

## Essex Police, Fire and Crime Commissioner: Ethics and Integrity Framework

### Introduction

Ethics and integrity are at the centre of the role of the Police, Fire and Crime Commissioner ("the Commissioner"). Ethics are the values, principles and behaviours which underpin the conduct and work of the Commissioner, their Deputy and their staff. This also includes the Commissioner, Deputy Commissioner and Monitoring Officer as they undertake their roles in relation to the governance of Essex County Fire and Rescue Service. Integrity is at the heart of how we work - ensuring that the Commissioner, their Deputy and their staff behave openly and honestly, so the public can have confidence and trust in what we do.

The Commissioner has adopted Constitutions governing his activities relating to both policing and crime and fire and rescue services. The Constitutions set out how the Commissioner will work, how decisions are made and the procedures that will be followed to ensure that decision making is efficient and transparent and that the Commissioner is accountable to local people. The Constitutions also set out how the Commissioner will hold the Chief Constable and Chief Fire Officer to account. The Constitutions can be found under Publications on the PFCC website [here](#).

This Ethics and Integrity Framework sets out the values and principles that guide the conduct of the Commissioner, their Deputy and their staff. The details of this framework are presented below. The framework is underpinned by the Nolan Principles as set out in the publication *Standards in Public Life: First Report of the Committee on Standards in Public Life*.

The Nolan Principles are:

- a) **Selflessness** - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- b) **Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- c) **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- d) **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- e) **Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- f) **Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- g) **Leadership** - Holders of public office should promote and support these principles by leadership and example.

The framework is also underpinned by the [Police Code of Ethics](#) which is the national policing code of practice setting out the principles and standards of professional behaviour for the policing profession in England and Wales. The Code of Ethics builds on the Nolan Principles and promotes self-awareness, ensuring that everyone involved in policing always feels able to do the right thing and to challenge colleagues where required irrespective of their rank, role or position. The Commissioner, and their Deputy will also conduct themselves in accordance with the Policing Code of Ethics.

The Police Code of Ethics is based around the following 9 principles:

- a) **Accountability** – You are answerable for your decisions, actions and omissions.
- b) **Fairness** – You treat people fairly.
- c) **Honesty** – You are truthful and trustworthy.
- d) **Integrity** - You always do the right thing.
- e) **Leadership** – You lead by good example.
- f) **Objectivity** – You make choices based on evidence and your best professional judgement.
- g) **Openness** – You are open and transparent in your decisions and actions.

h) **Respect** - You treat everyone with respect.

i) **Selflessness** – You act in the public interest.

The Commissioner, Deputy Commissioner and their staff must work honestly and ethically. The public expects people in these roles to do the right thing in the right way. Basing decisions and actions on the Nolan Principles and Police Code of Ethics will help us to achieve this.

## **Ethics and Integrity Framework**

The framework sets out:

1. The standards and behaviours that the public can expect from the Commissioner, their Deputy and staff;
2. How they are accountable to the public, and how the public can in turn hold them to account, and
3. How the Commissioner holds the Chief Constable and Chief Fire Officer to account in the important areas of standards, public life and public service.
4. The role of statutory officers in ensuring ethics and integrity in the discharge of the Commissioner's functions.

### **1. Standards and behaviours that the public can expect from the Commissioner, their Deputy and their staff**

As set out above, the Commissioner is committed to the Seven Principles of Public Life (also known as the 'Nolan Principles') as set out in the Government's Ministerial Code and published in *Standards in Public Life: First Report of the Committee on Standards in Public Life* and the Police Code of Ethics.

#### *i. Selflessness*

*Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.*

The Commissioner publishes a register of gifts and hospitality (both accepted and declined) offered to himself, his deputy or any member of his staff on the website. This is regularly updated. You can find it [here](#).

*ii. Integrity*

*Holders of public office should always do the right thing. They should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.*

The Commissioner is committed to transparency, ensuring that relevant information and data is put in the public domain and published on his website as part of the Commissioner's Publication Protocol. This includes ensuring that any disclosable interests are visible to the public. You can find those [here](#). Staff are also required to declare relevant interests that might impact on their role working for the Commissioner.

The Commissioner ensures that all information identified in the Specified Information Orders below are published either directly on the Commissioner's website or on [Essex Police's](#) website or the [Essex County Fire and Rescue Service website](#).

- [The Elected Local Policing Bodies \(Specified Information\) Order 2011](#)
- [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2012](#)
- [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2013](#)

*iii. Objectivity*

*In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.*

The financial arrangements of the Commissioner are set the in the PFCC's Financial and Procurement Regulations, which the Commissioner, Deputy Commissioner and all staff are required to abide by. All relevant information, such as the Commissioner's Contracts Registers, is published transparently on the Essex Police and Essex County Fire and Rescue Service websites.

All staff appointments to the Commissioner's office are made following an open and transparent process and in accordance with the Essex Police Recruitment and Retention of Staff Policy. Appointments to the posts of the Chief Constable, Chief Fire Officer, Chief Executive and Treasurer are made following the process set out in the Constitutions.

Essex Police's Corporate Vetting Unit (CVU) is required to clear all staff, third parties and contractors who require access to police information, equipment, infrastructure and assets prior to appointment or a significant change of role.

*iv. Accountability*

*Holders of public office are accountable for their decisions, actions and omissions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

The PFCC is elected by and accountable to the public. The Commissioner and their Deputy will attend regular public meetings and will engage directly with local communities, including under-represented and vulnerable groups through involvement in Independent Advisory Groups, the Essex Faith Covenant and regular group specific engagement activity.

The decisions of the Police, Fire and Crime Commissioner are scrutinised by the Essex Police, Fire and Crime Panel which is made up of elected representatives from each district and unitary authority, plus two independent members. Panel meetings are open to the public and records are published [here](#).

*Openness*

*Holders of public office should be as open and transparent as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.*

Within the Constitutions, the Commissioner has adopted the following principles of decision-making:

- (a) The presumption in favour of openness and transparency;
- (b) The need for consultation with interested parties;
- (c) The need to take account of relevant professional advice from appropriate officers;
- (d) The need for clarity of aims and desired outcomes;
- (e) The need to identify the range of options considered;
- (f) The need to give reasons and explanation for a decision, and
- (g) The need to have due regard to the Government Security Classifications when considering disclosure of reports and documents supplied to him / her.

In addition, the Constitutions specify that the exercise of any delegated authority to take a decision on behalf of the Commissioner is subject to the following –

- (a) The person making the decision has first considered a written report prepared by an appropriate officer;
- (b) Any decision taken shall be in accordance with the Commissioner's budget and policy framework, financial regulations and contract standing orders and any condition imposed by the law, the relevant Constitution and any relevant statutory guidance;
- (c) Any person may, as the Commissioner may determine appropriate, refer any matter falling within the authority delegated to him / her to the Commissioner, and
- (d) The fact that a function has been delegated shall not prevent the discharge of that function by the Commissioner.

Decisions made by the Commissioner are published on their website [here](#), and comments the Commissioner makes about inspections reports by Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) are available [here](#). The Commissioner also publishes details of all expenditure over £500, which can be found [here](#).

The Commissioner also publishes papers and information from the Strategic Boards, Performance and Resource Boards and Audit Committees for both Fire and Rescue and Crime and Policing. These include regular performance information. The Commissioner uses the Government Security Classifications for these papers and others handled by the office. These papers can be found via:

[Policing and Crime – Boards and decision making](#)

[Fire and Rescue – Boards and decision making](#)

The Commissioner also provides the public with information and ensures compliance with the Freedom of Information Act and associated legislation and regulations through the Access to Information Policy which can be viewed [here](#).

The Commissioner keeps the public informed about how he / she holds the Chief Constable to account for how Essex Police is performing in the delivery of the Police and Crime Plan and how he / she holds the Chief Fire Officer to account for the delivery of the Fire and Rescue Plan. The Commissioner also publishes a quarterly performance report on matters relating to police professional standards [here](#) and considers quarterly reports on complaints and grievances within the Fire and Rescue Service at the Performance and Resource Board – Fire and Rescue.

On a regular basis, the Commissioner also issues proactive press releases about their work, and holds a range of engagement events throughout the county bringing senior leaders from both services together with members of the public. Recent news can be viewed [here](#) and copies of the minutes from public meetings can be viewed [here](#).

The Commissioner also ensures that details of the remuneration of the Commissioner, their Deputy, chief officers and members of their senior team are publicly available [here](#).

v. *Honesty*

*Holders of public office must be truthful and trustworthy. They have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*

All disclosable interests, of both the Commissioner and their Deputy are made available to the public and can be found [here](#). Where any conflict of interest or potential for conflict arises, the Commissioner is committed to declaring it at the earliest opportunity and taking action to resolve it. Staff notify any disclosable interests to the Chief Executive and Essex Police (as part of the vetting process).

vi. *Leadership*

*Holders of public office should lead by good example and should actively promote and robustly support these principles in how they act and lead.*

The PFCC has Codes of Conduct which highlight the responsibility of the Commissioner and the Deputy, as well as all members of staff, to behave in an open, transparent and impartial manner. This includes the provision of impartial advice to the Commissioner and their Deputy. You can find the Codes of Conduct, as well as the Commissioner's Anti-Fraud and Corruption Strategy, at the links below.

[Staff Code of Conduct](#)

[PFCC Voluntary Code of Conduct \(Scroll down to Schedule 7 within the PFCC Constitution\)](#)

[Anti-Fraud and Corruption Strategy \(Scroll down to Schedule 15 within the PFCC Constitution\)](#)

Essex Police and Essex County Fire and Rescue Service each have grievance and whistleblowing policies in place to ensure staff are able to raise concerns in a safe environment. Staff in the Commissioner's office are also covered by the Essex Police Whistleblowing Policy. There are also clear complaint processes in place for the public to raise

and have resolved issues that they are concerned with. The complaint policies can be viewed [here](#) for Essex Police and [here](#) for Essex County Fire and Rescue Service. The procedures for dealing with complaints against the Commissioner and Deputy Commissioner are set out later in this document.

The Commissioner, along with the Chief Constable, has agreed and provided leadership for the development and implementation of the Anti-Fraud and Bribery Policy. This sets a zero tolerance approach to fraud and misappropriation and applies to all employees of the Commissioner and Essex Police regardless of position held, as well as consultants, vendors, contractors and other parties who have a business relationship with the PFCC or Essex Police.

*vii. Fairness (Principle from the Police Code of Conduct)*

*Holders of public office should treat people fairly*

Decisions made by the Commissioner are published on their website [here](#) and [here](#). Information explaining the benefits of making the decision and how it fits into the Police and Crime Plan or Fire and Rescue Plan priorities are included in each published decision report. To demonstrate a fair process has been followed, each decision also sets out the potential alternative options which were considered and why these were not taken.

The Commissioner's decisions are scrutinised by the Police, Fire and Crime Panel. The Panel receives a list of all decisions made by the Commissioner at each of its meetings and is able to scrutinise the fairness of these decisions. The Panel is made up of representatives from each of the tier one and tier two councils in Essex so represents all of the residents of the county. Details of the Panel membership and copies of the agendas, papers for [The Essex Police, Fire and Crime Panel](#) can be viewed here.

*viii. Respect (Principle from the Police Code of Conduct)*

*Holders of public office should treat people with respect*

Respect is a key part of the PFCC's Voluntary Code of Conduct and is also featured prominently in the Commissioner's team values. The team values are integrated into the Performance Development Plans for all members of the Commissioner's Team. The values are discussed at team meetings and away days and are monitored through a regular staff engagement survey.



## **2) How the Commissioner is accountable to the public, and how the public can in turn hold the Commissioner to account**

The Commissioner is elected by the people of Essex, and is directly accountable to the electorate.

[The Essex Police, Fire and Crime Panel](#), which is made up of elected representatives from each district and unitary authority, plus two independent members, is another mechanism by which the Commissioner is held accountable. The Panel has a number of powers and responsibilities. These include:

- The power to veto (by two-thirds majority) the proposed precepts for Essex Police and Essex County Fire and Rescue Service and the proposed candidates for Chief Constable and Chief Fire Officer. The Panel also has the power to appoint an acting Commissioner where the incumbent Commissioner is incapacitated, resigns or is disqualified
- Reviewing the draft Police and Crime Plan and draft Fire and Rescue Plan and making recommendations to which the PFCC must have regard
- Reviewing the Commissioner's Annual Report (with regard to Essex Police) and Statement of Assurance (with regard to Essex County Fire and Rescue Service) and making reports and recommendations at a public meeting, which the Commissioner must attend
- Considering complaints against the Commissioner and the Deputy Commissioner, although serious complaints and conduct matters must be passed to the Independent Office for Police Conduct (IOPC) in line with legislation
- Asking HMICFRS for a professional view, should the Commissioner intend to dismiss the Chief Constable or Chief Fire Officer
- Holding confirmation hearings for the Commissioner's proposed chief executive, chief finance officer and Deputy Police, Fire and Crime Commissioner appointments

The Police, Fire and Crime Panel must review or scrutinise decisions and actions taken by the Commissioner and make and publish reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.

The Panel is required to hold a minimum of four public meetings a year. Papers can be accessed [here](#).

### *Strategic Boards*

The Commissioner chairs quarterly Strategic Board meetings relating to both Essex Police and Essex County Fire and Rescue Service. These Boards recommend to the Commissioner strategic decisions relating to areas such as delivery of the Police and Crime Plan and Fire and Rescue Plan; estates / assets and IT / information management strategies; strategic finance issues, and strategic change and transformation programmes.

The Commissioner publishes information relating to the Strategic Board for Policing and Crime [here](#) and the Strategic Board for Fire and Rescue [here](#).

### *Scrutiny Programme*

The Commissioner operates a thorough scrutiny programme, which analyses Essex Police's and Essex County Fire and Rescue Service's performance. The Policing and Crime and Fire and Rescue Performance and Resources Scrutiny Boards each meet on a monthly basis to consider performance against a number of areas including:

- Priorities within the Police and Crime Plan and Fire and Rescue Plan and the associated performance metrics
- Budgetary controls and the delivery of planned transformation and efficiency savings
- Performance against the medium term financial plan and capital programmes, as well as use of reserves
- Outcomes and recommendations arising from HMICFRS inspections and Peer Reviews
- Victim / customer and employee satisfaction survey results and the actions taken in response
- Corporate support such as HR, IT and Estates

Such scrutiny provides assurances to the Commissioner regarding operational delivery of police and fire and rescue services, as well as helping the Commissioner to identify areas where he / she can work together with the Chief Constable or Chief Fire Officer to improve outcomes.

The Commissioner publishes all information regarding meetings under the scrutiny programme [here](#).

### *Public meetings*

The Commissioner holds a range of public meetings and engagement events, where the public can ask questions about how he / she is delivering for the people of Essex in their role as PFCC, and how they are ensuring Essex Police and Essex County Fire and Rescue Service perform to the very best of their ability to secure the safety of the people of Essex.

The Commissioner also regularly meets with councillors and MPs to give both the public and their elected representatives the chance to raise any concerns about policing and crime and fire and rescue services in Essex. A senior leader from both Essex Police and Essex County Fire and Rescue Service attend these sessions and provide an update on the performance of their service, followed by an opportunity for members of the public to ask questions of either the Commissioner or the two services. These meetings form a crucial part of the Commissioner's role in scrutinising the work of Essex Police and Essex County Fire and Rescue Service and holding them to account for the services they provide.

### *PFCC and CC and CFO performance meetings*

The Commissioner has formal performance meetings with the Chief Constable and Chief Fire Officer on a regular (approximately four weekly) basis to discuss issues from the scrutiny programme, as well as to raise concerns that the public and other elected officials have raised with the Commissioner.

### *Complaints*

The Commissioner is responsible for holding the Chief Constable and the Chief Fire Officer to account and for ensuring that both services are delivered efficiently, effectively and fairly. The Commissioner has a process for looking into complaints that are made, and where matters are not within the Commissioner's remit (e.g. those matters that are to do with operational policing or the operational activity of the Fire and Rescue Service), the Commissioner's office will pass these to the relevant service to respond.

The Commissioner's office also undertakes a dip sample of complaints made to Essex Police, the findings from which are discussed at quarterly meeting with the Deputy Chief Constable along with the full statistical quarterly reports on all complaints, grievances and disciplinary cases. These are published regularly on the Commissioner's website and can be found [here](#)

The Commissioner is the appeal body for complaints against Essex County Fire and Rescue Service and regularly undertakes reviews of finalised grievance cases. Information relating to all complaints and disciplinary cases are included with the Performance and Resource Board. The papers and minutes for this board can be viewed [here](#).

The Police, Fire and Crime Commissioner's staff also abide by a [Code of Conduct](#) and any complaints against them will be considered by the Chief Executive. Complaints against the Chief Executive will be considered by the Commissioner or their Deputy.

#### *Allegations and Complaints against the PFCC and the DPFCC*

Any complaints made against the Commissioner and / or their Deputy go to the Police, Fire and Crime Panel ('the Panel') (more detail is available [here](#)) for review and investigation. The Panel has responsibility for the initial handling of complaints made about the conduct of the Commissioner or that of the Deputy Police, Fire and Crime Commissioner. The handling of such complaints is governed by a statutory complaints procedure. The panel is required to refer any criminal complaints to the Independent Office for Police Conduct (IOPC).

### **3) How the Commissioner holds the Chief Constable and Chief Fire Officer to account in the important areas of standards, public life and public service**

Essex Police and Essex County Fire and Rescue Service are guided by the Nolan Principles. Essex Police officers and staff are additionally guided by the [Police Code of Ethics](#). Supported by the Police, Fire and Crime Panel's Ethics and Integrity Sub-Committee, the Commissioner monitors how well both services are delivering against these standards and, working with the Chief Constable and Chief Fire Officer, uses this to help drive improvements. In addition, HMICFRS inspects all police forces and fire and rescue services in the area of ethics and values.

#### *Out of Court Disposals*

An out of court disposal is a community sanction, or a formal warning, or a fine that a member of the public who has committed an offence agrees to accept from the Police in preference to being charged with an offence and appearing before a court of law. There is a requirement for the victim to be consulted and their wishes determined before an out of court disposal decision is made.

Essex Police was amongst the first Forces to establish an Out of Court Disposals Panel to review all disposals determined by the Police. The Commissioner's office Chairs the Panel, with wider membership including local magistrates and representatives from the voluntary and community sector. The Panel has no executive authority, but reviews cases and provides feedback to Essex Police around appropriateness of use of the sanction and review of the legality. Where the Panel believes that the disposal was not appropriate it will submit a recommendation to Essex Police, accompanied by a request for a further review by an operational manager within the line management structure.

*Promoting high professional standards in Essex Police and Monitoring of the Professional Standards Department*

The Police, Fire and Crime Commissioner is committed to ensuring that the standards of professional behaviour originating from the Police (Conduct) Regulations and Police Staff Council Joint Circular 54 are embedded across Essex Police. These standards relate to:

- **Honesty and integrity** – I will be honest and act with integrity at all times, and not compromise or abuse my position.
- **Authority, respect and courtesy** – I will act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. I will use my powers and authority lawfully and proportionately, and will respect the rights of all individuals.
- **Equality and diversity** – I will act with fairness and impartiality. I will not discriminate unlawfully or unfairly.
- **Use of force** – I will only use force as part of my role and responsibilities, and only to the extent that is necessary, proportionate and reasonable in all the circumstances.
- **Orders and instructions** – I will give and carry out lawful orders only, and will abide by Police Regulations. I will give reasonable instructions only, and will follow all reasonable instructions.
- **Duties and responsibilities** – I will be diligent in the exercise of my duties and responsibilities.
- **Confidentiality** – I will treat information with respect, and access or disclose it only in the proper course of my duties.
- **Fitness for work** – I will ensure, when on duty or at work, that I am fit to carry out my responsibilities.
- **Conduct** – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
- **Challenging and reporting improper behaviour** – I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.

The Commissioner publishes a quarterly performance report on matters pertaining to police professional standards [here](#). The Commissioner also reviews and scrutinises the outcomes of

police officer and police staff members' misconduct cases. The Commissioner's office undertakes regular dip sampling of complaints made by the public and the outcomes reached by Essex Police, providing the appropriate level of scrutiny in this area.

#### *Monitoring professional standards in Essex County Fire and Rescue Service*

The Commissioner is committed to ensuring Essex County Fire and Rescue Service operates according to the Nolan Principles and the public can have trust and confidence in the Service and the work that it does.

Along with regular performance reports, the Commissioner receives and publishes regular reports relating to complaints, grievances and disciplinary hearings undertaken by the Service. The Commissioner considers all appeals against the Service's complaint decisions and spot checks the handling of grievance and disciplinary cases.

#### **4) The role of statutory officers in ensuring ethics and integrity in the discharge of the Commissioner's functions**

The Commissioner must appoint -

- (a) a person to be the head of the Commissioner's staff (Chief Executive), who will also act as the Monitoring Officer, and
- (b) a person to be responsible for the proper administration of their financial affairs (Treasurer), who must be a member of an accountancy body specified in section 113 of the Local Government Finance Act 1988.

The "Head of Paid Service" means the person designated by the Commissioner under section 4 (1) (a) of the Local Government Act 1989.

#### *The Monitoring Officer*

The Chief Executive (designated Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 and designated Monitoring Officer under Section 5 of the Local Government and Housing Act 1989) shall have the following functions and areas of responsibility -

- (a) Overall corporate management;
- (b) Overall operational responsibility (including overall management responsibility for all staff);
- (c) Strategic development and performance on behalf of the Commissioner;

- (d) Provision of professional advice to the Commissioner in the decision-making process;
- (e) Responsibility for a system of record keeping for all decisions of the Commissioner, and
- (f) Representing the Commissioner on partnership and external bodies (as required).

The Monitoring Officer will:

- Maintain up to date versions of the Constitutions and will ensure that they are widely available for consultation by the Commissioner, the Chief Constable, the Chief Fire Officer, their staff and the public.
- Ensure that all major policies and strategies are updated regularly and that ownership of the plan or policy is attributed to the appropriate officer.
- After consulting with the Treasurer, report to the Commissioner and to the Police, Fire and Crime Panel if he / she considers that any proposal, decision or omission by the Commissioner, by any committee or sub-committee of the Commissioner, by any person holding any office or employment under the Commissioner or by any joint committee on which the Commissioner is represented has given rise, is likely to or would give rise to a contravention of any enactment, rule of law or of any code of practice made or approved by or under any enactment.

The Commissioner is obliged to consider any such report no later than three months after being sent a copy of the report. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- Contribute to the promotion and maintenance of high standards of conduct, including through provision of support to the Strategic Boards.
- Ensure that decisions of the Commissioner, together with the reasons for those decisions and relevant staff reports and background papers, are made publicly available as soon as possible.

- Be the primary qualified person with regard to the disclosure of exempt information under Section 36 of the Freedom of Information Act 2000. In the absence of the Monitoring Officer, responsibility for carrying out the function will fall to the Treasurer.
- Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget to the Commissioner.
- Where requested so do to, exercise powers and duties delegated by the Police, Fire and Crime Panel in relation to complaints against the Commissioner and Deputy Commissioner. This may include the receipt of complaints, the recording of them and notification to the Police, Fire and Crime Panel in accordance with the relevant regulations.

#### *The Treasurer / Section 151 Officer*

The Treasurer has the responsibility for the administration of the PFCC's financial affairs under section 151 of the Local Government Act 1972, section 73 of the Local Government Act 1985 and section 112 of the Local Government Finance Act 1988.

The Treasurer will:

- Have responsibility for the administration of the financial affairs of the Commissioner and ensure maintenance of an efficient and effective internal audit function.
- Take responsibility for the strategic direction and scrutiny of the budget for the Commissioner.
- Contribute to the corporate management of the office of the Commissioner, in particular through the provision of professional financial advice.
- Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and the budget and will support and advise the Commissioner and their staff in their respective roles with regard to these matters.
- Provide financial information to the media, members of the public and the community.



- Shall, after consulting with the Chief Executive, make a report to the Commissioner if it appears to him / her that the Commissioner, a committee of the Commissioner, a person holding any office or employment under the Commissioner, a member of Essex Police force, the Essex County Fire and Rescue Service or a joint committee on which the Commissioner is represented -

(a)                has made or is about to make a decision which involves or would involve the Commissioner incurring expenditure which is unlawful,

(b)                has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Commissioner, or

(c)                is about to enter an item of account the entry of which is unlawful.

The Treasurer shall also make a report to the Commissioner if it appears to him / her that the expenditure of the Commissioner incurred (including expenditure he / she proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to them to meet that expenditure.

Where the Treasurer makes a report to the Commissioner in accordance with the provisions above, the Commissioner must consider the report and decide whether he / she agrees or disagrees with the views contained in the report and what action (if any) they propose to take in consequence of it. The consideration and decision-making must be concluded not later than 21 days after the report is sent. The Treasurer must notify the Commissioner's auditor of any decisions taken by the Commissioner in accordance with the provisions above.

In carrying out their functions the Treasurer shall have regard to section 17 ss (4) and (5) of the Police Reform and Social Responsibility Act 2011 to ensure that, in carrying out his / her functions, the Commissioner has regard to and undertakes their financial governance in accordance with any financial code of practice issued by the Secretary of State.