

**Merseyside Police Authority**

**Draft Code of Corporate Governance**

**Introduction**

- 1.1** Governance is about how Police Authorities ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner. It comprises the systems, processes, culture and values by which organisations are directed and controlled, and through which they account to, engage with and, where appropriate, lead their communities.
- 1.2** This Code of Corporate Governance describes how Merseyside Police Authority discharges its responsibilities in this respect, and particularly its two overarching statutory responsibilities:-
- To secure an efficient and effective local police service; and
  - To hold to account the Chief Constable of Merseyside Police for the exercise of his functions and those of persons under his direction and control.
- 1.3** The Chief Constable has a statutory responsibility for the control, direction and delivery of operational policing services.
- 1.4** The CIPFA/SOLACE 'Framework Delivering Good Governance in Local Government' sets out six core principles on which effective governance should be built:-
- (i) Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area;
  - (ii) Members and officers working together to achieve a common purpose with clearly defined functions and roles;
  - (iii) promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - (iv) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
  - (v) Developing the capacity and capability of Members and officers to be effective; and
  - (vi) engaging with local people and other stakeholders to ensure robust public accountability.

- 1.4** To achieve this, a local framework has been formulated to ensure that these principles are fully integrated in the conduct of the Authority's business as well as establishing a means of demonstrating compliance.
- 1.5** The Authority can also demonstrate that the systems and processes in place are:-
- Monitored for their effectiveness in practice; and
  - Subject to annual review to ensure they remain up to date.

### **The Code of Corporate Governance**

- 2.1** Accordingly, the Authority has developed a Code of Corporate Governance which incorporates the core good governance principles, develops these in a local context, and sets out the arrangements for reviewing their effectiveness.
- 2.2** The way in which each of the core principles of good governance is put into practice by the Authority is set out below:-

#### **2.2.1 The Authority aims to focus on its purpose and on outcomes for the community to create and implement a vision for the local area.**

To achieve this, the Authority will:-

- develop and promote its purpose and vision;
- seek to ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties;
- publish reports at least annually to communicate its activities and achievements, its financial position and performance;
- decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available;
- put in place effective arrangements to identify and deal with failure in service delivery;
- consider how best to achieve value for money and ensure that the Authority or partnership has the information needed to review value for money and performance effectively; and

- consider the environmental impact of policies, plans and decisions.

### **2.2.2 The Authority aims to ensure Members and officers working together to achieve a common purpose with clearly defined functions and roles.**

To achieve this, the Authority will:-

- set out a clear statement of the respective roles of individual Members responsibilities and the Authority's approach towards putting this into practice;
- determine a scheme of delegation, including a formal schedule of those matters specifically reserved for collective decision of the Authority taking account of relevant legislation and ensure that it is monitored and updated when required;
- appoint a Chief Executive who shall be responsible for the operational management of the Police Authority;
- appoint a Chief Constable who shall be responsible for the operational management of the Force;
- appoint a Treasurer (the Section 151 officer) who shall be responsible to the Authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control;
- appoint a Monitoring Officer who shall be responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with;
- develop protocols to ensure that the Chairman and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained;
- develop protocols to ensure effective communication between Members and officers in their respective roles;
- set out the terms and conditions for remuneration of Members and Chief Officers and the structure for managing the process;

- ensure that effective mechanisms exist to monitor service delivery;
- ensure that the organisation's vision, strategic plans, priorities and targets are developed in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated;
- seek to ensure that when working in partnership, that Members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the Authority; and
- seek to ensure that when working in partnership that there is clarity about the legal status of the partnership and that representatives, or organisations, both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

**2.2.3 The Authority aims to promote its values and demonstrate the values of good governance through upholding high standards of conduct and behaviour.**

To achieve this, the Authority will:-

- ensure that its leadership sets a tone for the organisation by creating a climate of openness, support and respect;
- put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice;
- ensure that standards of conduct and personal behaviour expected of Members and employees, of work between Members and employees and between the Authority, its partners and the community are defined and communicated through codes of conduct and protocols;
- maintain and promote shared values including leadership both for the organisation and employees reflecting public expectations and communicate these with Members, employees, the community and partners;
- develop and maintain an effective Standards Committee;

- use its vision and values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Authority; and
- in pursuing the objective(s) of a partnership, seek to agree a set of values against which decision making and actions can be judged.

#### **2.2.4 The Authority aims to take informed and transparent decisions which are subject to effective scrutiny and risk management arrangements.**

To achieve this, the Authority will:-

- develop and maintain effective arrangements to challenge and scrutinise Force performance and compliance with other requirements;
- develop and maintain transparent and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based;
- put in place arrangements to safeguard Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice;
- develop and maintain an effective audit role of the Resources & Strategy Committee;
- ensure that effective, transparent and accessible arrangements are in place for dealing with complaints;
- ensure that those making decisions are provided with information that is fit for the purpose, i.e. relevant, timely and gives clear explanations of technical issues and their implications;
- ensure that professional advice on matters that have legal or financial implications is available and recorded in advance of decision making and used appropriately;
- ensure that risk management is embedded into the Authority, with Members and officers at all levels recognising that risk management is part of their job;

- ensure that arrangements are in place for whistle blowing to which employees and all those contracting with the Authority have access; and
- recognise the limits of lawful action and observe both the specific requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law, i.e. rationality, legality and natural justice into their procedures and decision making processes.

#### **2.2.5 The Authority aims to develop the capacity and capability of Members and officers to be effective in their roles.**

To achieve this, the Authority will:-

- provide induction programmes tailored to individual needs and opportunities for Members and officers to update their knowledge on an ongoing basis;
- ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation;
- assess the skills required by Members and statutory officers and make a commitment to develop those skills to enable roles to be carried out effectively;
- develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed; and
- ensure that effective arrangements are in place for reviewing the performance of the Authority as a whole and agreeing an action plan which would aim to address any training or development needs.

#### **2.2.6 The Authority aims to engage with local people and other stakeholders to ensure robust public accountability.**

To achieve this, the Authority will:-

- make clear to themselves, all staff, the community and stakeholders, what they are accountable for and to whom;
- ensure arrangements are in place to enable the Authority to engage with all sections of the community effectively. These

arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands;

- seek to ensure that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively;
- hold meetings in public unless there are good reasons for confidentiality;
- establish a clear policy on the types of issues the Authority will meaningfully consult on with the public and service users, including a feedback mechanism;
- publish annual plans giving information on the Authority's vision, strategy, plans and financial statements as well as information about its performance, achievements and the satisfaction of service users; and
- ensure that the Authority as a whole is open and accessible to our communities, service users and its employees and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.

### **Arrangements for Review of Governance**

- 3.1 The Authority has put in place the following arrangements to review the effectiveness of the Code of Corporate Governance:-

#### **The Police Authority**

The Police Authority is responsible for approving the local Code of Corporate Governance and for carrying out an annual review of its effectiveness. The Authority will receive and approve the Annual Governance Statement at the same meeting in June that it approves the annual Statement of Accounts. The Annual Governance Statement, which will include an Action Plan to rectify any significant areas of weakness in corporate governance, will be signed jointly by the Authority Chairman, the Chief Executive, the Treasurer and the Chief Constable.

In addition, the Authority's adherence to the Code of Governance is embedded within its committee structure, which is supported by Codes of Conduct, Procedural Standing Orders, Financial Regulations, a framework of regular management information, administrative procedures (including segregation of duties), management supervision, Force Financial Instructions, and a scheme of delegation and accountability.

The Authority discharges this duty through its committee structure, and the key Committees include the following:-

### **The Standards Committee**

The Standards Committee has delegated authority to consider the Government's Model Code of Conduct and advise the Authority on the adoption of an appropriate Local Code of Conduct for Members and/or Officers of the Authority. It monitors and keeps under review such Codes of Conduct and, where necessary, makes recommendations to the Authority on any required amendments. It also has responsibility to consider and determine any allegations of misconduct made against Members of the Authority in relation to breaches of the Codes of Conduct and make recommendations to the Authority.

In accordance with Section 5, Local Government and Housing Act 1989, the Chief Executive is appointed as the Monitoring Officer. This officer is responsible for ensuring that, at all times, the Authority acts within its legal powers and advises the Standards Committee.

### **Resources & Strategy Committee**

The Resources and Strategy Committee aims to ensure that the Authority is able to monitor and scrutinises the Force's use of resources both in terms of financial and people resources. It is responsible for the development and implementation of the Medium Term Financial Strategy. It seeks to work in partnership with the Force to determine resource usage and that these are in accordance with the Authority's Standing Orders, Scheme of Delegation and Financial Regulations. It also ensures that responsibilities of both the Authority and Force associated with Risk Management and Health & Safety are met and for maintaining and developing an effective audit role.

## **Performance Scrutiny & Review Committee**

The Performance Scrutiny and Review Committee aims to ensure that the Authority is fully aware and is able to independently exercise its oversight role with regard to policing performance. It recommends targets for the Local Policing Plan and monitors and scrutinises the performance against the Plan. It promotes and supports improvement and seeks to work in partnership with the Force to understand the reason for poor performance. It also ensures that work associated with data quality and recording is monitored and progress is maintained.

## **Professional Standards & Complaints Committee**

The Professional Standards & Complaints Committee aims to ensure that the Authority is fully aware of and able to exercise its oversight role with regard to police professional standards. It aims to ensure that the Authority fulfils its statutory obligations and that the Force has a high level of standard of policing, particularly in the handling of complaints and misconduct in order to maintain and improve the trust and confidence between the police and the public.

## **Community Safety & Liaison Committee**

The Community Safety & Liaison Committee aims to ensure that the Authority monitors and scrutinises both the Force's and its own arrangements with regard to engaging with the community. Having regard to the arrangements it will ensure that these are kept up to date and relevant for communities across Merseyside and ensure that the findings are fed into the policing plan process and help inform the strategic priorities. This Committee also has responsibility for ensuring that the Authority meets its statutory obligations in respect of equalities legislation and Independent Custody Visiting. This Committee also has responsibility for monitoring and scrutinising aspects of neighbourhood policing, partnership working and all aspects of a citizen focused approach to policing.

## **Internal Audit**

The primary role of the Internal Audit is to give an assurance to the Authority, through the Resources and Strategy Committee, on the effectiveness of the controls in place to manage risks. To this end the Treasurer delivers an annual opinion on the effectiveness of the controls reviewed by the Internal Audit Team. This annual opinion is one of the key sources of evidence in support of the Annual Governance Statement. Any issues identified during an audit will be dealt with initially in the relevant audit report, with any major control weaknesses initially being reported to the Treasurer and the Force. Significant governance failures identified through general audit work will also be referred to the Resources and Strategy Committee.

## **External Audit**

The Audit Commission audits the Authority's financial statements, Police Use of Resources Assessment (PURE), Annual Government Statement and performance management arrangements, as well as undertaking a number of thematic based reviews. Audit Commission plans and reports, including the Annual Audit Letter, are considered by the Resources and Strategy Committee at appropriate times in the annual cycle of meetings.

## **Her Majesty's Inspectorate of Constabulary (HMIC)**

The role of HMIC is to promote the efficiency and effectiveness of policing in England, Wales and Northern Ireland through inspection of police organisations and functions to ensure agreed standards are achieved and maintained; good practice is spread and performance is improved. It also provides advice and support to the tripartite partners (Home Secretary, Police Authorities and Forces) and plays an important role in the development of future leaders.

HMIC reports are sent to the Chief Constable and the Authority for consideration and appropriate action. HMIC is expected to play a key role in the future inspection of Police Authorities.

- An annual review is conducted to produce an Annual governance Statement, which is required to meet audit and accounting regulations.
- The Annual Governance Statement is reported to the Authority and it is a statutory requirement to incorporate the Statement in the Authority's Annual Statement of Accounts.
- Any significant issues are reported to the Authority and action plans are devised to address the issues, with progress being monitored by the appropriate Committee.