

CODE OF CORPORATE GOVERNANCE 2011

DERBYSHIRE POLICE AUTHORITY

INTRODUCTION

1. Governance is about how police authorities conduct business to 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.
2. This Code of Corporate Governance describes how the Derbyshire Police Authority (the Authority) and Derbyshire Constabulary (the force) discharge their responsibilities in this respect.
3. The term “Derbyshire Police” is used throughout this document to reflect both the Force and the Authority.
4. The Authority has two overarching statutory governance responsibilities:
 - a. To secure an efficient and effective local police service.
 - b. To hold the Chief Constable of Derbyshire Police to account for the exercise of his/her functions and of those persons under his/her direction and control.
5. The Chief Constable has a statutory responsibility for the control, direction and delivery of operational policing services.
6. The CIPFA/SOLACE Framework *Delivering Good Governance in Local Government* sets out six core principles on which effective governance should be built:-

- a. Focusing on the purpose of the authority and on outcomes for the community, and creating and implementing a vision for the local area;
 - b. Members and officers working together to achieve a common purpose with clearly defined functions and roles;
 - c. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
 - d. Taking informed and transparent decisions, which are subject to effective scrutiny and managing risk;
 - e. Developing the capacity and capability of members and officers to be effective;
 - f. Engaging with local people and other stakeholders, to ensure robust public accountability.
7. This local framework has been formulated locally 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.
8. The Authority can also demonstrate that the systems and processes in place are:
- a. Monitored for their effectiveness in practice;
 - b. Subject to annual review to ensure they remain up-to-date.

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9. Accordingly, Derbyshire Police has developed this local 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.
10. The way in which each of the core principles of good governance are put into practice by the authority is set out below:

a. Focusing on the purpose of the authority and on outcomes for the community to create and implement a vision for the local area. To achieve this, the authority will:

- (1) Annually review its vision and mission statements and its core values.
- (2) Ensure that the role and functions of the police authority are clearly understood by its members and officers and those they engage with, including the Constabulary and partner organisations;
- (3) Ensure that all decisions made and actions taken are directly related to the authority's functions;
- (4) Secure the provision of an efficient, effective and sustainable funded police service for Derbyshire;
- (5) Work with statutory and other partners in a constructive manner which adds value to the work of the authority;
- (6) Assess and work with the Chief Constable to continually improve the quality of service provided by the Constabulary by:-
 - (a) Ensuring that performance is systematically and effectively measured, monitored and managed;
 - (b) Overseeing and addressing complaints, where appropriate, against the Constabulary and ensuring that lessons are learned as required.

b. The authority aims to ensure members and officers work together with clearly defined functions and roles with the common purpose of implementing the authority's vision and its aims and objectives. To achieve this, the authority will:-

- (1) Promote a clear and common understanding of the respective roles between the Police Authority and the Force;
- (2) Regularly review its scheme of delegations to committees and members of the Authority and Officers of the Authority, and those delegated to the Chief Constable and Officers of the Force to ensure that the way it does business is fit for purpose;

- (3) Ensure that the scheme of delegations and terms of reference of its committees and the matters reserved for decision by the full authority are clearly and comprehensively set out;
- (4) Set out a clear statement of the role and responsibilities of members;
- (5) Regularly review and update the job descriptions of its officers to ensure that they are clearly related to the authority's aims and objectives and to its way of working;
- (6) Appoint a Chief Executive responsible for the operation of the Police Authority;
- (7) Appoint a Chief Constable responsible for the operational management of the force;
- (8) Appoint a Police Authority Treasurer (the Section 151 Officer) responsible to the Authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and for maintaining an effective system of internal control;
- (9) Appoint a Monitoring Officer responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with;

c. The authority aims to promote its values and demonstrate commitment to good governance through upholding high standards of conduct and behaviour. To achieve this, the authority will:-

- (1) Ensure Members and Officers of the Authority carry out their respective roles in a climate of openness, support and respect.
- (2) Annually review, maintain and update this Code of Corporate Governance and those policies and other documents which give effect to it;
- (3) Regularly review its Code of Conduct for Members and consider whether any locally determined provisions are required in addition to the mandatory provisions prescribed by legislation;

- (4) Promote an understanding of the Code of Conduct and the Principles of Conduct in Public Life through leadership, example, training and guidance;
- (5) Ensure rigorous enforcement of the code through its Standards Committee;
- (6) Monitor the effectiveness of its practices and procedures in securing high standards of conduct;
- (7) Adopt and from time to time review a code of conduct for officers.

d. The Authority aims to take informed and transparent decisions which are subject to effective financial management, scrutiny and risk management arrangements. To achieve this, the authority will:-

- (1) Continue to develop and maintain effective arrangements to monitor, challenge and scrutinise Force performance;
- (2) Ensure that significant decisions affecting the roles and responsibilities of the Authority and the performance of its functions are taken with the full involvement by Members of the Authority through:
 - (a) Their participation in meetings of the Authority or its Committees or Joint Committees.
 - (b) Their participation as Lead Members in roles requiring specialist knowledge or focus.
 - (c) Their participation as Members of joint working groups between the Authority and the Force.
- (3) Ensure that its decisions and those of its committees, members and officers are evidence-based, costed, financially resourced, lawful, assessed for risk and accurately recorded;
- (4) Maintain a risk management register;
- (5) Scrutinise decisions taken under delegated powers;
- (6) Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints against the authority;
- 7) Ensure that its meetings are publicly accessible and that its agendas and minutes are published and that information which is

exempt or confidential is only withheld from publication insofar as is allowed by law.

e. 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:-

- (1) Appoint officers with qualifications and experience appropriate to their roles;
- (2) Provide its officers with training appropriate to their roles and opportunities for personal development;
- (3) Regularly assess the training needs of its members and provide for those needs;
- (4) Ensure that its officers provide practical and knowledge-based support for members in exercising their roles.

f. The authority aims to engage with local people and other stakeholders to ensure robust public accountability. To achieve this, the authority will:-

- (1) Provide stakeholders with budgetary and other information necessary for them to make informed responses to consultation;
- (2) Promote a wider understanding of the role and functions of the police authority on the part of the people of Derbyshire;
- (3) Consult widely with appropriate stakeholders including hard to reach and other under represented groups on matters relating to policing in Derbyshire and have reasonable regard to their views;
- (4) Hold meetings in public unless there are good reasons for confidentiality
- (5) Seek to ensure that there are clear routes of communication in place with all sections of the community;
- (6) Publish annual plans giving information on the Derbyshire Police vision, strategy plans and financial statements, as well as information about performance and the satisfaction of service users.

REVIEW OF GOVERNANCE ARRANGEMENTS

11. The Authority has put in place the following arrangements to review the Code of Corporate Governance and its effectiveness.

a. The Police Authority. The Police Authority is responsible for approving the local Code of Corporate Governance and for annually reviewing its effectiveness. The Authority will receive and approve the Annual Governance Statement (AGS) at a meeting in June. The approval of the annual Statement of Accounts will take place in September after the audit. The AGS will include an action plan to address any significant areas of weakness in corporate governance, and will be signed by the Authority chair, the Chief Constable and the Chief Executive.

b. The Force. The Deputy Chief Constable is responsible for corporate governance issues affecting the Force, ensuring that appropriate reviews are carried out in key areas, including:

- (1) Professional standards and performance
- (2) Management of information, including security and data protection
- (3) Strategic co ordination and planning, including risk management and strategic assessments.

12. The Authority will prepare an Annual Governance Statement in co-ordination with the Force and in compliance with the audit regulations. The Annual Governance Statement will identify how effective the Authority has been in working to deliver the Code of Governance and will include an action plan for addressing any significant weaknesses.

13. Corporate Governance Committee.

The committee's Purpose and Terms of Reference include the following key requirements in respect of corporate governance

Purpose:

To ensure the adequacy of both the Authority and Force corporate governance structures and risk management frameworks.

Terms of Reference:

- a. To advise the Authority on the appropriate arrangements for internal audit and the appointment of external auditors.
- b. To approve internal and external audit programme and fees.
- c. To review the external auditor's letter to those charged with governance and any other reports and to report on these to the Authority as appropriate, including the implementation of agreed audit-based recommendations.
- d. To oversee the provision of an adequate and effective internal audit; to receive progress reports on the internal audit work plan and to consider appropriate action arising from these.
- e. To adopt and approve the annual accounts
- f. To satisfy itself of the control systems in operation and approve or endorse supporting policies as required including the scheme of delegation to officers.
- g. To review, and exceptionally to request, the carrying out of audits and reviews of health and safety management systems, policies, arrangements and procedures, as necessary, and to review progress with the implementation of recommendations arising from such audits.
- h. Provide oversight of risk management in the Force and act as the custodian of the Derbyshire Police Authority risk register.
- i. To co-ordinate Authority scrutiny projects and makes recommendations arising from the outcome of the scrutiny process as part of the performance monitoring structure.

14. The Standards Committee. The Standards Committee Purpose and Terms of Reference include the following:

Purpose:

To promote and maintain high standards of conduct by the Members and Officers of the Authority.

Terms of Reference:

- a. To promote and maintain high standards of conduct by Members.
- b. Monitor, assist and advise Members with issues relating to the code of conduct.
- c. To advise the Authority on the adoption or revision of the Members' Code of Conduct.
- d. To grant when necessary dispensation to Members from requirements relating to interests set out in the Members' Code of Conduct.
- e. To deal with any reports from case tribunals or any report from the Chief Executive / Monitoring Officer on any matter relating to ethical standards.
- f. To advise, train or arrange to train Members on matters relating to the Members Code of Conduct.
- g. To consider reports from the Standards Board, the Ombudsmen, the Authority's auditors, the Force or any other relevant organisation which deal with issues of conduct, probity or ethics.
- h. To maintain an overview of measures to ensure due respect for human and equal rights, and compliance with the Force and Authority.
- i. To report to the Derbyshire Police Authority as required.

15. The Authority's Monitoring Officer advises the Standards Committee so giving due weight to issues around standards, conduct and member/officer relations,

16. The Standards Committee currently had a membership of 9 comprising 6 Derbyshire Police Authority members and 3 independent members who are not Authority independent members but interested members of the public appointed for this purpose. One of the public independent members chairs the Standards

Committee. The two independent members have copies of all agendas and can attend any Police Authority meetings.

17. Internal Audit. The main role of Internal Audit is to give an assurance to the Treasurer and the Authority through the Corporate Governance Committee, on the effectiveness of internal controls. To this end, the Audit Manager contracted to deliver Internal Audit services to the Authority provides 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 AGS.

18. Reviewing corporate governance and risk management will feature in the Internal Audit plan from time to time. Corporate governance and risk management may arise through other reviews carried out by the Internal Audit team or HMIC. The Corporate Governance Committee receives all Internal Audit reports.

19. External Audit. Currently the Audit Commission carries out the external audit work. They audit the Authority's financial statements, Use of Resources Assessment, Annual Governance Statement and performance management arrangements, as well as carrying out a number of thematic reviews. The Corporate Governance Committee considers audit Commission plans and reports, including the Annual Audit Letter. Finance Administration and Resources Committee considers the Annual Audit Letter where there are financial matters.

20. 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. It does this through inspection of police organisations and functions to ensure agreed standards are achieved and maintained, good practice is spread and services are improved. It also provides advice and support to the tripartite partners of the Home Secretary, police authorities and forces.

29 March 2011

Corporate Governance Committee