlines the

relationship between the PCC and the Chief Constable. It requires all parties to abide by the seven Nolan principles of good governance in public life. 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; and
 - g) Leadership – promote these principles and lead by example.
- The Elected Local Policing Bodies (Specified Information) Order 2011 and The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012 set out the information which must be published relating to decision making, further examples are set out in paragraph 6.2.
 - The Home Office Financial Management Code of Practice for the Police Service provides clarity around financial governance arrangements, including the requirements under the Local Government Finance Act.
 - Various general social and organisational legislation e.g. Human Rights Act 1998, employment law.

Information Required

- 3.1 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 PCC. Decisions made by the PCC should wherever possible:
- be informed, open and transparent;
 - focus on the purpose of the PCC and positive outcomes for the community;
 - be subject to effective scrutiny and risk assessment by the PCC;
 - be based on sufficient information to establish all the relevant and material facts;
 - be based on appropriate specialist advice; and
 - be subject to checks by the monitoring officer and the section 151 officer.
- 3.2 The quality of information provided to the PCC is critical to good decision making. The information needs to be relevant and of sufficient quality and quantity to make an informed decision.
- 3.3 Appendix 1 specifies the information required to inform the decision making process. If necessary, the PCC will seek further information to support the decision-making.

Decision Making Process

- 4.1 It is important that the PCC has sufficient time and information available in order to consider and make decisions in relation to her office or Sussex Police. A [forward work](#) programme of key decisions will be agreed.
- 4.2 Decisions will be recorded and available for public inspection within five working days of them being made.

Documenting Decisions

5. The decision 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.

Publishing Decisions

- 6.1 The statutory requirement for recording and publication of information about decisions, as set out in paragraph 4.1, ensures transparency and integrity and requires the publication of:
 - a statement of the PCC's policy in relation to all decisions of significant public interest;
 - details of public meetings relating to all such decisions;
 - details of all such decisions of public interest; and
 - register of disclosable interests, gifts and hospitality of the PCC and staff.
- 6.2 The Elected Local Policing Bodies (Specified Information) Order 2011 requires outcomes of specific decisions to be published which include:
 - a) Issuing the precept
 - b) preparation, drafting and issuing of the Police & Crime Plan
 - c) Adopting a Medium Term Financial Plan
 - d) Annual investment strategy
 - e) Preparation and issue of the Annual Report
 - f) Any decision which will incur revenue or capital expenditure in excess of £500,000.
 - g) Details relating to property, rights and liabilities
 - h) The approval of or adoption of key strategies/policies
 - i) Key procurement decisions
 - j) Significant changes to the police estate
 - k) Allocation of grants
 - l) Commissioning of services
 - m) Any decision which is considered to be of significant public interest or impact.
- 6.3 In accordance with principles of openness and transparency, decision notices will normally be published in full on the PCC's website, except where, and to the extent that, they contain information which is regarded as confidential or exempt from publication.

- 6.4 Information is confidential where it has been received from a Government Department or other source upon terms (however expressed) which forbid the disclosure of it to the public, or where its disclosure to the public is prohibited by or under any enactment or by the order of a court.
- 6.5 Information is exempt from publication where it falls within one or more of the categories set out in [appendix 3](#) and, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 6.6 The Scheme of Governance sets out which decisions must be taken by the PCC and which may be delegated to the Deputy PCC (if appointed), Chief Constable, Chief Executive or the Chief Finance Officer.

Reviewing Decisions

- 7.1 PCC 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; the Chief Executive (monitoring officer) and Chief Finance Officer are part of the legal framework to report contraventions of the law or maladministration. They have statutory responsibility for identifying contraventions and any deviation from the core principles of good governance and to report anything which gives rise to concern over a proposal, decision or omission.

These roles will therefore provide the gatekeeper for ensuring this policy and its principles are implemented.

b) The third check and balance is the statutory role of the Police & Crime Panel. The role of the Panel is to scrutinise the PCC's exercise of their statutory functions, for example the appointment of the Chief Constable. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions.

c) The PCC, together with the Chief Constable, has established a Joint Audit Committee. The Committee provides independent and effective assurance about the adequacy of financial management and governance arrangements within the Force and OPCC. It also reviews systems of internal control, risk management and financial reporting issues within Sussex Police and provide a forum for discussion with auditors.

- 7.2 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.