

SCHEME OF DELEGATION

Introduction

1. This document outlines the delegated decision-making powers for the Standards Commission for Scotland (“Standards Commission”). It includes decisions made under statutory powers along with ones on governance and staffing matters, and in respect of the organisation’s Rules, policies and procedures.
2. All decisions will be made in line with the Scottish Public Finance Manual and the Framework Agreement between the Standards Commission and Scottish Parliamentary Corporate Body (SPCB).
3. All reference to “the Act” below is to the Ethical Standards in Public Life etc. (Scotland) Act 2000. “Members” means a formal and recorded decision taken by all Commission Members (as opposed to decisions taken by individual Members).
4. The tables below outline who is responsible for making certain types of decision. These do not include decisions delegated to certain individuals under the Act, or other Rules, policies and provisions (such as ones delegated to the Accountable Officer by the SPCB, ones delegated to the Chair of a Hearing Panel under the Hearing Rules, ones outlined in the Finance and Procurement Policy, and ones delegated to Committees of the Standards Commission under their terms of reference).

CASES		
Decisions under the Act and in respect of referrals	Authorised decision-maker	Alternative decision-maker
Sections 10 and 11 (oversight direction to the ESC and ones requiring ESC to provide information)	Members	N/A
Section 15 (publication of ESC’s report)	Executive Director	Convener
Section 16 (action on receipt of ESC’s report)	Members	N/A
Section 17 (requiring attendance as a witness and production of documents)	Hearing Panel	Members
Section 19 (imposition of sanction)	Hearing Panel	Members
Section 21 (seeking interim report from ESC)	Members	N/A
Section 21 (interim suspension pending completion of investigation decision)	Panel of three Members	Members
Cases related policies and procedures	Members	N/A
Hearing Rules	Members (substantive changes)	Executive Director (all other changes)
Decisions under Hearing Rules (such as on adjournment requests and requests to hold Hearing in private)	Executive Director	Hearing Panel
Management of cases	Executive Director	Caseworker
Decision in respect of defending appeal	Members	N/A
Decision to seek opinion of Counsel	Convener	Members
Management of appeal	Executive Director	Convener

NON-SPECIFIC CASE LEGAL ADVICE		
Decisions under the Act and in respect of referrals	Authorised decision-maker	Alternative decision-maker
Decision to seek legal advice / extent of advice being sought	Convener	Members
Appointment of legal advisers	Executive Director	Convener

GOVERNANCE / DEALINGS WITH SPCB		
Decisions under the Act and in respect of referrals	Authorised decision-maker	Alternative decision-maker
Approval of framework documents	Members	N/A
Approval of service level agreements / Memorandums of understanding	Members	N/A
Budget proposal	Members	N/A
Seek contingency / surrender funds	Members	N/A
Approval of Standing Orders	Members	N/A
Approval of Corporate/Strategic Plans & Risk Register	Members	N/A
Members' Code of Conduct	Members	N/A
Approval of Annual Accounts	Members	N/A
Annual Report content	Members	N/A
Insurance and Indemnity Arrangements	Executive Director	Audit & Risk Committee Chair
Committee Structures and Terms of Reference	Members	N/A
Governance related policies (including ones relating to business continuity, risk management, data protection and disposal, fraud protection and whistleblowing, and HR).	Members	N/A
Records Management Plan (5 years) Process Update Reviews (PUR) (annual)	Members Executive Director	N/A Office Manager
Audit management and responses	Executive Director	Audit & Risk Committee Chair
Equality Impact Assessments	Executive Director	HR Committee Chair

CONTRACTS		
Decisions under the Act and in respect of referrals	Authorised decision-maker	Alternative decision-maker
Signing of contract	Executive Director	Convener
Contract management	Executive Director	Office Manager

STAFFING MATTERS		
Decisions under the Act and in respect of referrals	Authorised decision-maker	Alternative decision-maker
Approval of recruitment process for Executive Director post	Members	HR Committee
Appointment of Executive Director	Members	HR Committee
Approval of recruitment process for all other members of staff	Executive Director	HR Committee
Appointment of all other members of staff	Executive Director	HR Committee
Formal disciplinary, grievance or other serious employment matters affecting a member of staff (other than the Executive Director)	Executive Director	HR Committee
Formal disciplinary, grievance or other serious employment matters affecting a member of staff (Executive Director only)	Convener	HR Committee
Appeal in respect of any formal disciplinary, grievance or other serious employment matters affecting a member of staff (other than the Executive Director)	HR Committee	Convener
Appeal in respect of any formal disciplinary, grievance or other serious employment matters affecting a member of staff (Executive Director only)	HR Committee	SPCB
Approval of leave (sickness absence, annual and flexi leave), references	Convener (Executive Director's absence and leave requests) Executive Director (all other staff)	HR Committee Chair
Appraisals and training	Convener (Executive Director's appraisal and training) Executive Director (all other staff)	HR Committee Chair

PRESS		
Decisions under the Act and in respect of referrals	Authorised decision-maker	Alternative decision-maker
Enquiries	Executive Director	Convener
General releases	Convener	Members
Case specific releases	Hearing Panel	N/A

STAKEHOLDERS		
Decisions under the Act and in respect of referrals	Authorised decision-maker	Alternative decision-maker
Correspondence with Ministers, MSPs, MPs, MEPs	Convener	Members

FINANCE		
Decisions under the Act and in respect of referrals	Authorised decision-maker	Alternative decision-maker
Approval of travel and expense claims – Convener	Executive Director	Audit & Risk

		Committee Chair
Approval of travel and expense claims – Members	Executive Director	Convener
Approval of travel and expense claims – Executive Director	Convener	Audit & Risk Committee Chair
Approval of travel and expense claims – Other staff	Executive Director	Audit & Risk Committee Chair

REVIEW

5. The Scheme of Delegation will be reviewed triennially.



Summary of changes made to the document				
Date	Action by (initials)	Version Updated	New Version number	Brief Description
30/09/2019	LJ	N/A	2019v1	Scheme of Delegation – Members Approval
29/10/2019	LJ	2019v1	2019v1.1	Addition in respect of decisions under Section 21 of 2000 Act
26/04/2021	LJ	2019v1.1	2021 v1.0	Addition in respect of Caseworker being alternative decision-maker in respect of management of cases. Change references from 'Business Manager' to 'Office Manager'