



Home Office



College of
Policing

Protocol between the Home Office and the College of Policing Limited.

Updated: July 2019

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PROTOCOL BETWEEN THE HOME OFFICE AND COLLEGE OF POLICING LIMITED

Introduction

The Protocol agreement is an essential part of the relationship between College of Policing Ltd. and its Home Office sponsor team. Sections 123 to 130 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the ASB Act”) provide the legal basis for the powers of the College to set standards in policing. This protocol agreement provides further detail of the governance and funding of the College, the roles and responsibilities of the Secretary of State for the Home Department (‘the Home Secretary’) and the Chair and Chief Executive of the College, along with other Directors of the Board of the College, and officials working for the Home Office.

Alongside the formal relationships, in practice the Home Office will work openly and collaboratively with the College, balancing the Home Office’s requirement for oversight whilst recognising the College’s independence.

This Protocol Agreement is owned jointly by the College and the Home Office and has been written and approved by both parties. It incorporates the Terms of Reference for the Board of the College which can be found at **Annex A**.

Final approval on behalf of the Home Office is undertaken by the Permanent Secretary as Principal Accounting Officer. Final approval on behalf of the College is undertaken by the Chief Executive as Accounting Officer.

This document will remain in place until it is replaced by a new Protocol Agreement but must be reviewed at least every three years and where appropriate, revised. An earlier review will be triggered, on the request of either the Home Office or the College, by any one of the following events:

- i. The appointment of a new Chief Executive or Chair;
- ii. A change in relevant Home Office personnel; or
- iii. A notable change in either Government policy in relation to the College; or the status of the College as an Arm’s-length Body of the Home Office.

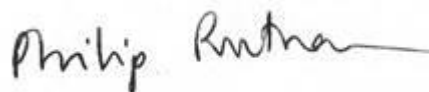
The review should be undertaken jointly by the College and the Home Office and any resulting document published to replace this version.

In the event of any conflict with this protocol, the College’s primary responsibility will be to comply with company law and any other relevant legislation.

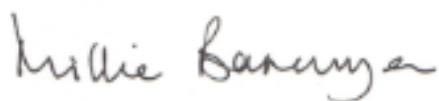
Date of publication: 31 July 2019

Signatories:

Sir Philip Rutnam, Permanent Secretary

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Urmila (Millie) Banerjee CBE, Chair of the College of Policing

A handwritten signature in dark ink, appearing to read 'Urmila Banerjee', with a long horizontal stroke extending to the right.

Michael Cunningham, Chief Executive Officer, College of Policing

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Purpose and Aims

1. Purpose

1.1 College of Policing Limited ('the College') is a company limited by guarantee wholly owned by the Home Secretary. It is registered with Companies House (registration number 08235199). The College was established on 1 October 2012 and became operational on 1 December 2012.

1.2 The purpose of the College is to be an independent professional body that is responsible for:

- i. promoting policing excellence; and
- ii. supporting everyone working in policing to reduce crime and keep people safe.

1.3 The College has three complementary functions:

- i. to share knowledge & good practice;
- ii. to set operational standards; and
- iii. to develop talent, skills & leadership.

Governance and Accountability

2. Ministerial responsibilities

2.1 The Home Secretary is the sole shareholder and owner of College of Policing Limited.

2.2 The Home Secretary holds overall responsibility for the Home Office and its agencies and will:

- i. Account for all College business in Parliament;
- ii. Laying the College's annual report, and by agreement with the National Audit Office (NAO), accounts before Parliament, pursuant to section 7 of the Government Resources and Accounts Act 2000; and
- iii. Appoint the College Board.

The Home Secretary delegates responsibility for the day-to-day operations and management of the College to the College Chair and Chief Executive Officer.

2.3 The Anti-Social Behaviour, Crime and Policing Act 2014 (ASB Act) establishes the legal basis of the Home Secretary's powers in regard to the College, while the Home Secretary's corporate powers in respect of the College are derived under the Companies Act 2006

2.4 Section 123 of the ASB Act provides a power of veto for the Home Secretary regarding any regulations the College requests to make. The Home Secretary will give notice, including through Home Office officials, of any intention to exercise a power of veto over regulations prepared by the College as set out in Section 123 of the ASB Act, or if there is an intention to exercise a power of direction over the College as set out in Section 126 of the same Act.

2.5 The Home Secretary may only make regulations on the matters covered by Section 123 if those regulations have been prepared or approved by the College. The Home Secretary may decline to make those regulations if doing so would:

- i. Impair the efficiency or effectiveness of the police,
- ii. It would be unlawful to do so, or;
- iii. It would be wrong for some other reason to do so.

The Home Secretary's power as described under 2.5 iii, is designed to cover circumstances in which the draft regulations prepared by the College contain an error.

2.6 Section 126 provides the Home Secretary with a power of direction. The Home Secretary may direct the College to exercise any of its functions as conferred on the College by the ASB Act or any other Act of Parliament.

3. Permanent Secretary responsibilities

3.1 The Permanent Secretary is the Home Office Principal Accounting Officer and has designated the Chief Executive of the College as its Accounting Officer. The respective responsibilities of the Home Office Principal Accounting Officer and the College Accounting Officer are set out in Chapter 3 of *Managing Public Money*.

3.2 The Home Office Principal Accounting Officer is responsible for:

- i. Advising the Home Secretary on an appropriate budget for the College set within the context of the Home Office's overall public expenditure priorities, and;
- ii. Advising the Home Secretary on how well the College is delivering against its objectives and whether, in his judgement, the College is delivering value for money.

3.3 The principal Accounting Officer is also responsible for ensuring arrangements are in place to:

- i. Monitor the College's activities on a continuous basis;
- ii. Address significant performance issues in the College, making such interventions as are necessary;
- iii. Periodically carry out an assessment of risks to the Department and the College's objectives and activities;
- iv. Be responsible for ensuring the College Board is consulted on significant changes to the policy and legislative framework to the College, and;
- v. Bringing concerns about the activities of the College to the College Board, requiring explanations and assurances that appropriate action has been taken.

4. Home Office Senior Sponsor responsibilities

4.1. The Permanent Secretary has designated the Director General of the Crime, Policing and Fire Group (CPFG) as Senior Sponsor who will represent the Home Office at the most senior level. The Senior Sponsor will:

- i. Ensure the College has the appropriate delegations and authorities' necessary for effective and robust delivery of its role and is updated in a timely fashion on developing Home Office or Government policy that may impact on its function;
- ii. Advise the Home Secretary on the role, performance and resourcing of the College in the context of wider Home Office or Government objectives;

- iii. Support the Home Office Principal Accounting Officer in the discharge of their responsibilities (set out in section 3), and;
- iv. Have the discretion to delegate part of their role to another Home Office official at Senior Civil Service level.

5. Responsibilities of the Sponsor – Home Office Sponsorship Unit and Police Workforce and Professionalism Unit

- 5.1 The Home Office Sponsorship Unit (HOSU) is the first point of contact for the College in relation to corporate matters related to the day-to-day running of the College. The Police Workforce and Professionalism Unit (PWPU) in the CPFG, is the Home Office policy team that will represent the College in relation to policy matters in the first instance.
- 5.2 HOSU and PWPU will be the main source of advice to the Home Secretary on the discharge of his responsibilities in relation to the College. They will also support the Home Office Principal Accounting Officer and the Senior Sponsor in their responsibilities towards the College by:
 - i. Providing advice to the Home Office Principal Accounting Officer and the Senior Sponsor to enable them to discharge their functions, and;
 - ii. Where appropriate, discharging responsibilities on behalf of the Home Office Principal Accounting Officer and the Senior Sponsor.
- 5.3 PWPU and HOSU will ensure that:
 - i. The College is briefed on relevant ministerial priorities, Home Office initiatives and significant developments in the wider policing or public-sector landscape that may be relevant to the College or the delivery of its functions;
 - ii. Requests for information, answers to Parliamentary Questions, advice or other input are put to the College in a timely manner and in accordance with the processes agreed with HOSU and PWPU
 - iii. Requests for advice or decisions, or escalation of risks, made from the College to the Home Office are acted upon speedily and efficiently. In the event of any delay a revised timeframe and regular updates should be provided;
 - iv. There is effective planning and delivery of those matters that fall within the Home Office or Home Secretary's remit upon which the College is reliant.

6. Responsibilities of the College of Policing Chief Executive Officer as Accounting Officer

General

- 6.1. The College Chief Executive is personally responsible for:
 - i. Safeguarding the public funds for which he has charge;

- ii. Ensuring propriety and regularity in the handling of those public funds, and;
- iii. The day-to-day operations and management of the College.
- iv. In addition, he should ensure that the College is run based on the standards, in terms of governance, decision-making and financial management that are set out in Box 3.1 of *Managing Public Money*.

Responsibilities for accounting to Parliament

6.2. The College Chief Executive is accountable to Parliament for:

- i. Signing annual accounts, ensuring that proper records are kept relating to the accounts and that the accounts are properly prepared and presented in accordance with any directions issued by HM Treasury or the Home Office,
- ii. Signing the College Annual Report, including the Statement of Accounting Officer's responsibilities and the Annual Governance Statement;
- iii. Ensuring that effective procedures for handling complaints about the College are maintained and made widely known within the College;
- iv. Acting in accordance with the terms of the HM Treasury document, *Managing Public Money* and other instructions and guidance issued from time to time by the Home Office, HM Treasury and the Cabinet Office, and;
- v. Giving evidence, normally with the Home Office Principal Accounting Officer, when summoned before the Public Accounts Committee on the College's stewardship of public funds.

Responsibilities to the Home Office:

6.3. The College Chief Executive is responsible for:

- i. Informing the Home Office of the College's strategic and business planning, seeking Ministerial approval as set out in the HOSU process note *Approval Process for Arm's Length Bodies Annual Business and Corporate / Strategic Plans* (see **Annex C**), prior to the publication of such plans, and updating the Home Office on any significant risks to delivery, and;
- ii. Ensuring that timely forecasts and information on performance and finance are provided to the Home Office, including:
 - Notifying the Home Office in a timely fashion if over or under spends are likely and ensuring corrective action is taken, and;

- Notifying the Home Office in a timely fashion of any significant problems whether financial or otherwise and whether detected by internal audit or other means.

Responsibilities to the College Board

- 6.4 As a member of the College Board, the College Chief Executive is responsible for:
- Assisting the Board to ensure that it has in place appropriate arrangements for good governance and financial management;
 - Providing sufficient information to the Board to ensure that the Board can provide support and advice to the College executive and Chair in relation to the carrying out of their functions;
 - Ensuring that financial considerations are taken fully into account by the College Board at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed;
 - Taking action, as set out in paragraph 3.8.6 of *Managing Public Money*, if the College Board is contemplating a course of action involving a transaction which the CEO considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration, efficiency or effectiveness, has questionable feasibility or is unethical.

7. The College Board

- 7.1 The College Board will have a Chair. The individual appointed to this role will not have a background in policing.
- 7.2 The remaining seats on the Board will consist of the following:
- The Chief Executive of the College, who will be a former senior police officer;
 - One Chief Constable;
 - One member of police staff;
 - One member from the Superintendent ranks;
 - One member from the Federated ranks;
 - One Police and Crime Commissioner; and
 - Four independent Directors with backgrounds outside of policing.
- 7.3 Individuals appointed to the Board will serve as Directors and are subject to the duties as set out in s170-s181 of The Companies Act 2006. Individuals

appointed as Directors are not appointed to represent the views of any one group or organisation, even when that group or organisation has nominated the individual Board member. The term “Director” is used throughout this document to refer to an individual appointed to the Board of the College.

- 7.4 The Board may delegate any of its powers. Those committees to which the Board may delegate its powers will include the following:
- i. An Audit and Risk Committee; this Committee will be chaired by a Director with relevant experience, nominated by the Chair;
 - ii. A Nominations and Remuneration Committee; this Committee is chaired by a Director nominated by the Chair, and the nominated director will be responsible for recommending its membership to the Board; and
 - iii. A Professional Committee; this Committee will be responsible for approving or referring to the Board for its approval the College’s products and services relating to national standards, policy and practice. These will include documents to be issued as Codes of Practice under s39A of the Police Act 1996 and preparing Regulations to be made under s50, s51 and s53A of the Police Act 1996 and s97 of the Criminal Justice and Policing Act 2001. The Committee will be chaired by the Chief Executive.

The Chair

- 7.5 The Board is collectively responsible for the success of the College, the non-executive Chair has the same general legal responsibilities to the College as any other Director and is required to take decisions objectively in the interests of the College.
- 7.6 The Chair will, along with the rest of the Board, determine the College’s strategy in line with the objectives as set out in Part 1.
- 7.7 In addition to these general requirements, the Chair will:
- i. Lead the College’s strategic direction by providing considered leadership and constructive challenge;
 - ii. Support the College in meeting its objectives and its role in the wider policing landscape by scrutinising the performance of the Executive team in meeting agreed goals;
 - iii. Provide the highest standards of governance in the management of the College, ensuring robust financial controls are in place that support the College’s strategic objectives and deliver value for money;
 - iv. Ensure there is an effective performance management system in place across the College that enables the Board to monitor the performance of and to hold to account the Chief Executive and his senior management team;
 - v. Develop and promote the College values, culture and standards;

- vi. Ensure that the College understands and meets its obligations to the Home Secretary (as owner), its membership, other stakeholders and the public;
- vii. Build positive relationships with Board Directors and oversee broader governance across the Board and its committees;
- viii. Build effective working relations with College staff, its members and other stakeholders; and
- ix. Play an active role in the appointment, management and review of performance of other Board Directors.

The Chief Executive

7.8 In addition to the Accounting Officer responsibilities already laid out under section 6, the Chief Executive will hold a seat on the College Board and is responsible for day-to-day management of the College. The individual appointed to this role will be a senior police officer. They will be accountable to the Board for the operation of the College.

7.9 The Chief Executive is personally responsible for safeguarding the public funds for which he has charge; for ensuring propriety, regularity, value for money and feasibility in the handling of those public funds; and for the day-to-day operations and management of the College. They should ensure that the College is run, based on the standards are set out in the HM Treasury Document, *Managing Public Money*, in terms of, governance, decision-making and financial management.

7.10 The Chief Executive's responsibilities are to:

- i. Issue a business plan at the start of each reporting year setting out how the College will deliver its objectives;
- ii. Advise the Board on how the College is delivering against its objectives, business plan and additional commissions received from time to time;
- iii. Produce an annual report on how progress has been made together with an annual statement of accounts as soon as practicable after the end of the preceding financial year;
- iv. Ensure that financial considerations are taken fully into account by the Board at all stages in reaching and executing its decisions; and
- v. Act, as set out in paragraph 3.8.6 of *Managing Public Money*, if the Board or Chair is contemplating a course of action involving a transaction which the Chief Executive considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration, efficiency or effectiveness, is of questionable feasibility or is unethical.

In addition:

- vi. The Chief Executive will be responsible for internal College recruitment, including recruitment of the senior leadership team and agreement of their terms and conditions, in accordance with Civil Service guidance. The Nominations and Remuneration Committee will satisfy itself that arrangements are in place for succession planning for the appointment of the senior executive of the College, to ensure that the Executive has the right skills and experience to meet its business needs.

College Board Directors

- 7.11 Apart from the Chief Executive, all College Board Directors are non-executive. Therefore, all non-executive College Board Directors will be recruited and appointed (or re-appointed) following the principles set out in the latest version of the *Governance Code of Public Appointments*. The Home Secretary is responsible and accountable to Parliament for appointments to the College Board and will be engaged throughout the recruitment process via the Home Office Sponsorship Unit.
- 7.12 Where Directors are to be drawn from specific fields of policing, the College should, except in exceptional circumstances, present the Minister with a choice of appointable candidates and provide a robust justification if recommending only one candidate.
- 7.13 All Directors of the College, including the Chair and Chief Executive, will:
 - i. Comply with the *Code of Conduct for Board Members of Public Bodies* and with the rules relating to the use of public funds and to conflicts of interest;
 - ii. Not misuse information obtained as Directors for personal gain or profit, nor seek to promote their private interests or those of connected persons or organisations;
 - iii. Comply with the Board's rules on the acceptance of gifts and hospitality and of business interests; and
 - iv. Act in good faith and in the best interests of the College.

8. Accountability

- 8.1 The College Board is accountable to the Home Secretary, as owner of the College, for the discharge of the College's functions.

Information

- 8.2 The College will provide information to the Home Office about how its functions are being discharged, which as a minimum will include:
 - i. A business plan, setting out the College's planned activities during for the reporting year ahead;

- ii. An annual report and statement of accounts. This will include a report on the College's activities and how it has discharged its functions; and
 - iii. A forward look of activity and business where that work may lead to publication of a Code of Practice under s39A of the Police Act 1996, a regulation under s50, s51 or s53A of the Police Act 1996, or a regulation under s97 of the Criminal Justice and Policing Act 2001.
- 8.3 The College will provide this, and any other regular or ad hoc monitoring information, to HOSU and account for the delivery of its business plan to the Home Secretary via early consultation with HOSU; including production of an agreed timeline. Ministerial approval will be required before annual plans, strategic plans and annual reports can be published as set out in the HOSU process note *Approval Process for Arm's Length Bodies Annual Business and Corporate / Strategic Plans* (see **Annex D**)

Bilateral meetings

- 8.4 The Chair, the Chief Executive and the Home Secretary and/or the Minister for Policing and the Fire Service will aim to meet at least every six months to share information and advice on significant issues or developments affecting the College. In addition:
- i. The Chair will meet with the Permanent Secretary at least annually;
 - ii. Cross partner Senior Official meetings between HO and relevant other ALBs will be arranged as and when required;
 - iii. Accountability meetings will be held at official level to discuss policy delivery and sponsorship issues on a regular basis; and
 - iv. Formal meetings will be minuted by the Home Office and shared with the College at the relevant level.

The full updated meeting schedule can be found at **Annex E**.

9. Annual Report and Accounts

- 9.1 As soon as practicable after the end of each financial year, the Chief Executive and the College Board must jointly report to the Home Secretary on the carrying out of College functions during that year (the Annual Report), including a statement of its audited accounts for the previous financial year. The final document should be sent to the Home Office for Ministerial approval prior to being laid in Parliament. HOSU has issued guidance on this process but must:
- i. Comply with the Companies Act 2006, with HM Treasury's Financial Reporting Manual (FReM) and any additional National Audit Office requirements or Statement of Recommended Practice. In the event of conflicting guidance, legislation will always take precedence; and
 - ii. The Annual Report shall be lodged (with accounts) with Companies House, laid in Parliament and made available on the College website.

10. Internal Audit

10.1 The College will establish and maintain arrangements for internal audit in accordance with HM Treasury's Public Sector Internal Audit Standards (PSIAS). In doing so the College will:

- i. Wherever possible adopt the use of shared corporate services, including shared audit services, in accordance with PSIAS (Public Sector Internal Audit Standards);
- ii. Ensure the Home Office is satisfied with the competence and qualifications of the Head of Internal Audit and the requirements for approving appointments in accordance with PSIAS section 5.2;
- iii. Set up an Audit and Risk Committee of its Board in accordance with the Corporate Governance in Central Government Departments: Code of Good Practice and the Audit and Risk Assurance Committee handbook;
- iv. Operate in accordance with the Internal Audit Service Level Agreement agreed with the Home Office; and
- v. Keep records of, and prepare and forward to the Home Office, an annual report on fraud and theft suffered by the College and notify the Home Office of any unusual or major incidents as soon as possible.

10.2 Access to all documents prepared by the College's internal auditor, including where the service is contracted out, is set out in the College's internal audit service level agreement.

11. External Audit

11.1 It is agreed that the Comptroller and Auditor General (C&AG) will audit the College annual accounts in accordance with the requirements of the Companies Acts, with HM Treasury's Financial Reporting Manual (FReM) and any additional National Audit Office requirements or Statement of Recommended Practice.

11.2 If the College has set up and controls subsidiary companies, the College will, in the light of the provisions in the Companies Act 2006 and other relevant legislation, request that the C&AG is appointed auditor of those company subsidiaries that it controls and / or whose accounts are consolidated within its own accounts.

11.3 Through the letter of engagement, the C&AG will:

- i. Have a statutory right of access to relevant documents and any assistance, information or explanation which he requires in relation to any of these documents, including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, those held by another party in receipt of payments or grants from the College;

- ii. Share with the Home Office information identified during the audit process and the audit report (together with any other outputs) at the end of the audit, in particular, on issues impacting on the Home Office's responsibilities in relation to financial systems within the College, and;
 - iii. Where asked, will provide Departments and other relevant bodies with Regulatory Compliance Reports and other similar reports which Departments may request at the commencement of the audit and which are compatible with the independent auditor's role.
- 11.4 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the College has used its resources in discharging its functions. The C&AG has statutory access to documents as provided for under section 8 of the National Audit Act 1983, for these examinations. In addition, the College shall provide, in conditions to grants and contracts, for the C&AG to exercise access to such documents held by grant recipients and contractors and sub-contractors as may be required, and shall use its best endeavours to secure access for the C&AG to any other documents required by the C&AG which are held by other bodies.

Management and financial responsibilities

12. Management Responsibilities

- 12.1 The College shall operate management information and accounting systems that enable it to review, in a timely and effective manner, its financial and non-financial performance against the budgets and targets set out in its business plan and report.
- 12.2 As a minimum, the College shall provide the Home Office with information monthly that will enable the Home Office to monitor:
- i. The College's cash management;
 - ii. The College's draw down of grant in aid;
 - iii. The College's forecast outturn by resource headings; and
 - iv. Any other data required to meet public sector financial reporting requirements.
- 12.3 The CPFG Finance team, with support from PWPU and HOSU, will liaise regularly with the College to review the College's financial performance against plans and the College's expenditure against its Delegated Expenditure Limits and Annually Managed Expenditure allocations.
- 12.4 CPFG supported by PWPU, HOSU and the Finance team, will be responsible for holding the College to account for the delivery of its business plan, especially where parts of that plan are funded by government.

Risk Management

- 12.5 The College shall ensure that the risks that it faces are dealt with in an appropriate manner, in accordance with relevant aspects of best practice in corporate governance, and develop a risk management strategy, in accordance with the HM Treasury Guide *Management of Risk: Principles and Concepts*.
- 12.6 The College should adopt and implement policies and practices to safeguard itself against fraud and theft, in line with Cabinet Office and International Public Sector Fraud Forum document; *A Guide to Managing Fraud for Public Bodies*.
- 12.7 The College will take all reasonable steps to appraise the financial standing of any firm or other body, with which it intends to enter into a contract, or to give a grant or grant-in-aid.

13. Financial Responsibilities

- 13.1 The College shall follow the principles, rules, guidance and advice in Managing Public Money, seeking Home Office and HM Treasury approvals where necessary. These approvals are especially important when seeking to go beyond what is stated in the guidance. Unless agreed by the Home Office and where necessary, HM Treasury, the College shall follow the principles, rules, guidance and advice in Managing Public Money. The College shall be subject to the controls on public expenditure as set out by the Home Office and in accordance with Cabinet Office guidance. The guidance documents which the College should follow are set out in Annexes B and C.

- 13.2 The College shall be given written approval from the Home Office in a timely fashion before incurring expenditure for any purpose that is, or might be considered, novel or contentious or which has or could have significant future cost implications as laid out in the annual delegation letter.
- 13.3 The Accounting Officer of the College will ensure that the College operates effectively and to a high standard of probity. The Accounting Officer should have regard to the HM Treasury Guide, *Managing Public Money*, which sets out suitable governance, decision-making, and financial management arrangements and the range of Accounting Officer responsibilities (as at part 6).
- 13.4 The Accounting Officer must take personal responsibility for:
- i. Regularity and propriety;
 - ii. Selection and appraisal of programmes and projects;
 - iii. Affordability and sustainability;
 - iv. Value for money;
 - v. Management of opportunity and risk;
 - vi. Learning from experience; and
 - vii. Accounting accurately for the College's financial position and transactions.
- 13.5 The College will take such steps as are necessary to operate efficiently and to reduce its costs.

Funding

- 13.6 The College will be part-funded by the Home Office. This component of its budget will be determined by the Home Secretary following advice from relevant HO officials.
- 13.7 The College should implement sound policies and procedures to ensure that public expenditure is deployed effectively to deliver its objectives.

Grant-in-aid and ring-fenced grants

- 13.8 Any grant-in-aid provided by the Home Office for the year in question will be voted in the Home Office's Supply Estimate and be subject to parliamentary control.
- 13.9 The grant-in-aid will normally be paid in monthly instalments based on written applications showing evidence of need. The College will comply with the general principle that there is no payment in advance of need. Cash balances accumulated during the year from grant-in-aid or other Exchequer funds shall be kept to a level consistent with the efficient operation of the College. Grant-in-aid not drawn down by the end of the financial year shall lapse. Where grant-in-aid is delayed to avoid excess cash balance at the year-end, the Home Office, subject to Parliamentary approval of the relevant Estimates provision, will make available in the next financial year any such grant-in-aid that is required to meet end of year liabilities, such as creditors.

- 13.10 If the Home Office provides the College separate grants for specific purposes (ring fenced grants), it will issue the grant based on need, and in accordance with the specific requirements of the grant, following a written request. The College shall provide evidence that the grant was used for the purposes authorised by the Home Office. The College shall not have uncommitted grant funds in hand, nor carry grant funds over to another financial year.

Budgeting Procedures

- 13.11 At the start of each financial year, the College will receive a letter of financial delegation from the Home Office which will set out resource and capital expenditure limits. The Home Office shall be informed immediately if there is any impending breach of these limits.
- 13.12 The College shall follow any conditions set in the delegation letter as well as the Consolidated Budgeting Guidance, the HM Treasury Guide *Managing Public Money* and Home Office finance policy guidance.
- 13.13 Any surplus for a financial year will be surrendered to the Home Office, unless terms are agreed otherwise.

Insurance

- 13.14 The College should ensure that it has appropriate insurance arrangements in place. The College may take out some commercial insurance, such as motor vehicle and Directors and Officers insurance, where this provides value for money for the Exchequer, in line with *Managing Public Money*.

Procurement

- 13.15 The College will be expected to comply with Cabinet Office requirements for public sector bodies to procure common goods and services through the Government Procurement Service and with relevant *Managing Public Money* guidance on procurement and value for money, including Public Procurement Regulations and Legislation.

Fees and Charges

- 13.16. The College will ensure that all fees and charges fully comply with the requirements of chapter 6 and its annexes of *Managing Public Money*.
- 13.17 Section 127 of the ASB Act provides that The College of Policing may charge fees for providing services of a public nature only if:
- i. The services are of a specified description and are provided with a view to promoting the efficiency, effectiveness or professionalism of the police, and;
 - ii. The fees are of a specified amount or are determined in a specified manner.

13.19 HM Treasury consent is required where the College is proposing to vary any aspect(s) of its charging regime that falls outside that articulated in *Managing Public Money*.

14 Transparency and Information

14.1 The College will be subject to the Data Protection Act 2018 (the UK's implementation of the General Data Protection Regulation), and the Freedom of Information Act 2000.

14.2 The College will collate and publish other corporate data in the interests of transparency, including minutes of Board meetings, details of Directors' expenses and gifts and hospitality given, received or refused.

14.3 The College will receive and handle information, comments, feedback, suggestions and complaints from members of the public with clear procedures, which will be published on the College's website.

14.4 The College is expected to provide information, subject to issues relating to confidentiality, where requested by other public bodies, including, but not limited to:

- i. Select Committees and other Parliamentary committees and inquiries, including:
 - The Home Affairs Select Committee, which may require the Chair or Chief Executive to provide evidence about College policies or activities; and
 - The Public Accounts Committee, which may require the Chair or Chief Executive to give evidence about the College's use of public money.
- ii. Public inspectors, investigators and auditors, including:
 - The National Audit Office – which may require the Chair, Chief Executive or member of staff at the College to provide information to support an audit into the College's use of public money; and
 - The Independent Office for Police Conduct, which may require the Chair, Chief Executive or member of staff to provide information to support an investigation into a complaint about the conduct of a member of staff of the College. Information on the procedure for investigating any such complaints is set out in the agreement made under s26BA of the Police Reform Act 2002.
- iii. Government Departments:
 - A Minister of any government department may ask the Chair, Chief Executive or member of staff to provide information. The Chair or Chief Executive should inform the Home Office of any request for activity made by officials or Ministers of any government department.

- The Chair may negotiate partnership arrangements, Memoranda of Understanding or contracts with other government departments where appropriate. The Chair must keep the Home Office informed.

15 College Staff

15.1 Within the arrangements approved by the Home Secretary, the College will have responsibility for the recruitment, retention and motivation of its staff. The broad responsibilities toward its staff are to ensure that:

- i. The rules for recruitment and management of staff create an inclusive culture in which diversity is valued and appointment and advancement are based on merit;
- ii. There is no discrimination on grounds of; age, disability, gender, gender reassignment, marriage and/or civil partnership, pregnancy and maternity/paternity, race, religion or belief, sex and sexual orientation;
- iii. The level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness;
- iv. The performance of its staff at all levels is satisfactorily appraised and the College performance measurement systems are reviewed from time to time;
- v. College staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the College's objectives;
- vi. Proper consultation with staff takes place on key issues affecting them;
- vii. Adequate grievance and disciplinary procedures are in place;
- viii. Suitable support structures are in place for staff, including procedures for raising concerns consistent with the Public Interest Disclosure Act 1998; and
- ix. A code of conduct for staff is in place based on the Code of Ethics for Policing in England & Wales and the Cabinet Office's Model Code for Staff of Executive Non-Departmental Public Bodies.

Staff Costs

15.2 Subject to its delegated authorities, the College shall ensure that the creation of any additional posts does not incur forward commitments that will exceed its ability to pay for them.

Pay and Conditions of Service

15.3 The Home Office will have regard to Chapter 5 of the Cabinet Office Guide *Public Bodies: A Guide for Departments*.

- 15.4 College staff are subject to levels of remuneration and terms and conditions of service (including pensions) within the general pay structure approved by the Home Office and HM Treasury. The College has recognised that the contractual rights of transferring employees remains unchanged on transfer, along with the majority of non-contractual HR policies and staff benefits, other than where measures have been affirmed within the Measures Statement.
- 15.5 The College shall comply with any current and future employment legislation, including any EU Directives relating to staffing.
- 15.6 College staff have been given access to a pension provided by the Civil Service Pension Scheme (MyCSP) and the MyCSP partnership arrangements.
- 15.7 Any proposal by the College to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the Home Office and Cabinet Office while the College remains funded by the Home Office.

Status and winding up arrangements

16 Tailored Review

- 16.1 The College will be subject to periodic review as part of the Government tailored review process as laid out in the Cabinet Office document: Tailored Reviews: Guidance on Reviews of Public Bodies (see Annex C) or the equivalent external scrutiny.

17. Arrangements if the College is wound up

- 17.1 The Home Office shall put in place arrangements to ensure the orderly winding up of the College. In particular, it should ensure that the assets and liabilities are passed to any successor organisation and accounted for properly. If there is no successor organisation, the assets and liabilities should revert to the Home Office. To this end, the Home Office shall:

- i. Ensure that procedures are in place in the College to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any successor body;
- ii. Specify the basis for the valuation and accounting treatment of the College's assets and liabilities;
- iii. Ensure that arrangements are in place to prepare closing accounts and pass them to the C&AG for external audit and that funds are in place to pay for such audits;
- iv. Arrange for the most appropriate person to sign the closing accounts. In the event that the Department inherits the role, responsibilities, assets and liabilities, the Home Office Accounting Officer should sign; and
- v. It shall be for the Home Secretary to lay the final accounts in Parliament, together with a report.

- 17.2 The College shall provide the Home Office with full details of all agreements where the College, or its successors, have a right to share in the financial gains of developers. It should also pass to the Home Office details of any other forms of claw-back due to the College.

ANNEXES

All annexes can be updated independently of a full review of the protocol as mentioned in the introduction.

ANNEX A –Terms of Reference of the College Board

Uploaded as a reference document at:

<http://www.college.police.uk/About/Governance/Pages/governance.aspx>

To note: This document is owned by the College of Policing. The Current document available on the College of Policing website is in the process of being revised by the College.

ANNEX B

Spending Controls on the College*

EXPENDITURE	SPENDING CONTROL AND PROCESS
Advertising, Marketing and Communications	<ul style="list-style-type: none"> The Home Office Director of Communications has delegated approval of communications expenditure, up to, £100,000 to the College of Policing Head of Marketing and Communications. To audit this process the Home Office Director of Communications will require the College of Policing to submit a monthly record of approved activity alongside the criteria under which the expenditure has been approved and the total costs. The College should continue to seek approval in line with Cabinet Office procedure for activity which is likely to cost over £100,000.
Major Projects and Capital spend	<ul style="list-style-type: none"> All major programmes and projects with a whole life cost of over £5m will require Home Office Portfolio, Investment and Change Committee (PICC) approval. Programmes costing over £100m need HM Treasury approval and in addition; Proposals for capital spend exceeding £1m over any period require approval through the Home Office Capital Portfolio Management processes.
Outsourcing	<ul style="list-style-type: none"> Home Office controls process for major projects and IT outsourcing must be approved by the Home Office Digital Data and Technology (DDaT) team Outsourcing expenditure which triggers the Cabinet Office spending control must go through the Home Office process prior to an approach to Cabinet Office.
ICT	<ul style="list-style-type: none"> Home Office controls process for major projects to be followed and must be approved by Home Office DDaT team ICT expenditure which triggers the Cabinet Office Digital and Technology spend controls must go through the Home Office process prior to an approach to Cabinet Office Cabinet Office Ministerial approval is to be sought for any ICT spend over £5m. As is spend of over £1m on current or new back office/administrative systems, including ERP systems, Human Resources systems, Finance/Accounting systems, procurement systems (including implementation, licensing and support costs, as well as any extension to those services); and £100k on common infrastructure solutions for PSN. £0k - for any external, public facing digital transaction, websites or mobile apps. The College will need to obtain approval from the Cabinet Office for digital services. Once approved, further commercial approval may not be needed where spend is within their delegated limits. To note:

	<p>Digital is defined as any external facing service delivered through the internet to citizens, businesses, civil society or non-government organisations. If the service is only between the College and police forces, for example, this won't require digital spend control.</p>
Contingent labour	<ul style="list-style-type: none"> The approval of contingent labour must be obtained from the Home Office External Resources Governance Board (ERGB) in line with the approved Ministerial Envelope (envelope agreed through annual HOSU cross-ALB submission). Any requests that will breach the envelope must be directed via the Sponsorship Team, who will approve bids before submission to the ERG Board.
External Recruitment (including police and police staff secondees)	<ul style="list-style-type: none"> Approval for frontline posts will come from the Chief Executive of the College. Approval for non-frontline posts is required from the DG Capabilities and Resources. HOSU will put forward an annual cross ALB submission seeking the agreement of DG C&R to an envelope number of non-frontline posts that may be advertised externally. The College will be invited to propose the number of posts it wishes to advertise externally, giving details of the skills, experience and knowledge required and the adverse impact on the College if posts are not filled. Proposals to exceed the agreed envelope, will require separate approval and should be submitted via the sponsorship Unit. A business case will need to be prepared covering the following points: <ul style="list-style-type: none"> ➤ Details of the efforts made to fill this post internally within the civil service, ➤ the unique skills, experience and knowledge required for the role and details of the adverse impact on the College if the post is not filled through external recruitment.
Consultancy (including Legal Services requirements)	<ul style="list-style-type: none"> All requests for spending on consultancy must adhere to the Home Office procedures for engaging consultancy services and be signed off by the External Resources Group Board (ERGB). ERGB have authority to approve any consultancy requests below £20,000. Consultancy requirements between £20,000 and £200,000 must gain approval from the ERGB and Director General Capabilities and Resources (DG C&R). Consultancy requirements above £200,000 require approval from the Permanent Secretary and Home Secretary after they have been seen and cleared by the ERGB and DGCR. Any requirements above £1,000,000 Cabinet Office approval is required. In such cases Cabinet Office approval must be sought before a contract is awarded to the winning bidder. All requests regardless of value should be routed to the ERGB via the ALB Sponsorship Team

Redundancy & Compensation	<ul style="list-style-type: none"> • Home Office and Cabinet Office approval required.
Pay Remit	<ul style="list-style-type: none"> • Approval by Home Secretary is required. • No delegated limit - Home Office supports the pay remit process and relationship with HMTC. As part of this prior to submission to Home Secretary the Perm Sec clears the remit, thus providing an independent view.
Property	<p>Treasury and Cabinet Office (GPU/ERG) approval required via Home Office (HOPG and Commercial Directorate) for:</p> <ul style="list-style-type: none"> • new leases / licences and renewals of existing leases/ licences; • the non-exercise of lease break options; • new property acquisitions (including those made through a Private Finance Initiative provider); • new build developments, sale and leaseback, and any freehold sales; and <p>all new facilities management (FM) contracts and contract extensions.</p>
Special Payments	<p>The above spending controls are exhaustive, any other expenditure is considered a special payment. The College of Policing will follow procedures laid out in the Home Office guidance provided by the Home Office Sponsorship Unit on special payments, allowing sufficient time for the appropriate consideration of such requests. All special payment proposals will be subject to internal controls in line with Managing Public Money.</p>

*Document updated April 2019 – Review and further updates will be made by HOSU, and shared with the College, as and when HO policy changes are implemented.

ANNEX C

Guidance documents to be followed by the College

The College should comply with the following general guidance documents and instructions:

1. Protocol between the College and the Home Office (this document)
2. Appropriate adaptations of sections of Corporate Governance in Central Government Departments: Code of Good Practice:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/220645/corporate_governance_good_practice_july2011.pdf
3. Code of Conduct for Board Members of Public Bodies:
<https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies>
4. Guidance for Ministerial Appointments to Public Bodies:
<https://www.gov.uk/government/publications/code-of-practice-for-ministerial-appointments-to-public-bodies>
5. Managing Public Money (MPM):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742189/Managing_Public_Money_MPM_with_annexes_2018.pdf
6. Public Sector Internal Audit Standards:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641252/PSAIS_1_April_2017.pdf
7. Management of Risk: Principles and Concepts:
<https://www.gov.uk/government/publications/orange-book>
8. Audit and Risk Committee Handbook
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/512760/PU1934_Audit_committee_handbook.pdf
9. Guide to Managing Fraud for Public Bodies:
<https://www.gov.uk/government/publications/a-guide-to-managing-fraud-for-pHISublic-bodies>
10. Government Financial Reporting Manual (FReM):
<https://www.gov.uk/government/publications/government-financial-reporting-manual-2018-to-2019>

11. Regularity, Propriety and Value for Money:
https://webarchive.nationalarchives.gov.uk/20130102173401/http://www.hm-treasury.gov.uk/psr_governance_valueformoney.htm
12. Principles of Good Administration - The Parliamentary and Health Service Ombudsman: <https://www.ombudsman.org.uk/about-us/our-principles/principles-good-administration>
13. The Accounting Officer's Survival Guide
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/486677/AOs_survival_guide_Dec_2015_.pdf
14. Relevant "*Dear Accounting Officer*" letters
15. Relevant Freedom of Information Act (2000) guidance and instructions:
<https://www.legislation.gov.uk/ukpga/2000/36/notes/contents>
16. Public Bodies: A Guide for Departments - Chapter 5: Public Body Staff:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690948/Public_Bodies_-_a_guide_for_departments_-_chapter_5.pdf
17. Relevant guidance and instructions issued by HMT in respect of Whole of Government Accounts: <https://www.gov.uk/government/collections/whole-of-government-accounts>
18. Tailored Reviews: Guidance on Reviews of Public Bodies:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/633573/Tailored_Review_Guidance_on_public_bodies_V1.2_July_2017.pdf
19. Other relevant guidance and instructions issued by Central Government Departments
20. Any specific recommendations made by the Public Accounts Committee, or recommendations made by any other Parliamentary authority, that have been accepted by the Government and are relevant to the College.
21. Specific instructions and guidance issued by the sponsor Department. *see Annex D – Home Office Sponsorship Unit Process notes

ANNEX D

Home Office Sponsorship Process Notes

HOSU has produced a range of process notes for ALBs and HOSU Lead Sponsors.

The College should comply* with the following Home Office Sponsorship Unit process notes:**

Approval Process for ALBs Annual Business & Corporate / Strategic Plans.

Approval Process for ALBs Annual Report and Accounts (ARAs)

Approval of Special Payments, including Compensation Schemes

Dispute Resolution

HO Role in the Induction of ALB Non-Executive Directors and Other Public Appointees

Performance Appraisal of ALB Chairs

Process for Developing a Framework Document

Process for Setting and Approving ALB fees

Risk management, including escalation of risk by ALBs

Redundancies and Exit Schemes in ALBs

Security Clearance Processes

* Where processes for ALBs are standardised. This is in recognition that some processes have been agreed directly with the College – such as the Chair appraisal.

** HOSU process notes are internal HO documents and are not available as external links. The process notes named here have previously been shared with all ALBs and are available as separate documents on request.

ANNEX E

Home Office/ALB Engagement

Meeting structure with the College of Policing

Approach to HO/College meetings should reflect the requirements of both parties

Points of reference:

- 1) The preference of Ministers and officials for thematic discussions involving more than one ALB – and potentially also with NPCC, NCA, APCC and others. Fewer meetings should therefore be needed between HO and each ALB separately.
- 2) HO interest in establishing regular senior-level policy meetings at DG and Director level with their counterparts in the College and similarly for corporate/finance-themed 1:1s for the Director with his counterparts.
- 3) College preference for ongoing regular contact and engagement at senior level. (Chair/CEO with DG)
- 4) Importance of some continuation of meetings which address policy, sponsorship and finance together – to benefit from the wider view of HO/College interactions.
- 5) Avoidance of too many meetings, or duplication in issues covered.

Meeting Schedule

Meeting	Regularity (minimum commitment)	HO attendees	College attendees
Ministerial	Six-monthly	HS and/or Junior Minister	Chair and CEO
Ministerial policy thematic	As needed	Minister, Senior policy official	CEO level plus relevant others (HMICFRS, IOPC, NCA, NPCC, etc.)
PUS	Annual	PUS	Chair
Cross-partner official level policy thematic	As needed	DG (CPFG) PWPU Policy Director and DD	CEO or Director level, plus others (IOPC, NCA, etc.)
HO/College Senior Policy meeting	Quarterly	DG (CPFG) PWPU Policy Director and DD	CEO and Chair

Senior Corporate meeting	Six-monthly	Director	Corporate Services Director or CEO
Strategic Sponsorship Meeting	Annual	DG, policy Director, resources and planning Director, policy DD, other policy, finance and sponsorship	Chair, CEO, Exec Directors of the College
Accountability meetings	Quarterly (except when holding Senior Strat. Meeting)	Policy DD, Sponsorship G6, other policy, finance and sponsorship	Relevant College Directors <i>Note – policy may not attend as they have quarterly DD/G6 kits with the CEO.</i>
Finance meetings (Finance BP, Lead Sponsor)	Monthly	Finance Business Partner Lead Sponsor	Head of Finance
Lead Sponsor engagement	Regular face to face, phone and email	Lead Sponsor	Head of Governance, Performance & Risk Manager, Change Manager and/or any relevant College Management
Appraisal	Annual, (mid-year if required)		Chair by the College SID



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Any enquiries regarding this publication should be sent to us at contactcentre@college.pnn.police.uk

Alternatively, the HO Sponsorship Unit can be contacted at ho.sponsorship.unit@homeoffice.gov.uk