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## **Police and Crime Commissioner for Dyfed-Powys**

### **Decision Making Policy**

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## Introduction

This policy sets out the process for decision making by the Police and Crime Commissioner (the 'Commissioner') for Dyfed-Powys. It outlines the approach and principles for decision making together with providing information on how decisions will be recorded and published.

## The Strategic Framework

Decisions taken by the Commissioner primarily arise from discharging statutory responsibilities. The statutory framework for decision making by Commissioners includes:

- The Police Reform and Social Responsibility Act 2011 which sets out the functions of Commissioners as a corporation sole and provides the legal framework for decision making;
- The Policing Protocol Order 2023 sets out the framework within which the Commissioner and Chief Constable should work. It requires all parties to abide by the Nolan Principles of Public Life;
- 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 OPCC operates;
- The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 requires the Commissioner to swear an oath of impartiality. It commits the Commissioner 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 Elected Local Policing Bodies (Specified Information) Order 2011 and the Elected Local Policing Bodies (Specified Information Amendment) Orders 2012, 2013 and 2021 specify the information that must be published by the Commissioner and includes specific reference to decisions. It sets out the timescales and requirements for recording and publication of decisions and related policies; and
- The statutory framework of the Information Orders, the Freedom of Information Act 2000 and the Data Protection Act 2018 set the minimum standards for publication.

The statutory requirements for the recording and publication of decisions focus on the need to achieve transparency and ensure integrity within the process. The Commissioner will adopt rigorous standards of probity, regularity and transparency when making decisions and all decisions will be taken solely in the public interest.

## Principles of Decision Making

- **Decision making will be transparent and well informed:** Decisions will be taken based on good quality and accurate information and clear objective advice in order to reduce the risk of taking decisions that fail to achieve the Commissioner's objectives or have unintended consequences. In order to make well informed decisions the Commissioner will give proper consideration to the views of all relevant parties. The Commissioner will consider the appropriate means to consult in relation to any decision, which may include the Chief Constable and other members of the Policing Board, subject matter experts, partners and the public. The Commissioner will uphold the highest standards of integrity and honesty when taking decisions, as set out in the Nolan Principles.
- **To have 'due regard' within the decision making process:** The Police Reform and Social Responsibility Act 2011 places a duty on the Commissioner, the Chief Constable, community safety and criminal justice partners to consider the plans and priorities of each organisation.
- **Decisions will be lawful, reasonable, fair and proportionate:** The Commissioner will make use of their professional advisors (OPCC staff, legal advisors etc.) in decision making. They will take into consideration the impact of any decision on those who live and work in the Dyfed-Powys area and will give consideration to equality under the Equality Act 2010, (including the Welsh language) and human rights issues as appropriate. They will make decisions with a view to achieving value for money. There may be times when implementing this policy, that an Equality Impact Assessment (EIA) may be required.
- **All decisions of significant public interest will be recorded and published:** The statutory requirement for the recording and publishing of decisions is set out in the Information Orders. There will be occasions when some information has to remain confidential, e.g. matters of national security, safety of individuals or information which might prejudice the administration of justice. The Commissioner will give careful consideration before determining that information is confidential. The principles of Freedom of Information (FOI) will be followed.

## Decision Making Process

The key to achieving well informed decisions is through a consistent application of a sound process, which includes:

- Establishing all relevant and material facts;
- Consulting with all interested and affected parties;
- Considering all reasonable courses of action open to the Commissioner;
- Seeking appropriate specialist advice;

- Considering risk, performance, and financial information; and
- Ensuring value for money is achieved.

Decisions will range from single, internally focussed, low impact decisions through to those of significant public interest, consequences, and cost. This sliding scale of decision making will usually demand a relative and proportionate scale in the amount of information, advice, support, challenge, scrutiny, and consultation given in advance of, and following the decision.

## **Delegations for Decision Making**

The Corporate Governance Framework sets out the parameters for decisions delegated to both the Commissioner's staff and Police personnel. This also covers consents, financial regulations and standing orders relating to contracts.

## **Recording Decisions**

To ensure the Commissioner adheres to the principles of openness and transparency the information used to inform the decision making process will be recorded in documents and reports. Decisions will also be taken during Policing Board and Policing Accountability Board following detailed discussions with the Chief Constable. Such decisions will be documented in the Minutes of the meetings and will be publicly available. All decisions are scrutinised by the Police and Crime Panel on a quarterly basis.

The Commissioner's publication scheme, which includes the requirement of the Information Orders, will be met in respect of the making and timely recording of decisions, including all decisions of significant public interest.

The definition of decisions of significant public interest must be determined in the relevant facts, on a case by case basis. They may include decisions made by the Commissioner that:

- Significantly affects service delivery to the communities of Dyfed-Powys;
- Significantly affects the performance of the Force against the priorities of the Police and Crime Plan;
- Requires expenditure outside of the Capital and Revenue Budget for the year;
- Relates to expenditure above the limits in respect of delegations to officers set out in the Corporate Governance Framework;
- Relates to the Chief Constable and senior officers within the Office for Police and Crime Commissioner (OPCC);
- Relates to the structure of the OPCC; and
- is considered to be of significant public interest. (In determining this, consider media interest / complaints / potential for FOIs).

## Publishing Decisions

The key criteria to determine whether a decision should be published are:

- its relevance to the fundamental duty of the Commissioner to ensure that the Police Force, their Office and commissioned services are efficient and effective; and
- the obligation of the Commissioner to obtain the views of the community on policing, as their elected representative.

It is the responsibility of the OPCC Advisor leading on a matter to ensure that a decision log is completed when necessary.

The Chief Executive and Monitoring Officer will maintain oversight to ensure that a record of each decision is made, and all associated information is retained. In addition, the Chief Executive and Monitoring Officer will ensure that once decisions are taken by the Commissioner, they are effectively communicated both internally and externally and, in particular, to ensure that appropriate action is taken to ensure implementation.

The Commissioner will publish decisions in accordance with the statutory requirements on the OPCC website. Additionally, media releases, social media and public meetings will be utilised to publicise decisions, dependent on the public interest relating to each individual decision.

To ensure compliance with the Welsh Language Standards, the author of the decision log will ensure that the document is published simultaneously in English and Welsh.

## Oversight of Decision Making

The OPCC statutory officers – the Chief Executive and Monitoring Officer and the Chief Finance Officer – have a statutory responsibility for identifying contraventions and any deviation from the core principles of good governance. The statutory officers will therefore act as gatekeepers for ensuring this policy and its principles are implemented. As such, all decision logs must be reviewed by either the Chief Executive and Monitoring Officer or the Chief Finance Officer prior to final sign off by the Commissioner. The statutory officers must report anything which gives rise to concern over a decision.

The Police Reform and Social Responsibility Act 2011 establishes the role of the Police and Crime Panel, which has the responsibility to review and scrutinise decisions taken by the Commissioner. A summary of decisions will be provided to the Police and Crime Panel on a quarterly basis.

Should an allegation of maladministration be made, the Police Reform and Social Responsibility Act 2011 allows for the Commissioner to be investigated by the Public Services Ombudsman for Wales under the provision of section 25 of the Local Government Act 1974 and schedule 3 of the Public Services Ombudsman (Wales) Act 2019.

## Decision Making Matrix

The below matrix should be consulted when considering if a decision requires recording and publishing through a decision log.

