

INDEPENDENT OFFICE FOR POLICE CONDUCT

DIRECTOR GENERAL SCHEME OF DELEGATION

Introduction

1. The purpose of this document is to set out how I, the Director General of the Independent Office for Police Conduct (the **IOPC**), delegate my statutory functions to IOPC staff.
2. I will revise this delegation as necessary from time to time (further to operational need) and will review the delegation on an annual basis.

Legal basis for delegation of functions

3. Paragraph 6A of schedule 2 Police Reform Act 2002 (the **PRA**) sets out how the IOPC Director General can delegate their functions. It is annexed to this document in full at Annex A. The legal principles derived from paragraph 6A are as follows:
 - a. The Director General may authorise any member of IOPC staff or constable seconded to the IOPC, to exercise any Director General function on behalf of the Director General;
 - b. 'Function' includes any Director General function set down in any enactment [a list of enactments is provided at Annex B];
 - c. The Director General may permit 'sub-delegation', i.e. they may delegate a function to another person and specifically permit them to delegate that function to someone else;
 - d. A delegation of a function can be such as to allow its exercise:
 - i. Either to its 'full extent' or 'to the extent specified in the authorisation';
 - ii. Either generally or in cases, circumstances or areas specified;
 - iii. Either unconditionally or subject to specified conditions.
 - e. A restriction on the exercise of a function can include provision for 'restricted persons' not to exercise 'designated functions'.
 - i. 'Restricted persons' are persons who fall within section 9(3) PRA (i.e. persons who have previously worked as police officers, or for a police service (under the direction and control of a chief officer), or as a National Crime Agency officer (or for predecessor organisations (SOCA or NCIS));
 - ii. 'designated functions' are any functions of the Director General that are designated further to para 6A(7) and can be designated by reference to the position or seniority of IOPC staff).

- f. The scope of the ‘restricted person’ constraint can be limited – either generally or in relation to particular specified functions.
- g. The Director General must publish a ‘statement of policy’ about how they propose to exercise the power to restrict persons / designate functions which must:
 - i. draw attention to any restrictions on the carrying out of functions imposed by their designation; and
 - ii. explain the reasons for imposing them.

Statement of policy - on ‘restricted persons’ / ‘designated functions’

- 4. Further to paragraph 6A(6)-(10) of schedule 2 PRA, I have decided that the posts of Deputy Director General (Operations) and Deputy Director General (Strategy and Corporate Services) should not be held by ‘restricted persons’.
- 5. Although not an absolute restriction, careful consideration will also be given before allowing any post at Executive Director/Regional Director level to be held by a ‘restricted person’. As a general rule, anyone with recent or senior police experience will not be eligible for these roles though this will be considered on a case by case basis. The full policy rationale has been published on the IOPC website (see www.policeconduct.gov.uk)

Functions not delegated

- 6. I do **not** delegate the following functions in general terms, albeit some are partially delegated and / or subject to conditions:
 - **General functions** under s.10 PRA and related provisions of a similar nature concerning other bodies of constables (s.26 PRA), the NCA¹, Contractors², the Gangmasters and Labour Abuse Authority³, HMRC⁴, UKBA⁵ and “relevant office holders”⁶ (collectively known in this document as the ‘other bodies’). However, I delegate the following sub-functions to all IOPC staff:
 - s.10(1)(e) – recommendations and advice re modifications to the police complaints system⁷ and police practice;
 - s.10(4) – duty to exercise powers and perform duties in a manner best calculated for the purpose of securing the proper carrying out of the s.10 functions; and

¹ The National Crime Agency (Complaints and Misconduct) Regulations 2013

² The IPCC (Complaints and Misconduct) (Contractors) Regulations 2015

³ the GLAA (Complaints and Misconduct) Regulations 2017

⁴ Revenue and Customs (Complaints and Misconduct) Regulations 2010

⁵ UK Border Agency (Complaints and Misconduct) Regulations 2010

⁶ Reg 2 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

⁷ Reference to the “police complaints system” is short-hand for the matters falling within the DG’s obligation to secure that suitable arrangements are maintained – detailed in section 10(2) (the handling, recording and investigation of complaints, conduct matters and DSIs).

- s.10(6) – discretion to do anything calculated to facilitate, or is incidental or conducive to, the carrying out of the Director General’s functions.
- **Reports to the Secretary of State** under s.11 PRA (in relation to the Director General) and related provisions of a similar nature concerning the other bodies.
- **Designation of complainant representatives** under s.12(6) PRA – the designation of a person or the description of persons who may act on the complainant’s behalf and related provisions of a similar nature concerning the other bodies.
- **Issuing Statutory Guidance** under s.22 PRA and related provisions of a similar nature concerning the other bodies. However, I delegate the process of consulting in relation to the content of the Statutory Guidance to any member of staff of grade 16 or above.
- **Entering into agreements** under s.26 and s.26BA of the PRA. However, I delegate s.26(7)(a) consultation with the Secretary of State (re SoS orders) to Grade 16 IOPC staff or above.
- **Determining that “exceptional circumstances” apply to old cases** under s.28A PRA. I also delegate this to the Deputy Director General(s) subject to consultation with me.
- **Engagement with the Office / Unitary Board**⁸ further to sections 10A-10D PRA – including:
 - Preparing and reviewing the joint strategy [s.10C];
 - Agreeing and reviewing the Code of Practice (the Code) [s.10D].

However, I delegate publishing of the agreed Strategy and the Code, to appropriate IOPC staff.

Functions delegated to named directorates / posts

The Assessment Unit - determining necessity of investigation and mode

7. Further to paragraph 4A, 5, 13A, 14, 14CA and 14D and paragraph 15 of schedule 3 PRA (and equivalent provisions concerning the other bodies) all decisions concerning whether to treat a matter as having been referred and whether a matter requires investigation and if so, the mode of that investigation (including re-determinations), are reserved to the Assessment Unit, to be managed by the Head of that Unit – with escalation through the line management chain (i.e. from the Head of National Operations, the Deputy Director General Operations and to the Director General).

⁸ The IOPC Board is referred to as the ‘Office’ or ‘Unitary Board’ and has the separate functions reserved to it by sections 10A PRA. Sections 10C and 10D require the Office and the DG to agree and keep under review, a joint strategy and a code of practice, respectively.

Budget holders

8. In accordance with the financial delegation given to me from the Permanent Secretary at the Home Office, I delegate budgets and allocations to budget holders based on decisions made as part of the annual business planning process.
9. Financial authority for managing budgets and authority for procurement, establishment and other expenditure is based on the Home Office delegation, Managing Public Money, Cabinet Office controls and IOPC policies. Budget holders are required to formally accept their delegation as part of an annual process.

Senior Responsible Officers (SRO)

10. I delegate responsibilities relating to the delivery of the One Plan to particular staff who have been assigned as Senior Responsible Officers throughout the organisation.

IOPC Decision-Making Framework

11. Annex C references the IOPC Decision-Making Framework which outlines where decision-making responsibility lies for different areas of IOPC work (organisation-wide). It provides guidance on which governance bodies (Unitary Board, Management Board, Audit and Risk Assurance and Human Resources and Remuneration Committee) should have input across the various areas.

Delegated functions to IOPC staff and the guiding principles of delegation

12. All other Director General functions⁹ not stipulated above, may be exercised by any member of IOPC staff – having regard to the guiding principles detailed below.

Guiding principles of Director General decision-making:

13. Decision making in the name of the Director General:
 - is undertaken by IOPC staff from the Operations Directorate, having regard to:
 - the practices and procedures set out in the Operations Decision-Making Framework and the guidance provided by Operations Manual (both as amended from time to time);
 - resides with IOPC staff with sufficient competency/ expertise and having had sufficient training, to undertake the relevant decision making. Deciding the level of decision maker taking a particular decision should take into account:

⁹ in any enactment, whether listed in Annex B from time to time, or in existence at the time when the function is being exercised, unless otherwise specified in this document

- the complexity of decision;
 - the seriousness of the issues involved in the matter;
 - the public interest of the matter;
- occurs in accordance with line management hierarchy, which means that:
 - more senior grades can be consulted by more junior decision makers to assist them in their decision making;
 - more senior grades can decide to take decisions in the stead of more junior grades.

Functions under other enactments

Controller functions under the General Data Protection Regulation (GDPR) and Part 2 Data Protection Act 2018 (DPA 2018)

14. I delegate the following functions to named posts:
- a. Demonstrating compliance with principles relating to processing of personal data (Article 5 GDPR) to the Senior Information Risk Owner (SIRO);
 - b. Implementing appropriate technical and organisational measures to ensure and demonstrate personal data processing is performed in compliance with the GDPR (Article 24 GDPR) to the SIRO;
 - c. Implementing measures to achieve data protection by design and default (Article 25 GDPR) to the SIRO;
 - d. Implementing appropriate technical and organisational measures to ensure an appropriate level of security (Article 32 GDPR) to the Information Assurance Manager (IAM);
 - e. Designation of a Data Protection Officer (DPO) and DPO team, and ensuring the DPO has the appropriate position, resources and tasks (Articles 37, 38 and 39 GDPR) to the SIRO;
15. The designated post holders will be assisted in the performance of the above functions by the Information Assurance Board. The Chair of the Information Assurance Board will be supported by subject matter experts. The DPO will provide information and advice to the designated post holders and the Information Assurance Board on data protection obligations and will monitor compliance.
16. All other controller functions under the GDPR and/or Part 2 DPA 2018 not stipulated above may be exercised by any member of IOPC staff, having regard to the practices and procedures set out in the Data Protection Decision Making Framework (as amended from time to time with the approval of the SIRO).

Controller functions under Part 3 Data Protection Act 2018 (Law Enforcement Processing)

17. I delegate the following functions to named posts:

- a. Demonstrating compliance with the data protection principles (Chapter 2 of Part 3 DPA 2018) to the Deputy Director General (Operations);
 - b. Implementing appropriate technical and organisational measures to ensure and demonstrate personal data processing is performed in compliance with Part 3 (Section 56) to SIRO;
 - c. Implementing measures to achieve data protection by design and default (Section 57) to SIRO;
 - d. Implementing appropriate technical and organisational measures to ensure an appropriate level of security (Section 66) to the IAM;
 - e. Designation of a Data Protection Officer (DPO) and DPO team, and ensuring the DPO has the appropriate position, resources and tasks (Sections 69, 70 and 71) to the SIRO;
 - f. Implementing effective mechanisms to encourage the reporting of infringements (Section 81) to the SIRO.
18. The designated post holders will be assisted in the performance of the above functions by the Information Assurance Board. The Chair of the Information Assurance Board will be supported by subject matter experts. The DPO will provide information and advice to the designated post holders and the Information Assurance Board on data protection obligations and will monitor compliance.
16. All other data controller functions under Part 3 DPA 2018 not stipulated above may be exercised by any member of IOPC staff, having regard to the practices and procedures set out in the Data Protection Decision Making Framework (as amended from time to time with the approval of the SIRO).

Signature page



Director General – Signature

Director General – Name

Date

Michael Lockwood

26 May 2020

Annex A

Paragraph 6A of schedule 2 PRA

6A Delegation of functions

- (1) The Director General may authorise a person within sub-paragraph (2) to exercise on the Director General's behalf a function of the Director General.
- (2) The persons within this sub-paragraph are—
- (a) employee members of the Office;
 - (b) employees of the Office appointed under paragraph 6;
 - (c) seconded constables within the meaning of paragraph 8.
- (3) The reference in sub-paragraph (1) to a function of the Director General is to any function that the Director General has under this Act or any other enactment.
- (4) A person (“A”) who is authorised under sub-paragraph (1) to exercise a function may authorise another person within sub-paragraph (2) to exercise that function (but only so far as permitted to do so by the authorisation given to A).
- (5) An authorisation under this paragraph may provide for a function to which it relates to be exercisable—
- (a) either to its full extent or to the extent specified in the authorisation;
 - (b) either generally or in cases, circumstances or areas so specified;
 - (c) either unconditionally or subject to conditions so specified.
- (6) Provision under sub-paragraph (5) may (in particular) include provision for restricted persons not to exercise designated functions.
- (7) For the purposes of sub-paragraph (6)—
- (a) “designated functions” are any functions of the Director General that are designated by the Director General for the purposes of this paragraph (and such functions may in particular be designated by reference to the position or seniority of members of staff);
 - (b) “restricted persons” are, subject to any determination made under sub-paragraph (8), persons who fall within section 9(3).
- (8) The Director General may, in such circumstances as the Director General considers appropriate, determine that persons are not to be treated as restricted persons so far as relating to the exercise of designated functions (whether generally or in respect of particular functions specified in the determination).
- (9) The Director General must publish a statement of policy about how the Director General proposes to exercise the powers conferred by sub-paragraphs (7)(a) and (8).
- (10) The statement must in particular draw attention to any restrictions on the carrying out of functions imposed by virtue of their designation under sub-paragraph (7)(a) and explain the reasons for imposing them.
- (11) The exercise of the powers conferred by sub-paragraphs (7)(a) and (8) is subject to

any regulations under section 23(1) of the kind mentioned in section 23(2)(g) (regulations limiting persons who may be appointed to carry out investigations etc).

(12) An authorisation under this paragraph does not prevent the Director General from exercising the function to which the authorisation relates.

(13) Anything done or omitted to be done by or in relation to a person authorised under this paragraph in, or in connection with, the exercise or purported exercise of the function to which the authorisation relates is to be treated for all purposes as done or omitted to be done by or in relation to the Director General.

(14) Sub-paragraph (13) does not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person.

Annex B

List of enactments which include Director General functions (or reference the IOPC)

	Acts			
1.	Superannuation Act 1972			
2.	House of Commons Disqualification Act 1975			
3.	Northern Ireland Assembly Disqualification Act 1975			
4.	Police Pensions Act 1976			
5.	Ministry of Defence Police Act 1987			
6.	Aviation and Maritime Security Act 1990			
7.	Police Act 1996			
8.	Freedom of Information Act 2000			
9.	Police Reform Act 2002			
10.	Fire and Rescue Services Act 2004			
11.	Commissioners for Revenue and Customs Act 2005			
12.	Police and Justice Act 2006			
13.	Local Democracy, Economic Development and Construction Act 2009			
14.	Coroners and Justice Act 2009			
15.	Equality Act 2010			
16.	Police Reform and Social Responsibility Act 2011			
17.	Police (Complaints and Conduct) Act 2012			
18.	Investigatory Powers Act 2016			
19.	Data Protection Act 2018			
	SIs			

20.	Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023)			
21.	Official Secrets Act 1989 (Prescription) Order 1990 (SI 1990/200)			
22.	Independent Police Complaints Commission (Investigatory Powers) Order 2004 (SI 2004/815)			
23.	Independent Police Complaints Commission (Transitional Provisions) Order 2004			
24.	Independent Police Complaints Commission (Staff Conduct) Regulations 2004 (SI 2004/660)			
25.	Police (Complaints and Misconduct) Regulations 2004			
26.	Police (Conduct) Regulations 2004			
27.	Ministry of Defence Police (Conduct) Regulations 2004 (SI 2004/653)			
28.	Ministry of Defence Police (Conduct) (Senior Officers) Regulations 2004 (SI 2004/654)			
29.	Ministry of Defence Police Appeal Tribunals Regulations 2004 (SI 2004/652)			
30.	Police (Conduct) Regulations 2008			
31.	Police Appeals Tribunal Rules 2008 (SI 2008/2863)			
32.	Ministry of Defence Police Appeals Tribunals			

	Regulations 2009 (SI 2009/3070)			
33.	Ministry of Defence Police (Conduct) Regulations 2009 (SI 2009/3069)			
34.	Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010/521)			
35.	Regulation of Investigatory Powers (Communications Data) Order 2010 (SI 2010/480)			
36.	Revenue and Customs (Complaints and Misconduct) Regulations 2010 (SI 2010/1813)			
37.	UK Border Agency (Complaints and Misconduct) Regulations 2010 (SI 2010/782)			
38.	Elected Local Policing Bodies (Specified Information) Order 2011 (SI 2011/3050)			
39.	Policing Protocol Order 2011 (SI 2011/2744)			
40.	Welsh Language (Wales) Measure 2011 (2011 nawm 1)			
41.	Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (SI 2012/62)			
42.	Ministry of Defence Police (Performance) Regulations 2012 (SI 2012/808)			

43.	Police (Complaints and Misconduct) Regulations 2012 (SI 2012/1204)			
44.	Police (Conduct) Regulations 2012 (SI 2012/2632)			
45.	Police Appeals Tribunal Rules 2012 (SI 2012/2630)			
46.	Police (Performance) Regulations 2012 (2012/2631)			
47.	National Crime Agency (Complaints and Misconduct) Regulations 2013 (SI 2013/2325)			
48.	Police (Complaints and Conduct) Regulations 2013 (SI 2013/281)			
49.	Official Statistics Order 2013 (SI 2013/1163)			
50.	The Police (Complaints and Misconduct)(Old Cases) Regulations 2013 (SI 2013/1778)			
51.	Independent Police Complaints Commission (Investigation of Offences) Order 2014 (SI 2014/2402)			
52.	Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015 (SI 2015/431)			
53.	Ministry of Defence Police (Conduct etc) Regulations 2015 (SI 2015/25)			
54.	Police Pensions Regulations 2015 (SI 2015/455)			
55.	Scottish Parliament (Disqualification) Order 2015 (SSI 2015/350)			

56.	The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017			
57.	The Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017			
58.	Police (Complaints and Misconduct) Regulations 2020			
59.	Police (Conduct) Regulations 2020			
60.	Police (Performance) Regulations 2020			
61.	Police Appeals Tribunals Rules 2020			

Annex C - IOPC Decision-Making Framework

- This framework is intended to outline where decision-making responsibility lies for different areas of IOPC work. It also provides guidance as to which governance bodies (Unitary Board, Management Board, Audit and Risk Assurance Committee (ARAC) and Human Resources and Remuneration Committee (HR&R)) should have input across the various areas.
- Explanations around each of the categories are as follows:
 - Input – any Board/Committee/individual listed in this column should be expected to discuss and provide input into the specific area of work. Papers going for input would normally ask the Board/Committee to CONSIDER the matter.
 - Agree – any Board/Committee/individual listed in this column should be expected to discuss and agree a specific area of work. Papers going on these matters would ask the Board/Committee to AGREE.
- Other guiding principles to note:
 - Where Unitary Board/ARAC/HR&R are listed under the ‘agree’ column, it is assumed that Management Board will already have provided prior agreement too. In some instances (organisational strategies for example, the Corporate Leadership Network (grade 15s and above) will also have been consulted).
 - Organisational strategies relate to any document that is forward looking, and has financial, operational and/or staff implications for the whole organisation.
 - Organisational policies relate to any document that is intended to provide guidance as to how a particular matter should be dealt with across the organisation.
- If further advice or guidance is required, this should be sought from the Head of Private Office Group.

Item	Input	Agree
Key Governance Documentation		
Code of Practice	Unitary Board/Director General	Unitary Board/Director General
Standing Orders	Management Board/ARAC/HR&R	Unitary Board
Scheme of Delegation	Management Board/Unitary Board	Director General
Framework Document	Management Board/Home Office Sponsor Team	Unitary Board/Home Office
Corporate Strategies and Plans		
Strategic Plan	Management Board	Unitary Board
Business Plan	Management Board	Unitary Board
Adding/removing a new activity to Business Plan	Management Board	Unitary Board
Extending/decreasing the scope of an activity in the Business Plan	Management Board	Unitary Board
One Plan	Management Board	Unitary Board
Strategic reporting on the One Plan	Management Board	Unitary Board
Corporate Documentation		
Annual Report and Accounts	Management Board/ARAC	Unitary Board
Impact Report	Management Board	Unitary Board
Annual Statistics – Deaths during or following police contact	Dir Strategy and Impact, Deputy Director General (S&CS)	Director General
Annual Police Complaints Statistics	Dir, Strategy and Impact/Deputy Director General (S&CS)	Director General
Internal Controls		
Risk Appetite Statement	Management Board	Unitary Board
Risk Policy	Management Board	ARAC
Counter-Fraud, Bribery and Corruption Policy	Management Board	ARAC

Raising Concerns Policy	Management Board	ARAC
Governance Statement	Management Board/ARAC	Director General
Health and Safety Policy	Management Board	HR&R
Code of Conduct	Management Board	HR&R
Conflict of Interest Policy	Management Board	HR&R
Equality and Diversity Policy	Management Board	HR&R
Pay and Reward		
Pay Remit – Staff	Management Board	HR&R
Pay Remit – Directors	HR&R	Director General
Pay and Reward Strategy	Management Board	HR&R
Equal pay audit	HR&R	Management Board
Organisational Strategies		
ICT Strategy	Management Board	Unitary Board
Communications Strategy	Management Board	Unitary Board
Stakeholder Engagement Strategy	Management Board	Unitary Board
Information Management Strategy	Management Board	Unitary Board
Learning Strategy	Management Board	Unitary Board
Other organisational strategies	Management Board	Unitary Board
Policies and Procedures		
Organisational policies not outlined above	Management Board	Management Board/Unitary Board ¹⁰
People related policies and procedures	Management Board	HR&R
Financial Delegations and Budget		
Allocation of budget and internal delegations (i.e. to whom, for what, associated values etc)	Head of Finance	Director General
Approval of overspend	Head of Finance/Management Board	Director General
Internal re-allocation of underspend	Head of Finance	Management Board

¹⁰ Organisational policies that have potential reputational consequences or which materially affect the organisation should go to Unitary Board for agreement. Policies that do not fall into this category should go to Management Board for agreement. For advice, please consult Head of Private Office Group.

Approval of efficiency proposals	Head of Finance/Management Board/Unitary Board	Director General
Ensuring regularity and propriety of expenditure	Head of Finance	ARAC/Director General
Ensuring value for money	DDG (S&CS)	ARAC/Director General
Ensuring accurate accounting	Head of Finance	ARAC/Director General
Approval of accounting policies and guidance	Head of Finance	ARAC/Director General