

<b>Title</b>	<b>Scheme of Delegation</b>
<b>Version</b>	<b>1.5</b>
<b>Author</b>	<b>Director Corporate Services</b>
<b>Reviewer</b>	<b>Board</b>
<b>Review Date</b>	<b>12 December 2022</b>
<b>Distribution</b>	<b>Board Members, Staff, Website</b>

# Scheme of Delegation

## **Introduction**

1. This scheme specifies authority delegated by the Board under its functions as detailed in Section 3 to 13 of the Criminal Justice (Scotland) Act 2003; The Risk Assessment and Management (Accreditation Scheme) (Scotland) Order 2006; and in the Management Statement and Financial Memorandum.
2. The scheme covers four key areas of delegated authority:
  - 2.1 delegations to the Convener of the Board
  - 2.2 delegations to Committees of the Board
  - 2.3 delegations to the Chief Executive
  - 2.4 delegations to the Director Corporate Services
3. The Scheme of Delegation shall be reviewed at least every three years. This shall not preclude a review being conducted before this time, should it be considered necessary by the Board.

## **Scheme of Delegation – Authority Reserved to the Board**

4. The following are reserved to the Board and are therefore excluded from any scheme of delegation however, maybe subject to the provision of the RMA Standing Order.

## **Governance**

5. determining the objectives of the Board
6. The appointment of a member of the Board
7. to preside at any meeting from which the Convener and the Vice-convener are absent
8. the appointment to standing committees and any ad-hoc committee of members to discharge a specific function on the Board's behalf
9. the appointment and dismissal of the Chief Executive and Director Corporate Services

10. the remuneration and conditions of service of the Chief Executive, Director Corporate Services and Staff
11. the recognition of trades unions, professional associations and other staff associations operating within the Authority for the purposes of both formal consultation and negotiation
12. the establishment and membership of any subsidiary company (set up within the Companies Acts). The Board shall also agree the winding up of any such company
13. the negotiating of, or entering into strategic alliances or partnerships with other bodies.

### **Strategic Planning**

14. approval of the Authority's Corporate Plan
15. approval of the Authority's Business Plan.

### **Finance**

16. approval of Authority financial budget
17. upon consideration of the Audit Committee, approval of the Annual Audit Report
18. borrowing money and, in connection with such borrowing, granting securities or giving guarantees or indemnities
19. granting loans to third parties.

### **Estate**

20. the acquisition and disposal, or lease of property
21. approval of capital expenditure in relation to property

### **General**

22. For the avoidance of doubt: the Board has the authority to modify, rescind or withdraw any matter which, in accordance with this Scheme, has been delegate

### **RMP Approval Process**

23. approval of organisational procedures governing RMP approval process.

### **Implementation and review of risk management plans**

24. approval of organisational procedures governing implementation and review of risk management plans.

### **Directions**

25. power to issue direction under CJSA section 8(6) requires Board approval

26. power to issue direction under CJSA section 9(2) requires Board approval

### **Scheme of Delegation – Authority Reserved for the Convener of the Board**

27. The Convener of the Board is authorised to:

### **Governance**

28. call a special meeting of the Board

29. conduct annual development and performance reviews with Board Members and the Chief Executive

30. represent the Authority at appropriate conferences and events

31. Appoint Vice-convener

32. Chair the Accreditation Appeals Committee

33. Appoint Committee Chairs

### **Scheme of Delegation – Authority Reserved to Committees of the Board**

34. There is delegated to each committee of the Board all functions relative to:

## **Governance**

35. reviewing matters of policy related to the work of the committees
  
36. each committee may exercise and perform on behalf of and in the name of the Board, all of the authority, powers and duties of the Board in relation to the functions delegated to the committee
  
37. the Board will issue each committee a set of Terms of Reference detailing delegated power
  
38. the list of Committees established by the Board are:
  - 38.1 Accreditation Committee
  - 38.2 Accreditation Appeals Committee
  - 38.3 Audit & Assurance Committee
  - 38.4 Research Committee

## **Scheme of Delegation – Authority Reserved to the Chief Executive**

39. The Board of the Risk Management Authority is the body responsible for ensuring the proper conduct of the Authority's affairs. By virtue of the Chief Executive's authority and responsibilities as Accountable Officer, the Board recognises the need to empower the Chief Executive to discharge his or her duty to ensure the orderly conduct of the business of the Authority, in a timely and efficient manner.
  
40. Subject to the reserved areas (set out above), the Board delegates full authority to the Chief Executive to act on its behalf in all matters affecting the well-being of the Authority, subject to the following principles:
  - 40.1 The Chief Executive will act within the terms of the prescribed conditions of his or her appointment:
    - 40.1.1 consistent with the Authority's budgets approved by the Board;
    - 40.1.2 consistent with the Authority's Corporate Plan and objectives;

40.1.3 in conformity with relevant legislation and externally prescribed conditions, including the Chief Executive's responsibilities under the Management Statement and Financial Memorandum.

40.2 All further delegation to members of staff derives from the Chief Executive;

40.3 In his or her absence, the Chief Executive may delegate authority to an appropriate senior manager, acting on his or her behalf, subject to the approval of the Convener of the Board;

40.4 Delegation of specific authority is shown in Appendix A – Specific Delegated Authority.

41. The Chief Executive is authorised and has delegated authority to:

## **Governance**

42. facilitate the management of the Authority within the framework determined by the Corporate Plan, the approved budget and any other policies determined by the Board;

43. upon consideration of the Convener of the Board and in consultation with Board Members, as considered appropriate by the Convener and Chief Executive, to respond on behalf of the Board to consultative documents which may from time to time be sent to the Authority by the Scottish Parliament, or other external agencies;

44. consult on behalf of the Board with local and national stakeholders about the priorities contained within the Corporate Plan;

45. review the performance of the Director Corporate Services against predetermined targets, in accordance with the policy of the Board;

46. sign and date the public interest report, remuneration report, governance statement and the financial statements contained within the annual report and accounts;

47. accept gifts of money, other property and services on behalf of the Authority (and in accordance with the Authority's policy on the receipt of gifts) and to determine their application, or to set up a trust to hold or administer them for the purpose for which they have been established;
48. take out membership of and to attend meetings of appropriate external bodies and professional associations where it is compatible with the duties of the Chief Executive and in the interests of the Authority.

### **Staffing**

49. determine an appropriate staff structure for the Authority consistent with the conditions of employment which currently apply after consultation and (where appropriate) negotiation with representatives of recognised trades unions and professional associations;
50. authorise the appointment of staff to the Authority, within the agreed budget approved by the Board, in circumstances where the power to appoint has not been delegated to a Committee or is not reserved to the Board;
51. take disciplinary action against staff of the Authority up to and including dismissal subject to complying with the disciplinary procedures laid down by the Board;
52. approve the secondment of staff of the Authority to external agencies where the cost for the secondment may be recovered, subject to the conditions of the secondment. To approve the appointment, where necessary, of a temporary replacement for the duration of the secondment;
53. consult and negotiate with representatives of recognised trades unions and professional associations on behalf of the Board.

### **Finance**

54. Subject to the Annual Report and Accounts being approved by the Audit Committee the Convener is authorised to sign the Annual Report and Accounts on behalf of the Board



55. authorise staff and make financial contributions to enable them attend courses and conferences, educational visits and excursions within or out with the UK;
56. enter into and negotiate contracts and other binding arrangements for the supply of goods and services (whether bought, leased, hired or otherwise acquired) to the Authority on behalf of the Board, or to authorise another to enter into such contracts for any amounts, in accordance with the conditions set out in Appendix A provided that such amounts are consistent with the budget agreed by the Board and all in accordance with the Authority's Procurement Procedures;
57. sign cheques or approve electronic payment transfers, in accordance with the provisions for cheque signatories.

#### **Estates**

58. arrange for any necessary alterations to Authority property and to enter into contracts and to incur capital expenditure amounts which are consistent with the budget agreed by the Board, and subject to tender procedures laid down by the Board and in accordance with the conditions set out in Appendix A.

#### **RMP Approval Process**

59. All powers as laid out under Section 8 of the CJSa are delegated to the Chief Executive with the exclusion of the issuance of directions under section 8(6). The Chief Executive shall operate in accordance with the Board approved RMP Approval process.

#### **Implementation and review of risk management plans**

60. All powers as laid out under Section 9 of the CJSa are delegated to the Chief Executive with the exclusion of the issuance of directions under section 9(2). The Chief Executive shall operate in accordance with the Board approved RMP Approval process.

#### **Scheme of Delegation – Authority Reserved to the Director Corporate Services**

61. The Director Corporate Services is authorised and delegated to:

#### **Governance**

---

62. call meetings of the Board and its committees and to issue agendas and papers;
63. keep proper records and minutes of the Board's and committees' proceedings;
64. make available for inspection at the Authority copies of the Agenda, Draft Minutes and Approved Minutes of any meeting of the Board or any committee and also of any report or other document considered by such a meeting where such items are not classified as restricted;
65. ensure returns to Scottish Government, Audit Scotland and other regulatory bodies are made timeously;
66. advise the Board on governance matters and to ensure that it acts within its Standing Orders.

**Finance**

67. sign cheques or approve electronic payment transfers, in accordance with the provisions for cheque signatories

**General**

68. Deputise in the absence of the Chief Executive and take such measures as may be required in emergencies on any items for which approval of the Board or Committee would normally be necessary.

## Specific delegated authority

<b>1. Expenditure / Revenue</b>	
a) Transactions <£10k (including cumulative annual expenditure)	Director Corporate Services
b) Transactions <£25k (including cumulative annual expenditure)	Chief Executive following consultation with the Director Corporate Services
c) Transactions >£25k	RMA Board
d) All Transactions >£50k	Approval must be obtained by Sponsor Department
<b>2. Non-salary Expenditure Commitments (consumables)</b>	
a) Purchase Orders and Other non-salary expenditure <£10k	Heads of Section plus Director Corporate Services
b) Purchase Orders and Other non-salary expenditure £10k - £20k	Heads of Section plus Director Corporate Services and Chief Executive
e) Expenses Claims <£499	Heads of Section plus Director Corporate Services
f) Expenses Claims >£500	Heads of Section plus Director Corporate Services and Chief Executive
<b>3. Staff</b>	
a) Formal Offers of Appointment	Chief Executive following consultation with Director Corporate Services
b) Engagement and payment of – i. Casual Staff ii. Agency Staff	Director Corporate Services
c) Promotions	Chief Executive following consultation with the Director Corporate Services
d) Overtime payments	Director Corporate Services
e) Voluntary Severance	Chief Executive following consultation with the Director Corporate Services. Delegated authority to be obtained from the Board.

f) Termination of Employment (ie dismissal, redundancy and medical incapacity)	Chief Executive following consultation with the Director Corporate Services. Appeals: RMA Board and Convener
g) Negotiations and pay awards	Board and Chief Executive.
<b>5. Estates Expenditure</b>	
a) Within approved budgets	Chief Executive following consultation with the Director Corporate Services.
b) Outwith approved budgets <£10K	Chief Executive following consultation with the Director Corporate Services
c) Outwith approved budgets >£10K	RMA Board
<b>6. Financial Transactions, Borrowing, Lending and Investment</b>	
a) Treasury Management – borrowing, lending and investment	Matter reserved for Sponsor Department.
In the event that the Chief Executive is not available due to holidays or illness then the Director Corporate Services can for the purpose of delegated authority act for the Chief Executive.	
<b>7. RMP Approval and Implementation process</b>	
<b>a) RMP Approvals</b>	All powers as laid out under Section 8 of the CJSA are delegated to the Chief Executive with the exclusion of the issuance of directions under section 8(6).
<b>a) Implementation and review of risk management plans</b>	All powers as laid out under Section 9 of the CJSA are delegated to the Chief Executive with the exclusion of the issuance of directions under section 9 (2).

**Change Log:**

<b>Date</b>	<b>Version</b>	<b>Reviewer</b>	<b>Original</b>	<b>Amendments</b>
16/03/15	1.3	Board		No amendments
21/03/16		Board		No amendments
20/02/17		Board		No amendments
19/11/18		Board		No amendments
15/04/19		Executive		Format changed in accordance with Corporate style
15/04/19		Board		No amendments
21/10/19	1.4	Board		<p>Dissolve Remuneration Committee and return all functions to the Board</p> <p>Amend 10 upon consideration of the Remuneration Committee</p> <p>Delete 33 Chair the Remuneration Committee</p> <p>Delete 39.5 Remuneration Committee</p> <p>Appendix A; 3G delete delegated to the Remuneration Committee</p>
15/06/20		Board		
18/10/21		Board		
12/12/22	1.5	Board		Added 38.4 to reflect establishment of Research Committee