



**Office of the Police and Crime
Commissioner
Commissioning Policy and Procedures -
Toolkit
(Including contracts and grant
arrangements)**

Contents

Introduction	3
Internal Audit Recommendations	3
What is Commissioning?	4
The Commissioning Process.....	4
Commissioning Principles	5
Purpose, Responsibilities and Policy.....	8
Purpose	8
Police Property Fund and Community Safety Fund	8
Responsibilities	9
Grant Funding Policy	10
Awarding grants	10
Exemptions to Open and Transparent Grant Award Process	11
Grant Agreement Terms and Conditions	11
Payment of Grants and Reporting	11
Declaration of Interests	12
Procurement Process	13
Governance	14
Storing Grant Information.....	14
Appendix 1	15
Appendix 2.....	16

Introduction

Police and Crime Commissioners (PCCs) were introduced in November 2012, under the Police Reform of Social Responsibility Act 2011 ('the 2011 Act'). Under the 2011 Act, PCCs have wide ranging responsibilities including setting policing and crime priorities for the area in a Police and Crime Plan, setting the policing and crime budget and commissioning services and awarding grants to support delivery of the priorities as set out in their Police and Crime Plan.

Most of the Policing and Crime budget for an area is provided to the police force. However, PCCs have discretion to invest in crime and disorder reduction activities. PCCs have had specific responsibility for commissioning local victim's services since October 2014 and receive a specific grant from the Ministry of Justice (MoJ) to support this.

This document sets out the guidelines and approach by which the Office of the Police and Crime Commissioner (OPCC) will commission services that:

- Support victims of crime and anti-social behaviour
- Seek to reduce offending / re-offending and,
- Reduce crime and disorder

This document aims to ensure that commissioning activities (including contracting and grants) are made in a fair, transparent and consistent manner, ensuring the highest standards of probity and accountability. In addition, it aims to ensure OPCC team members are clear and feel supported in the approaches they take to commissioning activity.

Setting out the robust framework for decision making in relation to commissioning, the OPCC aims to safeguard public money - directing funding towards activity and interventions that has the greatest impact in reducing crime and disorder and delivering high-quality services to victims and our communities across Cleveland. This document sits alongside the Office of the Police and Crime Commissioner / Cleveland Police **Contract Standing Orders** and **Procurement Principles** and supports the delivery of the OPCC Commissioning Strategy. (The toolkit will also be developed in conjunction with the new police and crime plan)

Internal Audit Recommendations

During 2023, as part of the internal audit plan the OPCC have been subject to two internal audits: namely **Commissioning** and **Police and Crime Plan**.

The progress against the audit recommendations is discussed quarterly in internal governance meetings involving relevant OPCC team members. Quality assurance and accountability is further provided through the OPCC Senior Management Team Meetings – again on a quarterly basis.

This toolkit has been developed to ensure that it addresses the 10 recommendations that were made in the Commissioning Audit, one of which was to introduce this document, which includes the other 9 actions.

What is Commissioning?

The Commissioning Process

Commissioning is the process of assessing needs (**understand**), planning and prioritising (**plan**), purchasing (**do**) and monitoring services (**review**) to achieve specific identified outcomes. Following the commissioning cycle ensures that the process of commissioning retains focus on effectiveness, efficiency and ultimately the end user of the service(s) being commissioned.



The below provides greater detail on the activity that should be considered / conducted at each stage of the commissioning cycle:

Understand:

- Recognising the outcomes that you want to achieve to inform the service specification.
- Identify local need and demand.
- Understanding whether there are services already offering support / are there gaps?
- Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis
- What resources are available?
- What are current priorities in this area of work within the OPCC and across broader partnerships?

Gathering views of people with lived experience and service users, those working in related fields and thematic partnerships, and communities.

Plan:

- Consider different contributions and perspectives of research and policy guidance and review what is already available
- Consider different ways of addressing findings from work conducted at the *understand* stage.
- How can gaps / services be commissioned that are efficient, effective and sustainable?
- What resources are available and for how long?
- Who is responsible for commissioning this provision / are there opportunities for different approaches to working or co-commissioning?
- Consideration of market engagement opportunities.
- Consider any current contractual implications i.e. TUPE implications
- What problem are you trying to solve?
- Consultation and engagement.

Do:

- Implementation based on the planning stage – this could include grant funding opportunities, partnership approaches or procurement activity.
- Ensuring decision making on the best approach is based on evidence and fully documented.

Review:

- Monitor service activity against expected outcomes.
- Consider whether needs are being met.
- Ongoing reviews during contract/grant period should consider opportunities for flexing approaches/deliverables where there are opportunities for 'real time' improved outcomes within the current contract/grant period.
- Review should feed into the next stage of commissioning in support of the iterative cyclic process.

Commissioning Principles

It is widely regarded as good practice for commissioners to have an agreed list of principles or standards, which sets out, at a high level, the approach to commissioning. The principals adopted by Cleveland OPCC are:

- **Outcomes and impact focused, high quality and evidence based**
 - The OPCC will seek to adopt an outcomes and impact-focused approach to commissioning – not focussing on activities and processes but on the intended results – striving to ensure high quality delivery and base all commissioning decisions on a strong evidence base.

- **Co-commissioning / partnership approaches**

- The OPCC will explore and consider opportunities to collaborate with other commissioners to join up commissioning approaches and consider co-commissioning service provision with local partners which include but are not limited to NHS England/ Integrated Care Board, Local Authorities and Probation Service. Such approaches would ensure a holistic response to meeting service users' needs and offer potential efficiencies.

- **Co-design and Market Engagement**

- The OPCC will consult as needed, and where appropriate with others as outlined above regarding gathering views to support the commissioning / re-commissioning of services so they can support the co-design of services or what will be delivered. This will include, but is not limited to consultation, service user feedback where services are already operating and engagement with partners.

- **Creating a culture of continuous improvement and innovation**

- As part of continuous improvement, commissioned services will be encouraged to regularly seek feedback on the services they offer as well as keeping abreast of horizon scanning, awareness of local, regional and national impacts, and effectiveness of current delivery. These should inform potential changes that may be required to the service delivered to improve opportunities for positive impact and outcomes. In addition to this the OPCC will encourage services through contract and grant monitoring, to be brave and bold in exploring or trying new approaches to meet the specific needs of our local communities as agreed with the OPCC.

- **Equitable, non-discriminatory and inclusive**

- The OPCC will undertake equality impact assessments for the services that we commission to ensure a full understanding of the potential risks / gaps and barriers relating to equality, diversity and inclusion within the services that we commission. In addition to this we will ensure that services already commissioned consider equality impacts through regular monitoring and discussion as part of the OPCC quality framework.

Links to other Strategies

Commissioning Strategy

The OPCC has a Commissioning Strategy which sets out the office's commissioning and development plans. A copy of the strategy can be found [here](#)

[Commissioning Strategy \(pcc.police.uk\)](http://pcc.police.uk)

APCC/MOJ Commissioning Services

The Association of Police and Crime Commissioners (APCC) and the Ministry of Justice (MoJ) have written guidance on Victims' Commissioning which can be found [here](#)

(Currently in development – to be added when available)

Purpose, Responsibilities and Policy

Purpose

The purpose of this document is to provide an outline of the various routes available to support commissioning activity within the OPCC. This includes:

- **Contracting and Procurement** – including new contracts, variations of contracts, contract extensions, renewal and/or disposal of contracts and where appropriate exemptions to standing orders.
- **Grant funding** – including the management of small grant funds, working with statutory partners (i.e. Local authorities) and other Voluntary Community Sector Organisations for the purposes of partnership working.

Please note the awarding of grants is limited to statutory partners and Voluntary Community Sector Organisations only – limited companies are excluded from being awarded grant funding.

What is a voluntary organisation

<https://reachvolunteering.org.uk/guide/what-voluntary-sector>

- **Partnership / Collaboration agreements**

Work is taking place in this area and will be included in due course.

The necessity for such a document includes:

- Support for the priorities set out in the PCCs Police and Crime Plan.
- Ensuring value for money is achieved.
- Delivery of consistent high standards of integrity and ensure fairness in the awarding of contracts / grants.
- Secure good governance in the robust management of contract / grants etc.

This document must be adhered to at all times – advice on its application can be provided from the **OPCC Chief Finance Officer, Head of Policy, Partnerships and Delivery** and **Cleveland Police Head of Procurement**. It will ensure a full audit trail and full accountability of those involved in commissioning activity, requiring them to identify and record decision making at all points of the process.

Police Property Fund and Community Safety Fund

Police Property Fund

Police Property Act funding comes from the sale of recovered stolen goods or property where the owners cannot be traced. In accordance with the Police Property Act Regulations (1997) all awards from this fund must be for charitable purposes.

Applications are considered throughout the year from charities, who are working to improve the lives of people in Cleveland. You must be a registered charity or charitable foundation to apply.

[The Police \(Property\) Regulations 1997 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Community Safety Fund

The PCC receives cash from the Government that can be granted to organisations and groups who are committed to improving community safety.

Rules governing the fund are set out in Section 143 of the Anti-Social Behaviour, Crime and Policing Act 2014.

[Section 143](#) gives local policing bodies power to provide or commission services, in particular support services for victims and witnesses of, and those affected by, crime and anti-social behaviour.

The fund is open at certain times of year. It is currently themed around the 10 key criteria of the Police and Crime Plan.

[Anti-Social Behaviour, Crime and Policing Act 2014 - Explanatory Notes \(legislation.gov.uk\)](#)

Responsibilities

The **Head of Policy, Partnership and Delivery** is responsible for ensuring that relevant OPCC staff comply with this document including:

- Maintaining robust and up to date policy and procedures
- Chairing quarterly contract and grant management overview meetings to provide accountability and assurance in relation to OPCC delivery against this document
- Reporting to OPCC Senior Management Team as required including ongoing risk management / mitigation.
- The overall arrangements for assurance when awarding funding, to ensure the safeguarding of public funds and the delivery of the priorities within the Police and Crime Plan
- Maintaining a register of all contracts and grant agreements awarded by the OPCC
- Development and delivery of the OPCC Commissioning strategy

The **Policy, Partnership and Delivery Manager and Policy, Partnership and Delivery Officers (including CURV delivery Manager / Officers)** are responsible for:

- Adherence to this document at all times
- Where required, ongoing communication and collaboration with partners to ensure – where co-commissioning takes place OPCC policy and processes are followed
- Escalating issues arising from this document
- Active involvement in the quarterly grant and contract management meetings
- Delivery of the OPCC Commissioning Strategy

Grant Funding Policy

PCCs have responsibility for enhancing criminal justice, community safety, reducing crime and supporting victims. In carrying out those responsibilities the Anti-Social Behaviour, Crime and Policing Act 2014 provides Commissioners with broad powers to provide or commission services that:

- In the opinion of the commissioner will secure or contribute to securing crime and disorder reduction
- Are intended by the Commissioner to help victims or witnesses, or other persons affected by, offences and anti-social behaviour.

In arranging for the provision of these services the legislation provides that the Commissioner may make grants in connection with these arrangements. The grants may be subject to any appropriate conditions. Below sets out how, in Cleveland, we make grants and enter into agreements for the purpose of exercising these powers and responsibilities.

Awarding grants

Grant awards should be made against the priorities as set out in the Commissioning Strategy which has been developed in line with the priorities set out in the Police and Crime Plan. When awarding grant agreements, the below regulations must be followed:

- Any grant activity must have regard to the commissioning principals set out in this document.
- Grant awards should be made using an open and transparent competitive process (except in situations highlighted below, in – ‘*Exemptions to open and transparent grant award process*’).
For grant funding activity, this means the release of a specific criteria promoted through the PCCs website / social media and other appropriate media. A template application form is available (and guidance notes) and has been designed to be less burdensome than formal procurement procedures [Funding-Application-Form-2022-v0.1.pdf \(pcc.police.uk\)](https://pcc.police.uk/Funding-Application-Form-2022-v0.1.pdf)
- The PCCs decision to make a grant award must be documented in writing and confirmed through the publication of a formal [decision record form](#).
- All necessary checks and balances are required to be completed as set out based on guidance the checks and balances checklist at appendix 1.
- Where funding values may exceed £50,000, procurement activity should be considered seeking advice from the Cleveland Police Head of Procurement as necessary – where procurement thresholds are not adhered to this should be documented and where not followed documented for audit purposes.
- Grant Meetings – the closing date for grant applications should be made with at least 2 clear working days to enable applications to be processed.

Exemptions to Open and Transparent Grant Award Process

The Chief Executive / Chief Finance Officer may determine exemptions to an open and transparent grant awards process under specific limited circumstances. This includes:

- Direct award of funding through a grant agreement can be made where this is a statutory provider and/or where the PCC has specific statutory responsibilities discharged through a statutory body or partnership and/or where a group of statutory partners determine the discharge shared statutory responsibilities jointly through a board or governance structures; for example, Youth Justice Boards, Safeguarding Partnership, Community Safety Partnerships etc.
- Direct award of funding through a grant agreement can be made to secure collaboration arrangements on the basis of pooled budgets with other public sector partners to discharge shared responsibilities where to do so would secure value for money in respect of outcomes and/or efficiency of the funding – for example single contract management arrangements, pooling of expertise / experience.
- The requirement for very specialist services where there is only one provider that operates in that sphere, a formal exemption to contract standing orders should be considered in the first instance.
- Small grant awards under £10,000 may be subject to direct award in circumstances where there is a clear business imperative in making the award. Examples could include funding of a time limited nature that would be lost following an open grant process, risk of delivery of key/specific elements of the Police and Crime Plan, pilot/research-based projects seeking to develop capacity and capability of new providers and/or test new initiatives with a view to scheme roll out on an open award basis.

Grant Agreement Terms and Conditions

Once a decision has been taken to award grant funding, the arrangements must be set out in writing via email for the provider to accept (email communications should be saved in the commissioning folder). Following confirmation of acceptance from the provider a standard [template grant agreement](#) should be completed and issued with the relevant parts completed as necessary.

(As referred to above – no work should be commenced by the provider until the necessary checks and balances have taken place and grant agreement has been fully signed by both parties.

No funding payments should be made until all checks and balances have completed and grant agreements have been signed.

Payment of Grants and Reporting

The size, frequency and dates of payments for all grants should be set when devising grant agreements.

The default position should always be payment in arrears based on satisfactory performance. However, it is recognised for some of our smaller Voluntary Community Sector Organisations this may not be feasible. As a result, any approval to fund in advance should be agreed by the Chief Finance Officer and any future monies paid to that provider should be made based on satisfactory performance.

Where an organisation receiving funding is not set up in a way that enables a credit check to be undertaken (for grants over £5,000), additional due diligence and monitoring will be undertaken and the decision to continue with funding will be formally documented. Checks should be undertaken before the grant agreement is signed and before the funding period begins. Communications should be saved on file for audit purposes.

Based on the reporting scheduled produced as part of the grant agreement the contract manager will request a performance report for the period. For one off small grants, this should be a short report including project updates and financial spend.

For higher value grants (over £10,000 the [performance excel performance](#) template should be utilised)

Minutes and/or action logs will be maintained and kept on file for all commissioned services. A template has been developed to support contract/grant performance meetings and all contracts/grants are managed in the same way.

The template can be found [here](#)

VAT

All requisition and orders should be raised without VAT included. All grant agreement values exclude VAT. All returns to the Home Office are based on values that exclude VAT.

Whether something is subject to VAT is something for the supplier to determine. Any VAT included on an invoice will (almost) always be reclaimed by the OPCC.

When raising an order, raise the order for what you are asking the supplier to deliver, at the price we are expected to pay (excluding VAT) – if they include VAT on the invoice, we will simply reclaim it. Only the net amount will be charged to the budget code raised on the order.

Declaration of Interests

Members of the team who have any conflicts of interest arising from the reviewing of the applications should declare an interest prior to the decision-making process. Where it is deemed appropriate, involvement in any decisions should be recorded and stored for audit purposes.

Procurement Process

New procurement regulations are expected in September 2024.

Corporate Governance Framework

This document should be read in conjunction with the OPCC's Contract Standing Orders which can be found in Section F of the Corporate Governance Framework.



Corporate
Governance Framew

A quarterly Contract and Grant Management Overview meeting has been established with clear terms of reference which outline the purpose and importance of the meeting. The meeting is chaired by the Head of Policy, Partnerships and Delivery. Each grant/contract manager is required to attend the meeting with a risk rated grant/contract which will facilitate the discussion at the meeting. A risk rated structure has been provided to encourage consistency in grading. The grading is based on service delivery, risks and finances. Those contracts identified as very high and high risk are discussed in detail at the meeting with a point of escalation to the OPCC Senior Management Team if required.

Risk Matrix



Contract-%20Grants
%20Risk%20Matrix.docx

Cabinet Office Guidance for general grants can be found here.

[2022-20-11-Grants-Standard-SEVEN-v2.3.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/2022-20-11-Grants-Standard-SEVEN-v2.3.pdf)

Storing Grant Information

Grant Applications

All applications should be stored in Teams in the following folder

Policy, Partnerships and Delivery – Grant Funding Opportunities - Year

Grant meetings will be set up by the business support team and held with the PCC, the Head of Policy, Partnerships and Delivery and the appropriate Policy lead/Commissioner's Officer

Successful applications should be stored in Teams by the OPCC grant organiser who will notify the Head of Policy, Partnerships and Delivery who will add the details to the commissioning and grants tracker. The grant organiser will ensure appropriate checks and documents have been received and stored in Teams before asking for a grant to be approved.

Community Safety Fund and Police Property Act Process

Support provided by the Business Support Team will include

- Applicants will be advised to send their application into the PCC Inbox
- A member of the business support team will acknowledge and then drop applications into folder – *Teams – PPD - Grant Funding Opportunities*
- The application will be included on the applicable tracker
- Applications will be printed for the grant meeting
- Raise purchase orders for successful applicants
- Updating Individual Fund Tracker

Appendix 1

Value	Decision Record Required	Grant Agreement Required	Checks undertaken	Insurance and safeguarding documents
Less than £10,000 (Low Value Procurement)	Yes	No	Yes if over £5,000	Yes
£10,000 - £50,000 (Medium Value Procurement)	Yes	Yes	Yes	Yes
£50,000 plus (tender process)	Managed by procurement in line with Procurement Regulations			

Checks and Balances – Checklist

	Check
Decision Record Form completed and signed by Chief Finance Officer and Monitoring Officer	✓
If funding allocations are over £9,999, a grant agreement is required and should not be signed until; the below items have been received from the provider and saved in the commissioning folder. Delivery should not commence until grant agreement is fully signed by both parties.	✓
Copy of providers insurance record received and saved in commissioning folders	✓
Copy of Safeguarding policy and procedures saved in commissioning folders	✓
Credit check should be completed for those grants that are over £5,000 via Credit Safe (Head of Policy, Partnerships and Delivery has access to the system).	✓

Appendix 2

Decision Record Form Process

Approvals should be kept on the same email chain for audit purposes. The lead officer should be copied into each email for awareness.

Lead officer to send to Head of PPD for quality check



Head of PPD Review DRF and forward to Executive Officer (EK) (copy in lead officer)



Executive Officer (EK) to forward to CFO (MP) to review financial implications then send to Executive Officer (EK)



Executive Officer (EK) to forward to Chief Executive (LO) for monitoring officer approval



Once Chief Executive has approved – Executive Officer (EK) to forward to PCC



Once PCC approved Executive Officer (EK) to send to PCC Media for publication on the OPCC website and to the lead officer for their records

The Tracker can be found here

https://clevelandpolice.sharepoint.com/:x/s/PCC-OPCCStaffClevPolAAD/EdogBGXav5lJuXwewR3hOfIBc3OOnoFZ8h_q6_j670EBQQ?e=DR2tNJ