



Part 3

Scheme of

Corporate Governance

September 2023

Part 3 Scheme of Corporate Governance

Introduction

- 3.1 The Scheme of Corporate Governance is the third part of the Code of Governance. It sets out the common understanding and agreement as to the way in which functions between the Office of the Police and Crime Commissioner (OPPC) and the Office of the Chief Constable for Devon and Cornwall will be governed and managed.
- 3.2 This Scheme of Corporate Governance sets out the strategies, arrangements, instruments and controls described in the Statement of Corporate Governance. The Scheme includes, but is not limited to, formal delegations by the Police and Crime Commissioner (Commissioner) and Chief Constable and the Financial Regulations. It also includes activities where the Chief Constable acts in their own right pursuant to the duty to exercise their power of direction and control. The Scheme is divided into five sub-parts 3A, 3B, 3C, 3D and 3E as follows:
- **Part 3A – Schedule of Roles & Responsibilities** of those exercising leadership functions within the Code of Corporate Governance
 - **Part 3B – The Scheme of Delegation and Consent** from the PCC and the Chief Constable
 - **Part 3C – Financial Regulations**
 - **Part 3D – Contract Standing Orders**
 - **Part 3E – Meeting Governance**

Key Principles of the Scheme of Corporate Governance

- 3.3 All officers, and staff under the direction and control of the Chief Constable may assist the Commissioner to exercise their function; indeed the Chief Constable is under a statutory duty to exercise direction and control in such a way as is reasonable to give that assistance. This scheme sets out some ways in which that assistance will be given. For the avoidance of doubt these are not delegations from the Commissioner. These would be prohibited under Section 18 of the Police and Social Responsibility Act 2011.
- 3.4 The statutory officers are responsible for ensuring that the Force and OPCC are aware of and comply with the provisions and obligations of the Code of Governance.
- 3.5 The Commissioner must not restrict the operational independence of the police Force and the Chief Constable who leads it. In particular the Chief Constable must be allowed to deliver on the legal requirements set out in the Policing Protocol.

- 3.6 To enable the Commissioner to exercise the function of their office effectively they will need reasonable access to information held by the Force and police officers and police staff employed by the Chief Constable. This access must not be unreasonably withheld or obstructed by the Chief Constable or any of their employees.

Key Principles of Delegation and Consent

- 3.7 The Scheme of Governance of the Commissioner and the Chief Constable set out arrangements for responsibility for functions including delegations and consent.
- 3.8 **“Consent”** refers to the provision of approval or agreement, particularly and especially after due and thoughtful consideration. Transactions entered into following “consent” by the Commissioner to the Chief Constable, will be in the Chief Constable’s own name as a separate legal entity, as opposed to the name of the Commissioner.
- 3.9 **“Delegation”** is the assignment of authority and responsibility to another person to carry out specific activities. However the person who delegated the work remains accountable for the outcome of the delegated work.
- 3.10 The following should be noted:
- a. There are certain statutory restrictions on the Chief Constable’s power to exercise certain functions in their own right: the Chief Constable may not acquire or dispose of land, or borrow money, and needs the consent of their Commissioner to enter into contracts and to retain ownership of specified assets, in accordance with the Schedule of Assets agreed with the Chief Constable.
 - b. The Scheme of Corporate Governance sets out the conditions on which the Commissioner has given consent to the Chief Constable to enter into contracts and to retain ownership of specified assets (Part 3B).
 - c. For the avoidance of doubt, this is not a delegation from the Commissioner, it is the Commissioner giving consent to the Chief Constable to exercise certain functions in his/her own right, subject to compliance with this Scheme.

Key Principles of Parts 3A and 3B (Responsibility for Functions)

- 3.11 The key principles of the Responsibility for Functions for the two organisations are detailed in Part 3A Schedule of Roles and Responsibilities and Part 3B Scheme of Delegation and Consent. They have been prepared with consideration of the requirements set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) and Home Office Financial Management Code of Practice for the Police Service.

- 3.12 In addition to those assets held by the Chief Constable for the use of the Chief Constable to which the Chief Constable will always have unfettered access, the Chief Constable must also have unfettered access to assets held by the Commissioner for their police area for the use of the Chief Constable.
- 3.13 The purpose of the Schedule of Roles and Responsibilities and the Scheme of Delegation and Consent is to ensure that decisions are taken and recorded correctly.
- 3.14 The Commissioner, the Chief Constable and any person exercising authority delegated by them will adopt a transparent approach in the exercise of functions.
- 3.15 The Chief Finance Officer (CFO) and Treasurer will operate in line with the Home Office Financial Management Code of Practice, as well relevant financial legislation.
- 3.16 The statutory framework of Section 36 of the PRSRA, the Elected Local Policing Bodies (Specified Information) Order 2011, the Freedom of Information Act 2000 and the Data Protection Act 2018 set minimum standards for publication.
- 3.17 Any action taken under delegated authority must where reasonable be recorded by those holding the delegation, including recording that relevant legal, financial and other considerations and consultations have been properly carried out and recorded prior to a decision being taken.
- 3.18 Each of the statutory officers and Chief Officers whom the Commissioner and the Chief Constable is legally obliged to appoint are expected to co-operate with each other in the exercise of their functions.
- 3.19 The Schedule of Roles & Responsibilities and the Scheme of Delegation and Consent will be reviewed bi-annually with the other parts of the Scheme of Governance of the Commissioner. There shall be no variation to the Scheme of Governance of these delegations and consents without the agreement of all parties.

Part 3C Financial Regulations

- 3.20 Financial Regulations ensure that financial dealings are conducted properly and in a way which incorporates recognised best practice and focuses on bringing operational and financial management together with timely and accurate financial information. They also include sufficient safeguards for the Treasurer and CFO.

Part 3D Contract Standing Orders

- 3.21 Embedded within the Financial Regulations are the Contract Regulations which is a single set of standing orders relating to contracts.

Part 3E Meeting Governance

- 3.22 The meeting structure outlines the framework for key decision making within the Force and OPCC and demonstrates how they work individually and together to support good governance.