

Annual Governance Statement 2021/2022

For the Police, Fire and Crime
Commissioner for North Yorkshire and the
Chief Constable of North Yorkshire Police

November 2022

Introduction



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Welcome to the Annual Governance Statement (AGS) for 2021/2022. The AGS outlines what the key governance structures and processes were during the financial year and captures the main findings arising from the annual review of those arrangements.

Welcome from the Commissioner and Chief Constable

Our people deliver high quality services to our communities. We rely on our governance arrangements as the framework to make sure that service delivery is done properly. We each have a responsibility for ensuring that our governance arrangements remain fit for purpose and undertake a review on an annual basis.

Where our review has identified positive practice or areas for improvement we will capture those in the relevant section of this AGS.

On the whole, the review undertaken to inform this AGS indicated that the key structures and processes that were in place during 2021/2022 continued to provide a high level of confidence in the governance arrangements and that:

Pillars of good corporate governance



- Decisions are ethical, open, honest, and evidence based
- Public money is safeguarded
- Risk is effectively managed
- Transparency comes as a matter of course
- Processes are continually improved.

Corporate Governance

What is Corporate Governance?

Corporate governance refers to the process by which organisations are directed, controlled, led and held to account. In other words, corporate governance is how we make sure we do things properly.

Each year we, the Commissioner and Chief Constable, are required to produce an AGS. The AGS is the formal mechanism we use to report on the effectiveness of our internal control and decision making systems. Our AGS complies with the reporting requirements contained in the CIPFA – Code of Practice on Local Authority Accounting and accompanies our accounts for the financial year. This is a document that describes how well our governance system has functioned during the year ended 31 March 2022 and sets out areas for development for the year ahead.

Good corporate governance helps to put people first in everything we do. This gives us confidence that we are doing the right thing in the right way for those who we deliver services to, for and with.



In April 2016 CIPFA published an updated version of their “Delivering Good Governance in Local Government: Framework” which was followed by specific guidance notes for Policing Bodies. The 2016 Framework sets out seven principles of good governance which are taken from the International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014) ('the International Framework') and interprets them for local government. The seven principles are:

- A** – behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- B** – ensuring openness and comprehensive stakeholder engagement
- C** – defining outcomes in terms of sustainable economic, social and environmental benefits
- D** – determining the interventions necessary to optimise the achievement of the intended outcomes
- E** – developing the entity's capacity, including the capability of its leadership and the individuals within it
- F** – managing risks and performance through robust internal control and strong public financial management
- G** – implementing good practices in transparency, reporting and audit to deliver effective accountability.

The principles and guidance have again informed the review of governance arrangements for 2021/22. More specifically, the structure of this AGS has been prepared with reference to themes from key elements of the structures and processes referred to in the CIPFA guidance.

Codes of conduct and standards of professional behaviour

Ethics and standards are core to the corporate governance arrangements

The organisation aspires to the highest ethical standards in all of our activities. The policing Code of Ethics sets out the principles and standards of behaviour that promote, reinforce and support the highest standards from everyone who works within the police service.

The Code is founded upon nine policing principles which were built on the Nolan principles for public life, and these principles should underpin every decision and action across policing. In accepting to abide by the Code of Ethics, everyone is committed to the principles and standards of behaviour, and these will assist everyone in doing the right thing when faced with difficult and complex decisions.

Implementation of the Ethics Strategy and supporting framework has continued throughout the reporting period. An area of focus for the forthcoming period will be to recruit to and establish an Independent Ethics Advisory Board which is a key component of the Ethics Structure.

The policing principles are:

- Accountability
- Fairness
- Honesty
- Integrity
- Leadership
- Objectivity
- Openness
- Respect
- Selflessness

Further information

- Commissioner's Ethical Declaration
- NYP Ethics and Standards

Complaints and Recognition

Complaints and recognition about the police are handled by the Commissioner's independent team, to ensure fairness, for the public and the police.

The aims and key principles of the process are:

- To learn and develop by improving from mistakes, poor judgement and low-level misconduct via early and supportive intervention
- To provide a fair, open and proportionate process to deal with such matters
- To focus upon self-reflection, learning from mistakes and development of actions to put issues right and prevent reoccurrence
- To build an inclusive, reflective and participative process for the officer involved, and the identification of individual and organisational learning
- To ensure that disciplinary proceedings are focused and applied only to serious breaches of the Standards of Professional Behaviour, where it is considered that a formal disciplinary sanction is justified

Further information

- Complaints and Recognition

Ensuring Compliance

Code of Corporate Governance

The Code of Corporate Governance is a key governance instrument which acts as a reference point for the expectations and rules about, for example, who in the organisation can make decisions and on what issues. A separate Code of Governance is in place for the Commissioner in the role of the Fire and Rescue Authority.

Finance Regulations

Aligned to the Code of Corporate Governance are the Finance Regulations. These translate into practical guidelines and the framework for decision making on financial matters.

A negative internal audit opinion was received in relation to the systems and controls for the "Capital investment Programme" during the year. All of the agreed management actions from that audit assignment have now been closed out and will feature in the follow up assignments during 2022/2023.

A more positive "Substantial Assurance" opinion was received from the auditors following their work on "Financial Planning".

Sources of Assurance

Various sources of assurance are relied on to test and ensure compliance with laws and regulations, the governance arrangements and that expenditure is in line with the Finance Regulations.

Internal Audit

Internal Audit Services were provided by RSM. The internal audit plan for the year and regular progress reports detailing the outcome of the assignments in the plan were prepared and reported to the Joint Independent Audit Committee.

Following a market exercise during the reporting period RSM were again successful and will continue to provide the service from April 2022.

The plan is risk based and targeted at areas where Internal Audit is the appropriate assurance provider. It is designed with a large degree of flexibility so that changes can be made in order to test emerging areas of concern.

Based on the internal audit assignments completed throughout the year an audit opinion is formed by RSM for both the Commissioner and Chief Constable. Both the Commissioner and Chief Constable received positive opinions in the Annual Report for the reporting period.

The positive opinion of the internal auditors for the year ended March 2022 was used to inform the judgement on the level of assurance provided by the governance arrangements.

Further information

- Financial Regulations
- Annual Internal Audit Report 2021-2022



The organisation has an adequate and effective framework for risk management, governance and control.

However, our work has identified further enhancements to the framework of risk management, governance and internal control to ensure that it remains adequate and effective.

RSM

Ensuring Compliance

Three internal audit reports concluded with negative opinions.

The actions identified in those reports will be of particular focus for the Risk & Assurance Board.

Seized Exhibits

The internal "Exhibits Board" has been overseeing progress on the agreed management actions from this report.

Freedom of Information

Resource pressures were cited as a contributing factor to non-compliance with the statutory regime and following successful recruitment it is anticipated that compliance rates will be improved during 2022/2023. This will be recorded as an Area for Development.

Capital Programme Management

As per the commentary at the "Financial Regulations" and the associated Area for Development identified in the previous year's AGS a large degree of senior management effort has resulted in enhanced control in this area.

External Audit

External Auditors work independently of the organisation. They examine records, operating systems and financial accounts and provide assurance around compliance. Our external audit service is provided by Mazars. The appointment is made independently by Public Sector Audit Appointments (PSAA) who manage the arrangements for appointing auditors as set out in the Local Audit and Accountability Act 2014.

Resource pressures within Mazars resulted in significant delay in discharging External Audit activity on the 2020 / 2021 Statement of Accounts. All parties have been actively engaged in planning to ensure that this is not repeated.

Joint Independent Audit Committee

The Commissioner and Chief Constable operate a Joint Independent Audit Committee (JIAC).

During 2021/2022 a successful recruitment campaign resulted in a new Chair and some additional members to provide improved resilience for the committee.

All the JIAC sessions in the reporting period were quorate and there was active engagement from members and officers.

Further information

■ Joint Independent Audit Committee



Ensuring Compliance

HMICFRS

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) independently assesses police forces and policing activity in the public interest, ranging from neighbourhood teams through to serious crime and the fight against terrorism.

In preparing their reports, they ask the questions which the public would ask and publish the answers in an accessible form.

HMICFRS provide the information to allow the public to compare the performance of forces against others and their evidence is used to drive improvements in the service to the public.

As an additional source of assurance HMICFRS outcomes were considered in the review of governance arrangements.

The sixth PEEL (police effectiveness, efficiency and legitimacy) assessment of North Yorkshire Police is delayed as a consequence of the pandemic.

This will be informed to a great extent by the latest Force Management Statement (FMS). This is a self assessment that the Chief Constable must prepare and submit to HMICFRS each year.

HMICFRS use the FMS and information from their other inspection activity to inform their assessment.

Assessment of the outcomes of HMICFRS inspection activity is overseen and monitored by the Risk and Assurance Board.

Further information

■ HMICFRS

National Child Protection Inspection

North Yorkshire Police were subject of a National Child Protection Inspection (NCPI) in November 2021. The inspection identified a number of areas where North Yorkshire Police needed to improve its response regarding child protection matters. Particularly in relation to how quickly the force responds to the child's needs at each step where police contact is made to minimise the risk of harm to the child and also ensure that the voice of the child is heard. The force has embraced the recommendations and have plans in place to improve including:

- Providing clear guidance to Force Control Room staff to help them make the right decisions on officer response
- Helping officers to expand their understanding of how they capture and record the 'voice of the child'
- Bringing greater clarity and consistency to missing children arrangements and practices, including supervision, investigation and sharing of information
- Improving how the force works with and shares information with partners about children at risk of exploitation
- Assigning investigations to officers with the right level of capable expertise
- Making sure NYP works with partners to be able to take children to an appropriate place of safety and how the force manages the detention of children when appropriate
- Expanding the access to more detailed information about registered sex offenders (RSOs) so information can be accessed in real time
- Improving understanding of Child Sexual Exploitation so that the force has a greater level of awareness, knowledge and skills in this area.

Transparency & Engagement

The view of the organisations is that transparency is one of the pillars of good corporate governance. The stated aspiration is that statutory requirements are not only complied with, but exceeded.

Active engagement with the communities that we serve helps to create a positive working relationship with them and a more detailed understanding of their needs and issues.

A range of tools are used to help us be aware of and understand the experiences of our communities.

The communities of North Yorkshire were regularly invited to have their say during 2021/2022. Participation was encouraged in surveys relating to a number of topics.

Perhaps most notably, communities were actively invited to participate in a survey in order to help shape the priorities for policing in the refresh of the Police and Crime Plan.



How the business was managed in 2021/2022

Police and Crime Plan

The plan sets out the vision and priorities for policing and community safety, as well as the objectives and ambitions that the Chief Constable is held to account against.

Community engagement was sought during the reporting period to inform a refresh of the Police and Crime Plan priorities.

Code of Corporate Governance

Crucially this contains the scheme of delegation and consent which sets out the parameters for who can make decisions across the business.

Chief Finance Officer Protocol

The Chief Finance Officer protocol is designed to recognise our commitment to the Home Office Financial Management Code of Practice for the Police Service in England and Wales. The Chief Finance Officer arrangements have also considered the CIPFA Code of Practice recommendation that the Commissioner's Chief Finance Officer reports directly to the Commissioner. If different arrangements are adopted the reasons should be publicly reported in the AGS. Due to the nature of the arrangements in North Yorkshire they are considered annually.

During the reporting period the Commissioner's Chief Finance Officer reported via the Chief Executive Officer to the Commissioner. This provides an effective solution to engage on all material matters via a dedicated line manager. The Commissioner's Chief Finance Officer has direct access to the Commissioner as well as to the Chair of the Joint Independent Audit Committee. The Commissioner's Chief Finance Officer remains satisfied that these arrangements effectively deliver the statutory functions of the role.

The role of Commissioner's Chief Finance Officer continues to be provided by way of a collaborative arrangement with the Police and Crime Commissioner for Cleveland.

Executive Board

The forum for oversight of corporate health during 2021/2022 was the Executive Board. During the year the Board operated on a joint basis with senior colleagues from North Yorkshire Fire and Rescue Service as attendees.

Monitoring Officer Protocol

The Area for Development to review this protocol has been carried forward to this AGS.

It has been identified that there is an additional requirement for the Monitoring Officer Protocol to incorporate safeguarding lead roles and arrangements within the Commissioner's Office.

Risk & Assurance Board

During the reporting period the Risk and Assurance Board continued to promote and to oversee the development of risk management across policing functions. Chaired by the Deputy Chief Constable with membership including Assistant Chief Constables and the Managing Director of enableNY the agenda includes matters such as risk register activity, policies and procedures and assurance activity.

Where appropriate the meeting may refer matters to Executive Board or the Joint Independent Audit Committee



Further information

- Police and Crime Plan
- Executive Board
- Chief Finance Officer Protocol
- Monitoring Officer Protocol

Scrutiny Arrangements

Holding the Chief Constable to Account

This is the statutory role of a Police, Fire and Crime Commissioner and can be done in a number of ways. Locally the Commissioner uses a mix of public meetings, reports and research; organisations such as HMICFRS; and formal complaints to assess the Chief Constable against expectations.

In North Yorkshire the philosophy is to focus on the following five areas:

- Performance
- Value for money
- Using feedback and evidence to improve services
- Examining performance
- Quality of work.

The Commissioner actively seeks the input of the public in order to effectively carry out the scrutiny function. Whether formal or informal, scrutiny is informed by public views, needs and feedback.

Public Accountability Meeting

The formal meeting that performs this important role is the monthly Public Accountability Meeting. This meeting is live streamed and the public can participate.

The meeting is made up from members of the Executive Board, other Chief Officers and Heads of Department. It is supported by performance and change management / planning staff.

The Commissioner, Chief Constable and Chief Fire Officer chair the meeting jointly. There is an expectation that the police service performs at its best and both the Commissioner and Chief Constable have a role in ensuring actions are delivered by the teams reporting into them.

There are various scrutiny arrangements in place for the organisations which reflect the respective statutory roles.

Police, Fire and Crime Panel

The Panel has the statutory responsibility for scrutinising the performance of the Commissioner and is a joint committee of the local authorities in the area. The Panel undertakes its scrutiny function through a range of mechanisms and considers such matters as:

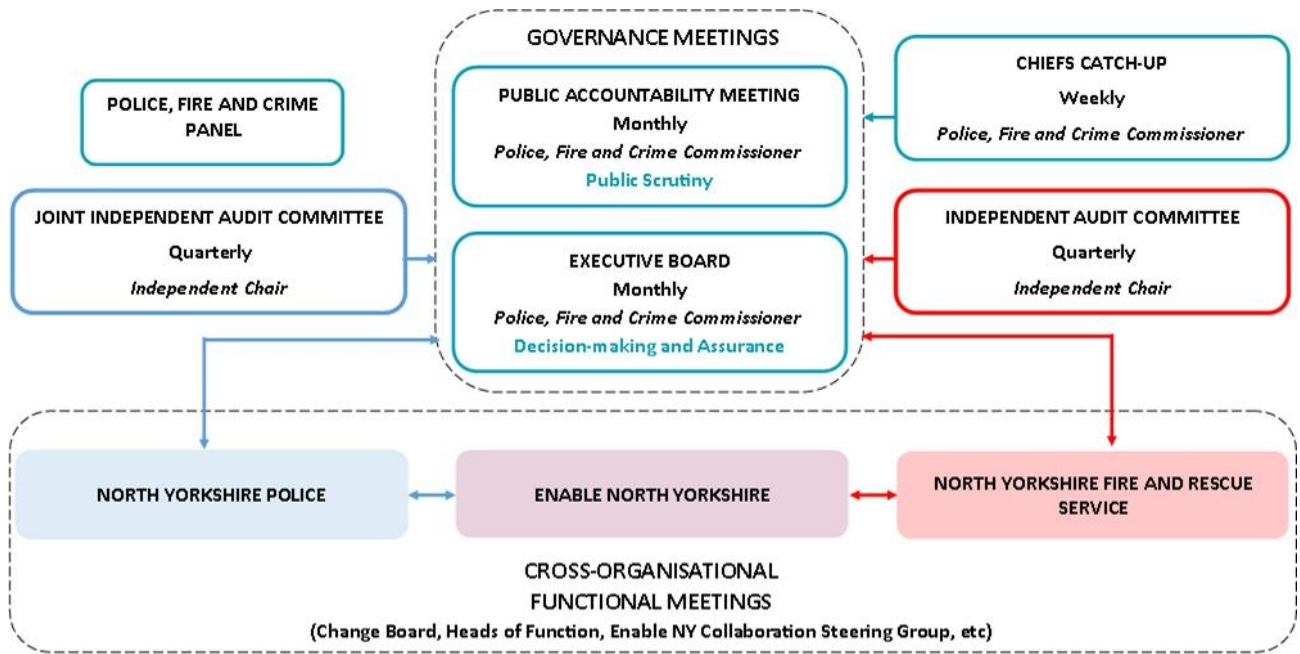
- Reviewing the Commissioner's proposals for the amount of council tax local people pay towards policing. It has the power to veto these proposals if it considers the amount is inappropriate
- Considering the Commissioner's Police, Fire and Crime Plan and Annual Report
- Considering the Commissioner's proposals for the appointment of new Chief Constables and Chief Fire Officers, with the power to veto
- Investigating non-criminal complaints about the Police, Fire and Crime Commissioner
- Investigating non-criminal complaints about the Deputy Police, Fire and Crime Commissioner.

Further information

- Police, Fire and Crime Panel
- Public Accountability Meeting
- Annual Report

High Level Governance Model

Following a review during 2021/2022 the diagram below provides an overview of the high level arrangements that are proposed to operate in 2022/2023



Working with others

Collaboration Governance

The Commissioner has a statutory duty to collaborate and so it is important that good governance arrangements are incorporated for oversight of collaboration activity.

The agreements that underpin collaboration activity are published as a matter of routine. In addition the notes from the formal meetings that oversee collaboration activity are also published in the spirit of transparency.

A key development in collaboration governance was the implementation of the Collaboration Board to oversee development of the Enable North Yorkshire (enableNY) collaboration.

It has been identified that there is additional effort required on re-energising collaborative governance arrangements outside of enableNY. This follows some significant changes in the governance environment for those functions delivered on a regional basis in either Yorkshire and the Humber or the North East. This will be an Area for Development during 2022/2023.



What we said we would develop in 2021/22

Areas for Development from the 2020/2021 AGS

Area for Development	Owner	Progress
1. Review the Devolved Resource Management Manual and the arrangements for ensuring it remains current.	Chief Constable's Chief Finance Officer	The arrangements for reviewing and maintaining the Devolved Resource manual have been reviewed and it has been agreed to assign subject matter experts as owners of the relevant chapters. These will be reviewed at regularly as need dictates so that the content remains contemporary.
2. Consider the provisions of the Monitoring Officer protocol in respect of changes in that role.	Chief Executive and Monitoring Officer	The document will be refreshed in 2022/23 which will also assist in ensuring that an up to date Monitoring Officer governance instrument is carried into the Mayoral Combined Authority transition programme. Associated national non-statutory PCC governance guidance remains under review by HM Government.
3. Review the arrangements in place for monitoring Capital Programmes in order to enhance their effectiveness.	Commissioner's Chief Finance Officer	<p>This was addressed by recommendations to the PFCC in the budget report for 2022/23. Specifically at paragraph 2.5 The PFCC is asked to approve the Capital Program initially set at £5,444k, before any slippage from 2021/22, as set out at Appendix A, for 2022/23 and within that program approve that:</p> <p>Indicative approval of the 2023/24 Rolling Program budgets as set out in Appendix A, and delegation of approval of any requests to pre-order against the 2023/24 budgets to the Commissioners CFO, up to 25% of each indicative budget. The 2023/24 Rolling Programs will be submitted for formal approval at this time next year.</p> <p>Delegation to the Commissioners CFO to approve, where needed and appropriate, for the carry forward of any slippage from the approved 2021/22 Capital Program into 2022/23.</p> <p>The Force report to EB, in June, September, December and March, setting out full details of the Capital Program, which provides an update on each scheme within the program, including an overview of each scheme, progress on delivery, finances and risks.</p>

Governance Arrangements

The Review of Governance Arrangements in place during 2021/2022

The review of effectiveness of the joint governance arrangements in place during 2021/2022 indicated that the framework provided a high level of assurance. Based on reflection of the key structures and processes which comprise those arrangements it can be judged that appropriate mechanisms existed to:

- promote and monitor codes of conduct and professional behaviour
- ensure compliance with internal and external requirements
- promote transparency and acting in the public interest
- develop channels of communication with all sections of the community
- manage the business to deliver the organisational vision of being synonymous with exemplary service
- apply good governance arrangements to collaboration activity and partnerships
- appropriately scrutinise performance.

It has been identified that some of the governance mechanisms and protocols that have been in place for some time require review in light of changes in the governance environment. For example the embedding of the new enableNY structures and revised working practices. This will include ensuring that the governance arrangements continue to operate effectively.

The areas for development detailed overleaf have been identified from the review process. The implementation of these will be monitored and reported in our AGS for 2022/2023.



Summary

Areas for Development for 2022/23

The key areas for development during 2022/23 are summarised below;

Area for Development	Owner	Target date
1. Consider the provisions of the Monitoring Officer protocol in respect of changes in that role.	Chief Executive and Monitoring Officer.	31 December 2022
2. Monitor Freedom of Information compliance rates to determine if the increased resource generates satisfactory improvement.	Deputy Chief Constable	31 December 2022
3. Take action to re-energise the arrangements for Collaborative Governance in respect of Commissioner oversight of police-to-police collaborative arrangements.	Chief Executive and Monitoring Officer	31 December 2022
4. Review and refresh the Chief Constable / Commissioner memorandum of understanding.	Chief Executive and Monitoring Officer	31 March 2023



We hope that this document provides you with some helpful insight into how we decided to lead North Yorkshire Police, the systems we have put in place to ensure our decisions are open and accountable, and that your money is safeguarded.

Zoë Metcalfe
Police, Fire and Crime
Commissioner for North Yorkshire

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Chief Constable
North Yorkshire Police

Mike Clements
Chief Constable's
Chief Finance Officer

Michael Porter
Commissioner's
Chief Finance Officer

Simon Dennis
Chief Executive
and Monitoring Officer

November 2022

 **North Yorkshire
Police, Fire & Crime
Commissioner**

Working to keep your community safe

