

Report to: Full Authority
Date: 1 October 2024
Subject: Board Effectiveness / BTPA Decision Making in Correspondence
Author: Board Secretary
For: Decision



25 Camden Road
London NW1 9LN

E: btpa-enquiries@btp.police.uk

www.btpa.police.uk

1. Purpose

- a. To seek Member endorsement of proposed and planned solutions to enable them to take decisions effectively in correspondence.
- b. To seek Member approval of an amendment to the BTPA Code of Governance to facilitate decision making in correspondence on routine matters, and so reserve formal meeting agendas for strategic conversations.
- c. To update Members on wider progress towards delivery of the Board Effectiveness Review 2024 Action Plan.

2. Recommendations

- a. That Members,
 - i. Provide insight on and endorsement of the proposed board effectiveness solutions outlined within the paper.
 - ii. Approve an amendment to the BTPA Code of Governance to permit routine issues to be presented to Members in correspondence in the first instance.
 - iii. Note the further planned board effectiveness solution with regards earlier Member engagement with significant proposed decisions.
 - iv. Note delivery against the Board Effectiveness Review 2024 Action Plan provided at Appendix 3.

3. Background

- a. Both the BTPA Chair and Chief Executive have the ambition to submit routine issues requiring decision to the Full Authority in correspondence, in order to make best use of formal Full Authority meeting time for strategic conversations.

- b. Underpinning the above are relevant recommendations and associated actions set out in the BTPA Board Effectiveness Review 2024,
 - i. BERD2024 Recommendation 1¹: Redesign the process by which the Authority considers requests for approvals, aligning as much as possible to the Force’s own process and potentially designating an approvals forum to discuss items, which would otherwise be dealt with in correspondence by default.
 - ii. BER2024 Recommendation 14 Adopt processes for earlier Member engagement with major decisions.
 - iii. BERD2024 Recommendation 15: Implement a mechanism as part of the governance process to monitor progress on relevant initiatives once approved and / or approved subject to certain conditions, with deliberate interventions or re-appraisal where there is a concern of a breach.

4. The Problem

- a. During July 2024 three papers were put to Members that provoked some disquiet over the way in which issues were being presented in correspondence. Member disquiet was compounded by the concurrent rollout of a board portal e-signature function, which represented a new-way-of working, the user-friendliness of which meant it was difficult for collated Member feedback to be collected and efficiently communicated, and an inability for nuanced approval(s) to be provided.
- b. There was a perception too that the tempo at which decisions were being presented in correspondence suggested that the process could be better controlled and less ad hoc – and that perhaps there was an increasing reliance on decision-making in correspondence, the Chair/Chief Executive’s ambition to make greater use of this format of decision-making notwithstanding. A breakdown of decisions made in correspondence suggests a slight upward trend on-year, but not wholly at odds with previous years:

| Year | Full Authority Decision | Committee Decision | Total |
|-------------|-------------------------|--------------------|-------|
| 2024 (part) | 10 | 3 | 13 |
| 2023 | 4 | 3 | 7 |
| 2022 | 8 | 3 | 11 |
| 2021 | 7 | 6 | 13 |

¹ To embed corporate memory, the prefix BERD denotes a recommendation arising from the closed Deloitte Report 2022 (Board Effectiveness Review – Deloitte) whereas a recommendation arising from the Board Effectiveness Review 2024 has the prefix BER.

| | | | |
|------|----|---|----|
| 2020 | 10 | 3 | 13 |
|------|----|---|----|

- c. Overall, it was clear from Member feedback that BTPAs approach to decision-making in correspondence required evaluation and refinement, to give Members confidence in the process, and enable them to meet their statutory duty to the BTPA.

5. The Solution - Business Planning for Decisions in Correspondence

- a. **A consolidated forward look of all forthcoming items requiring decision has been created and maintained and will be signposted to Members on a quarterly basis.** An illustrative example of this forward look is provided in the Chief Executive’s Report elsewhere on the agenda and on Board *Intelligence*. Whereas Finance, Legitimacy and Performance Committee currently receive a slide within its quarterly Financial and Commercial Report detailing a Major Competition Pipeline, this only deals with planned contract awards, and does not include Outline Business Cases, Full Business Cases, and Leases. The Chief Financial Officer and Contracts and Compliance Manager have created a consolidated forward look referenced above to bring these items together into one product. This product will be finessed as time goes on in response to Member feedback. There is already scope to earmark the decisions therein for consideration in correspondence and/or at a formal meeting of the Full Authority.
- b. **The BTPA Code of Governance should be amended to further facilitate decision-making in correspondence.** Provided Members feel confident with the steps outlined above, and in keeping with the Chair and Chief Executive’s shared to ambition submit routine issues requiring decision to the Full Authority in correspondence, then it is proposed to amend the existing section of the BTPA Code of Governance to include the principle that routine decisions (adequately signposted and communicated to Members) will be made in correspondence. Proposed wording is provided in red at Appendix 1, alongside a comparison with peer police authority practice.
- c. **Force Business Planning has been finessed** through the introduction of requirement for report authors to place a digital request for an item to be included on the agenda at Force Executive Board / Chief Officer Group. This digital request (akin to a ‘ticket’ raised on the Force intranet for a service e.g. requesting a new laptop) will prompt authors to confirm proposed budget(s) of business cases, leases etc to ensure the correct approval pathway (i.e. up to BTPA Committee and Full Authority) is followed. The placing of a ticket requiring BTPA approval can trigger an alert to the BTPA Executive to expect an item for decision and likely timeline, which will aid the forward look referred to above. This revised approach will also guard against inadvertent breaches of the BTPA Scheme of Delegations.
- d. **Past decisions will be transparently monitored.** Whereas progress reporting on major programmes (e.g. London Estates) has been made to date to the Strategy and Planning Committee, there has not been any holistic framework for monitoring past decisions

made by the Full Authority with regards major projects and/or business cases. In keeping with the forward look described above, past decisions will be tabulated and progress on delivery updated quarterly and signposted to Members, alongside a likely date at which project completion reports can be expected to be reported to Strategy and Planning Committee.

6. Further Solution– Business Planning for Decisions in Correspondence

- a. **Earlier Member Engagement with Major Decisions.** At Strategy and Planning Committee on 4 September 2024 the Chief Constable noted that, where BTPA decision-making and scrutiny had worked well from a Force perspective, there had been Member engagement with the proposed business case(s) at an early stage of business case development (c.f. London Estates). The BTPA Executive will, in consultation with the Force, work to determine what that early engagement might look like in practice, alongside the process through which Member engagement is disseminated effectively across the Full Authority in advance of any major decisions being taken.

7. The Solution in Practice - Providing a Decision in Correspondence

- a. The BTPA Executive will continue to share decisions in correspondence with Members on *Board Intelligence*. In keeping with practice adopted over Summer 2024, each pack will now include a blank annotations sheet for Members to provide their annotations in one place. These annotations will be monitored, and responses provided in a live document incorporated into the decision paperwork. Any Member comments provided outside of *Board Intelligence* (noting cyber best practice that comments should be provided by BTP email address / via *Board Intelligence*) will be similarly incorporated into this live document.
- b. As a failsafe in the event of Member disquiet regarding a proposed decision being taken in correspondence, and in keeping with Members' ability to convene a meeting of the Full Authority under the BTPA Code of Governance, a total of five Members can request that any decision in correspondence they feel to be contentious should be the subject of an extraordinary meeting of the Full Authority.
- c. E-signatures via *Board Intelligence* will no longer be used, to allow Members to instead provided nuanced approvals to the issue in question.

8. Board Effectiveness Review Action Plan 2024 / Delivery at Q1 2024/25

- a. This paper has sought to deal with three recommendations arising from BER2024. A tabulated assessment of progress against the wider BER2024 Action Plan is provided in the Background Pack as Appendix 2.

Appendix 1 / Proposed Amendment to BTPA Code of Governance and Comparison of Decision-Making in Correspondence by Peers

BTPA Code of Governance (June 2024) Decisions between Scheduled Meetings²

'If between scheduled meetings of the Authority and/or its Committees if the Chair of the Full Authority / relevant Committee has decided, on the advice of the Chief Executive, that a decision in advance of the next scheduled meeting is necessary, then the Authority and/or its Committee may take a decision in one of the following ways:

- A virtual or in-person meeting called at short notice.
- A quorum of Members, including the Chair, considering the decision via correspondence and confirming their support.

Underpinning this procedure for decisions between scheduled meetings are the following principles:

- Issues requiring decision by Members should be submitted to a scheduled meeting in the first instance, unless in the opinion of the Chair in consultation with the Chief Executive this would impose an unreasonable delay on timely decision-making. [This paper proposes that this preceding paragraph is replaced by the red text, below]
- Significant issues requiring decision by Members should be submitted to a scheduled meeting, unless in the opinion of the Chair in consultation with the Chief Executive this would impose an unreasonable delay on timely decision-making. More routine issues may be presented to Members in correspondence in the first instance, to ensure formal meeting agendas are kept free for more strategic matters.
- The Force and/or Authority Executive will provide a report, as far as is practicable, as if the decision were being reported to a scheduled meeting of the Full Authority / Committee.
- Members will be given, as far as is practicable, one calendar week to consider the decision acknowledging there may be occasions where an unforeseen issue requires decision against a shorter deadline.
- A decision made between scheduled meetings will be reported in writing to the next scheduled meeting of the Authority or relevant Committee for information.'

SPA Corporate Governance Framework³

'In exceptional circumstances where there is urgent business of the Board or a Committee or Sub-Committee and it is not practicable for an ordinary meeting or a special meeting to be convened the Exceptional Circumstances Committee may deal with the urgent business.'

² BTPA Code of Governance Annex 2 (Procedural Standing Orders) paragraph 24

³ Scottish Police Authority Corporate Governance Framework Appendix A Paragraph 12

City of London Corporation Standing Orders⁴

‘Decisions Between Meetings: Between scheduled meetings of each Committee or Sub-Committee, if:

- In the opinion of the Town Clerk, it is urgently necessary for a decision to be made; or
- The Committee or Sub-Committee have delegated power to the Town Clerk to make a decision.

Then the powers of the Committee or Sub-Committee may, where lawfully possible, be exercised by the Town Clerk. Before exercising this power, they shall seek and obtain the comments of the Chair/Chairman and Deputy Chair/Chairman of the Committee or Sub-Committee or, failing either of them, their nominees. Other than where circumstances make it impracticable, the wider views of the Committee or Sub-Committee membership shall also be sought. Each action or decision shall be reported to the next regular meeting of the Committee or Sub-Committee.’

Northern Ireland Policing Board Standing Orders⁵

‘Where any question arises which would normally be referred to the Board or a Committee but cannot await the next scheduled meeting and the Chairperson, or in his/her absence the Vice-Chairperson, of the Board or Committee considers it inappropriate to convene a special meeting, the matter may be decided by the Chairperson or in his absence the Vice-Chairperson. Decisions taken under these circumstances must be taken in consultation with the Chairperson, Vice-Chairperson and Chief Executive of the Board and be reported to the next meeting of the Board or Committee.’

Policing Authority Standing Orders⁶ [An Tudaras Poilneachta]

‘In the event of a need arising for a formal Authority decision in relation to a matter between scheduled Authority meetings, and where appropriate to do so, the Chairperson may decide to circulate a paper setting out the matter for a decision and for any relevant supporting material for consideration and decision of the Authority by written procedure. In these circumstances the Secretary will circulate to all members, setting a deadline for the receipt of Members views and allowing a minimum of one day for consideration of the matter. The Secretary will inform the Chairperson of responses received and the matter will be decided in accordance with the consensus of responses received from Members by the deadline provided subject to responses being received from a quorum of Members. In the event that it is not possible to reach consensus by written procedure the matter will be brought the next meeting of the Authority. Any decisions made by written procedure will be recorded in the minutes of the subsequent Authority meeting.’

Appendix 2 / Board Effectiveness Review Action Plan 2024 / Delivery at Q1 2024/25

Provided in the [1 October 2024] Full Authority / Background Pack

⁴ Standing Orders of the County of Common Council Paragraph 41

⁵ Northern Ireland Policing Board Standing Orders Paragraph 21

⁶ Policing Authority Standing Orders p.8