

Ethical Standards Commissioner

Scheme of Delegation

Relating to the overall
management of the organisation

1 October 2024

Introduction

The Ethical Standards Commissioner is an independent regulator appointed by the Scottish Parliamentary Corporate Body, approved by the Scottish Parliament. The Commissioner's statutory functions and responsibilities are set out in primary legislation.

The need for a framework that provides clarity about the duties, roles and responsibilities of all staff is imperative for all organisations to secure efficient and effective systems of leadership, management and operation, to manage risk effectively and deliver require outcomes. This is the basis for establishing a Scheme of Delegation (the “**SoD**”).

The Commissioner's powers and functions are set out in the [Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#). This SoD describes how the Commissioner delegates his powers and functions as they relate to the overall management and operation of the office.

This SoD has been designed to address:

- who has designated responsibility for specific tasks and actions
- who has the power to make decisions
- what level of decisions individuals are authorised to make
- when and with whom consultation needs to take place in relation to review, approvals and sign-off
- who has delegated authority during any periods of absence of the Commissioner or members of the Senior Management Team

Schemes of Delegation regarding the work of each function are also available.

Purpose of the SoD

The SoD is included as an **Appendix** to this document. It sets out the powers and decisions reserved only for the Commissioner with regard to overall management of the organisation and those delegated to the following postholders:

Senior Management Team

- Head of Corporate Services (HCS)
- Hearings and Investigations Officer (HIO)
- Public Appointments Manager (PAM)
- Senior Investigating Officer (SIO)

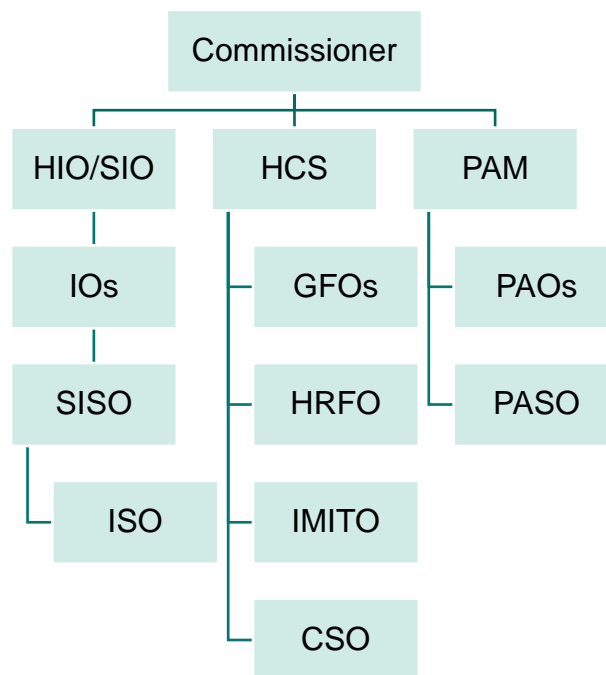
Others

- Investigating Officers (IOs)
- Senior Investigations Support Officer (SISO)

- Investigations Support Officer (ISO)
- Public Appointments Officers (PAO)
- Public Appointments Support Officer (PASO)
- Governance & Finance Officers (GFO)
- HR & Facilities Officer (HRFO)
- Information Management & IT Officer (IMITO)
- Corporate Support Officer (CSO)

Organisational Structure

The organisational structure of the wider organisation, ultimately accountable to the Commissioner, is set out in the diagram below. This structure forms the basis of the approach to decision making and actions as set out in this SoD.



Key Points relating to the operation of a SoD

- All delegated powers and responsibilities must be operated in accordance with all contractual terms, job descriptions and applicable policies.
- Any member of staff who is promoted either temporarily or on a permanent basis into any of the relevant roles listed in the SoD will take on the delegated authority applicable to the role on either a temporary or permanent basis.

- The delegated authorities are devolved to specific roles and are not transferrable. Each individual member of staff will become eligible to carry out the tasks for which they have specific delegated authority upon commencement of their appointment to that particular role. Any member of staff who moves to a role within the office will relinquish all delegated authority given to them in their previous role upon leaving the post.
- The Commissioner reserves the right to withdraw delegated powers and decisions from any member of staff on either a permanent or temporary basis if required.
- The delegation of certain functions shall not prevent the Commissioner from undertaking any of these duties personally.
- The HCS is responsible for making sure that other members of staff know about the provisions and obligations set out in this SoD.
- To improve office resilience, respond to workloads or deal with a backlog of complaints, the Commissioner may from time to time delegate additional powers to any individual post holder that is not normally held within their role. Such delegation will be in writing.
- This SoD does not attempt to list all matters that form part of everyday management responsibilities, rather it covers the delegation of powers and functions by the Commissioner in relation to the efficient and effective operation and management of the office.
- This SoD will be reviewed when changes to ESC structure, personnel, procedures or legislation require it and at least every three years. Notification of any changes to the SoD will be provided to the team.

Peer Review

- Peer review forms an integral part of operating an effective SoD and is an important component of ensuring a robust quality assurance process is in place around all the work we do.
- Everyone benefits from the peer review process.

Conflicts of Interest

- Where there is an actual or perceived conflict of interest, all delegations herein are withdrawn in relation to that specific conflict for the individual making the declaration.

The Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner) delegates to the under noted post-holders, the authority to exercise the following duties. In addition, the table highlights the key tasks underpinning the overall operation of the Commissioner's office. This document will be reviewed when changes to ESC structure, personnel, procedures or legislation require it and at least every three years.

CONTENTS	Page No.
ABSENCE PROVISIONS for SENIOR MANAGEMENT	2
HR and STAFF MANAGEMENT	4
FINANCIAL ACTIVITIES	6
CONTRACTS	10
ORDERING AND PAYING FOR GOOD AND SERVICES	11
DOCUMENTATION	14
SCHEMES OF DELEGATION for EACH FUNCTION	16
APPROVAL	17
ORGANISATION CHART	18

ABSENCE PROVISIONS for SENIOR MANAGEMENT	
ITEM	DELEGATED AUTHORITY
In the event of the short-term absence or planned leave (up to one month), duties will be assigned as follows:	
<ul style="list-style-type: none"> Commissioner 	The remaining Senior Management Team (SMT) will use precedents, Schemes of Delegation and a policy of peer review to enable the office to function in the short-term. Advice will be sought from advisors, the Public Appointments Advisers (PAAs), the Advisory Audit Board (AAB) and the Scottish Parliamentary Corporate Body (SPCB) as necessary.
<ul style="list-style-type: none"> Head of Corporate Services 	Commissioner with the support of the Corporate Services Team
<ul style="list-style-type: none"> Hearings and Investigations Officer 	Senior Investigating Officer with the support of the nominated Investigating Officer as set out in the Standards Team Scheme of Delegation .
<ul style="list-style-type: none"> Public Appointments Manager 	Commissioner with the support of the Public Appointments Team
<ul style="list-style-type: none"> Senior Investigating Officer 	Hearings and Investigations Officer with the support of the nominated Investigating Officer as set out in the Standards Team Scheme of Delegation .
In the event of the Commissioner's planned absence of one month or more	The Commissioner has nominated the SMT to undertake decisions on their behalf using precedents, Schemes of Delegation and a policy of peer review and following consultation with advisors, the PAAs, the AAB and the SPCB as necessary. The HCS will co-ordinate the decision-making process during the period of absence. The SPCB will be informed and consulted prior to such an absence.
In the event of the Commissioner's unplanned absence of one month or more	The SMT will refer the matter to the SPCB who may decide to appoint an Acting Commissioner. In the interim, the SMT will undertake decisions on the Commissioner's behalf using precedents, Schemes of Delegation and a policy of peer review and following consultation with advisors, the PAAs, the AAB and the SPCB as necessary. The HCS will co-ordinate the decision-making process during the period of absence.

ABSENCE PROVISIONS for SENIOR MANAGEMENT	
ITEM	DELEGATED AUTHORITY
In the event of prolonged, unplanned absence of both the Commissioner and the Public Appointments Manager.	The remaining SMT members will refer the matter to the SPCB who may decide to appoint an Acting Commissioner. In the interim, the remaining SMT members will undertake decisions on the Commissioner's behalf with the assistance of the Public Appointments Team and using precedents, Schemes of Delegation and a policy of peer review and following consultation with advisors, the PAAs, the AAB and the SPCB as necessary. The HCS will co-ordinate the decision-making process during the period of absence.
In the event of prolonged, unplanned absence of both the Commissioner and the Head of Corporate Services	The remaining SMT members will refer the matter to the SPCB who may decide to appoint an Acting Commissioner. In the interim, the remaining SMT members will undertake decisions on the Commissioner's behalf using precedents, Schemes of Delegation and a policy of peer review and following consultation with advisors, the PAAs, the AAB and the SPCB as necessary. The SMT will nominate a member to co-ordinate the decision-making process during the period of absence.
In the event of the prolonged, unplanned absence of both the Senior Investigating Officer and Hearings and Investigations Officer	The Commissioner will appoint an Investigating Officer on an interim basis to take on the delegated responsibilities of both of the postholders as set out in the Standards Team Scheme of Delegation .

[Return to Contents list](#)

HR and STAFF MANAGEMENT	
ITEM	DELEGATED AUTHORITY
Approving job descriptions	The Commissioner
Approving recruitment packs	The line manager responsible for the appointment
Approving staff terms and conditions	The Commissioner in line with SPCB's terms and conditions and after consideration of budgetary, lasting and other implications. NB: T&Cs should be analogous to those to the SPCB and not more generous.
Signing contracts of employment	The Commissioner
Amending the template contract of employment	The Commissioner
Amending individual contracts of employment	The relevant line manager after consultation with the Commissioner and HCS or HRFO
Amending terms and conditions as set out in policies	For those with meaningful and long-term impact - the Commissioner Details are set out in the Policy Register
Approving letters of regret – not selected for interview	The line manager responsible for the appointment or as delegated
Approving letters of regret – not appointed after interview	The line manager responsible for the appointment
Approving the date of public holidays	The Commissioner
Approving annual and flexi-leave requests up to and including 5 days	The relevant line manager, after ensuring appropriate office cover. If the line manager is not available, any member of the Senior Management Team.

HR and STAFF MANAGEMENT	
ITEM	DELEGATED AUTHORITY
Approving annual leave requests over 5 days	The relevant line manager
Signing off monthly flexi-timesheets	The relevant line manager
Approving training requests	The relevant line manager, after ensuring sufficient budget is available.
Setting staff objectives	The relevant line manager, after taking business and action plans into consideration.
Conducting staff reviews	The relevant line manager
Approving grade increments	The relevant line manager
Restructuring of the staff complement	The Commissioner, following consultation with the SMT, internal auditors, employees, any relevant Trade Unions, the AAB and the SPCB.
Adjustments to the staff complement	The Commissioner, following consultation with the SMT and others as appropriate.

[Return to Contents list](#)

FINANCIAL ACTIVITIES	
ITEM	DELEGATED AUTHORITY
Contracting for the provision of banking services, such as accounts and credit cards	The Commissioner
Approving the bank mandate	The Commissioner
Approving individual ESC credit card holders and their credit limits	The Commissioner
Current credit card holders and limits	<ul style="list-style-type: none"> • Head of Corporate Services - £4,000 • Hearings and Investigations Officer - £2,000 • Governance and Finance Officer (Finance) £1,000
Clearance of monthly credit card statement	Individual card-holder reviews and approves their transactions, following this the Commissioner approves the full statement.
Monthly Review of Bank Statements (bank reconciliation)	Prepared by the Corporate Services Team and approved by the Commissioner or in the Commissioner's absence any member of the Senior Management Team, except the Head of Corporate Services.
Approving Expenses Claims under £500	One of the following, other than the staff member submitting the claim: <ul style="list-style-type: none"> • Any member of the Senior Management Team • Public Appointments Officers • Governance and Finance Officers
Approving Expenses Claims over £500	The Commissioner
Establishing a Direct Debit with a value under £100 per transaction and a contract value under £3,500 or annual value under £1,000.	Reviewed by the Head of Corporate Services and approved by one of the following: <ul style="list-style-type: none"> • Any member of the Senior Management Team • Public Appointments Officers • Governance and Finance Officers

FINANCIAL ACTIVITIES	
ITEM	DELEGATED AUTHORITY
Establishing a Direct Debit with a value £100 and over per transaction or with a contract value over £3,500 or with an annual value over £1,000	Reviewed by the Head of Corporate Services and approved by the Commissioner.
Monthly payroll submission consisting of payroll summary, new start details and amendments	Prepared by the Corporate Services Team and approved by the Head of Corporate Services or the HR & Facilities Officer.
Monthly review of payroll report, payments to HMRC and pension schemes and planned journal entries	Prepared by the Corporate Services Team and approved by the Commissioner.
Monthly payment of net salaries to employees	Payroll provider via BACS, following approval as above
Monthly payment of PAYE and NICs to HMRC	Payroll provider via BACS, following approval as above
Corrections or amendments to the payroll below £1,000	Prepared by the Corporate Services Team and approved by any member of the Senior Management Team.
Corrections or amendments to the payroll £1,000 and over	Reviewed by the Head of Corporate Services and approved by the Commissioner.
Cash advances on salary under £1,000	Prepared by the Corporate Services Team and approved by any member of the Senior Management Team other than the staff member submitting the request.
Cash advances on salary £1,000 and over	Not permitted
Approving the Participation Agreement with the Civil Service Pension Scheme	The Commissioner

FINANCIAL ACTIVITIES	
ITEM	DELEGATED AUTHORITY
Administration of the pension scheme	The Corporate Services Team
Monthly payment of pension contributions to Civil Service Pension Scheme	The Head of Corporate Services. In their absence, the Governance and Finance Officer (Finance) will set up the payment for approval by any member of the Senior Management Team.
Monthly payment of pension contributions to the Partnership Scheme (currently Legal & General)	
<ul style="list-style-type: none"> Up to £3,500 	<ul style="list-style-type: none"> Any member of the Senior Management Team Governance and Finance Officers
<ul style="list-style-type: none"> £3,500 and over 	Any two of the above.
Approving the annual budget submission	Prepared by the Governance and Finance Officers, reviewed by the Head of Corporate Services and approved by the Commissioner.
Approving the monthly funding drawdown request	Prepared by the Corporate Services Team and approved by the Commissioner, or in the Commissioner's absence any member of the Senior Management Team.
Approving journal entries (excluding those associated with monthly credit card and salary processing) with a value	
<ul style="list-style-type: none"> Below £1,000 	Governance and Finance Officers or Head of Corporate Services
<ul style="list-style-type: none"> £1,000 and up to £7,000 	Prepared by the Corporate Services Team and approved by any member of the Senior Management Team.
<ul style="list-style-type: none"> £7,000 and over 	Reviewed by the Head of Corporate Services and approved by the Commissioner.

FINANCIAL ACTIVITIES	
ITEM	DELEGATED AUTHORITY
Using Petty Cash (NB: a maximum of £100 is held in cash)	<ul style="list-style-type: none">• Head of Corporate Services• Any member of the Corporate Services Team• Support and Senior Support Officers

[Return to Contents list](#)

CONTRACTS	
ITEM	DELEGATED AUTHORITY
Following review of the budget and tendering (if appropriate), entering into contracts for goods or services with a total estimated value of:	
Up to £3,500	<ul style="list-style-type: none"> Any member of the Senior Management Team Public Appointments Officers Governance and Finance Officers
£3,500 and up to £7,000	<p>The Head of Corporate Services and one of the following, or two of the following if the Head of Corporate Services is not available:</p> <ul style="list-style-type: none"> Any member of the Senior Management Team Public Appointments Officers Governance and Finance Officers
£7,000 and over	<ul style="list-style-type: none"> Both the Commissioner and Head of Corporate Services. If the Head of Corporate Services is not available, the Commissioner and any member of the Senior Management Team, after consultation with the Governance and Finance Officer (Finance).
Reviewing supplier and contractor performance	The staff member assigned to the oversee the contract
Cancelling or terminating contracts	<p>After assessing the financial and operational impact:</p> <ul style="list-style-type: none"> The Commissioner Any member of the Senior Management Team after consultation with colleagues and as appropriate, legal, accountancy and/or audit advisors.

[Return to Contents list](#)

ORDERING AND PAYING FOR GOODS AND SERVICES	
ITEM	DELEGATED AUTHORITY
Placing orders for goods and services	
<ul style="list-style-type: none"> Up to £200 	Any Support or Senior Support Officers, if purchasing stationery, office equipment, hospitality and travel arrangements.
<ul style="list-style-type: none"> Up to £3,500 	After assessing the financial and operational impact <ul style="list-style-type: none"> Any member of the Senior Management Team Investigating Officers Public Appointments Officers Governance and Finance Officers
<ul style="list-style-type: none"> £3,500 up to £7,000 	Following consideration of the budget, to be authorised by the Head of Corporate Services or the Governance and Finance Officer (Finance) and one of the following, or two of the following if the Head of Corporate Services and Governance and Finance Officer (Finance) is not available: <ul style="list-style-type: none"> Any member of the Senior Management Team Public Appointments Officers
<ul style="list-style-type: none"> £7,000 and over 	<ul style="list-style-type: none"> Both the Commissioner and Head of Corporate Services. If the Head of Corporate Services is not available, the Commissioner and any member of the Senior Management Team, after consultation with the Governance and Finance Officer (Finance).
Approving an invoice for payment (sign off)	The team member who placed the order/contract (contract supervisor) confirms pricing and satisfactory receipt of goods/services
Authorising an invoice for payment	After invoice registered by the Corporate Services Team and approved for payment by the team member who placed the order/contract confirming satisfactory receipt of goods/services.

ORDERING AND PAYING FOR GOODS AND SERVICES	
ITEM	DELEGATED AUTHORITY
<ul style="list-style-type: none"> Up to £3,500 	One of the following other than the person placing and approving the order: <ul style="list-style-type: none"> Any member of the Senior Management Team, except the Head of Corporate Services Public Appointments Officers Investigating Officers
<ul style="list-style-type: none"> £3,500 up to £7,000 	Any two of the following other than the person placing and approving the order: <ul style="list-style-type: none"> Any member of the Senior Management Team, except the Head of Corporate Services Public Appointments Officers Investigating Officers
<ul style="list-style-type: none"> £7,000 and over 	The Commissioner and any one of the following other than the person placing and approving the order: <ul style="list-style-type: none"> Any member of the Senior Management Team, except the Head of Corporate Services
Paying invoices electronically	Via bank account, following invoice authorisation as detailed above.
Up to a value of £7,000	Any staff member with access to the bank account. Currently: <ul style="list-style-type: none"> The Commissioner Head of Corporate Services Public Appointments Manager Governance and Finance Officer (Finance)
£7,000 and over	Any staff member with access to the bank account. Currently: <ul style="list-style-type: none"> The Commissioner Head of Corporate Services Public Appointments Manager

ORDERING AND PAYING FOR GOODS AND SERVICES	
ITEM	DELEGATED AUTHORITY
	<ul style="list-style-type: none">• Governance and Finance Officer (Finance) With the online payment set up in advance and signed off by any member of the Senior Management Team, except the Head of Corporate Services.
Paying invoices by cheque	Consult the Head of Corporate Services or Governance and Finance Officers if required.

[Return to Contents list](#)

DOCUMENTATION	
ITEM	DELEGATED AUTHORITY
Signing formal Deeds, Agreements, Memoranda and Concordats relating to corporate matters	The Commissioner
Signing PAA Service Level Agreements	The Public Appointments Manager
Approving publications	<ul style="list-style-type: none"> • The Commissioner for any new publication types • The relevant Senior Management Team member for any revised publication
Publishing documents/material on the website once approved	<p>One of the following after taking accessibility issues into consideration and after consultation with colleagues and, as appropriate, advisors:</p> <ul style="list-style-type: none"> • Any member of the Senior Management Team • Public Appointments Officers • Governance and Finance Officers • HR and Facilities Officer • Information Management and IT Officer • Any Senior Support or Support Officer
Approving the Annual Report and Accounts	The Commissioner
Approving the statutory Annual Report	The Commissioner
Approving strategic and business plans	The Commissioner
Approving functional annual reports	The Commissioner
Approving media releases	The Commissioner or any member of the Senior Management Team after consultation with colleagues and, as appropriate, advisors.

DOCUMENTATION	
ITEM	DELEGATED AUTHORITY
Responding to media enquiries - simple	Any relevant Support Officer, after taking into consideration precedents and the press protocol.
Responding to media enquiries - complex	Any member of the Senior Management Team after consultation with Support Officers, the Corporate Services Team, colleagues and, as appropriate, advisors.
Responding to requests for information under FOISA ('business as usual' requests)	Any staff member after consulting the Press Protocol, the Corporate Services Team and colleagues as necessary.
Approving responses to requests for information under FOISA	One of the following after consultation with the Corporate Services Team, colleagues and, as appropriate, advisors: <ul style="list-style-type: none"> • Any member of the Senior Management Team • The FOI Panel
Approving responses to requests for review under FOISA	The FOI Panel
Approving responses to requests for information or action under UK GDPR ('business as usual' requests)	Any staff member after consulting the Press Protocol, the Corporate Services Team and colleagues as necessary.
Approving responses to requests for information or action under UK GDPR	One of the following after consultation with the Corporate Services Team, colleagues and, as appropriate, advisors: <ul style="list-style-type: none"> • Any member of the Senior Management Team • The FOI Panel
Responding to investigations undertaken by the Scottish Information Commissioner or Information Commissioner's Office	The Head of Corporate Services after consultation with the Commissioner, the Corporate Services Team, colleagues and, as appropriate, advisors.

DOCUMENTATION	
ITEM	DELEGATED AUTHORITY
Health and Safety risk assessments of office premises	The HR and Facilities Officer
Remote working and individual Health and Safety risk assessments	Any trained member of staff
Responding to consultations	The Commissioner or any member of the Senior Management Team after consultation with colleagues and, as appropriate, advisors.
Approving minutes produced internally for publication	The Commissioner or relevant Senior Management Team member
Approving minutes produced externally	The staff member attending the meeting
Approving office policies and procedures	The Commissioner or members of the Senior Management Team as set out in the Policy Register .
Approving branding, logo and website design	The Commissioner
Approving the risk register	The Commissioner, following consultation with the SMT, internal auditors and the AAB.

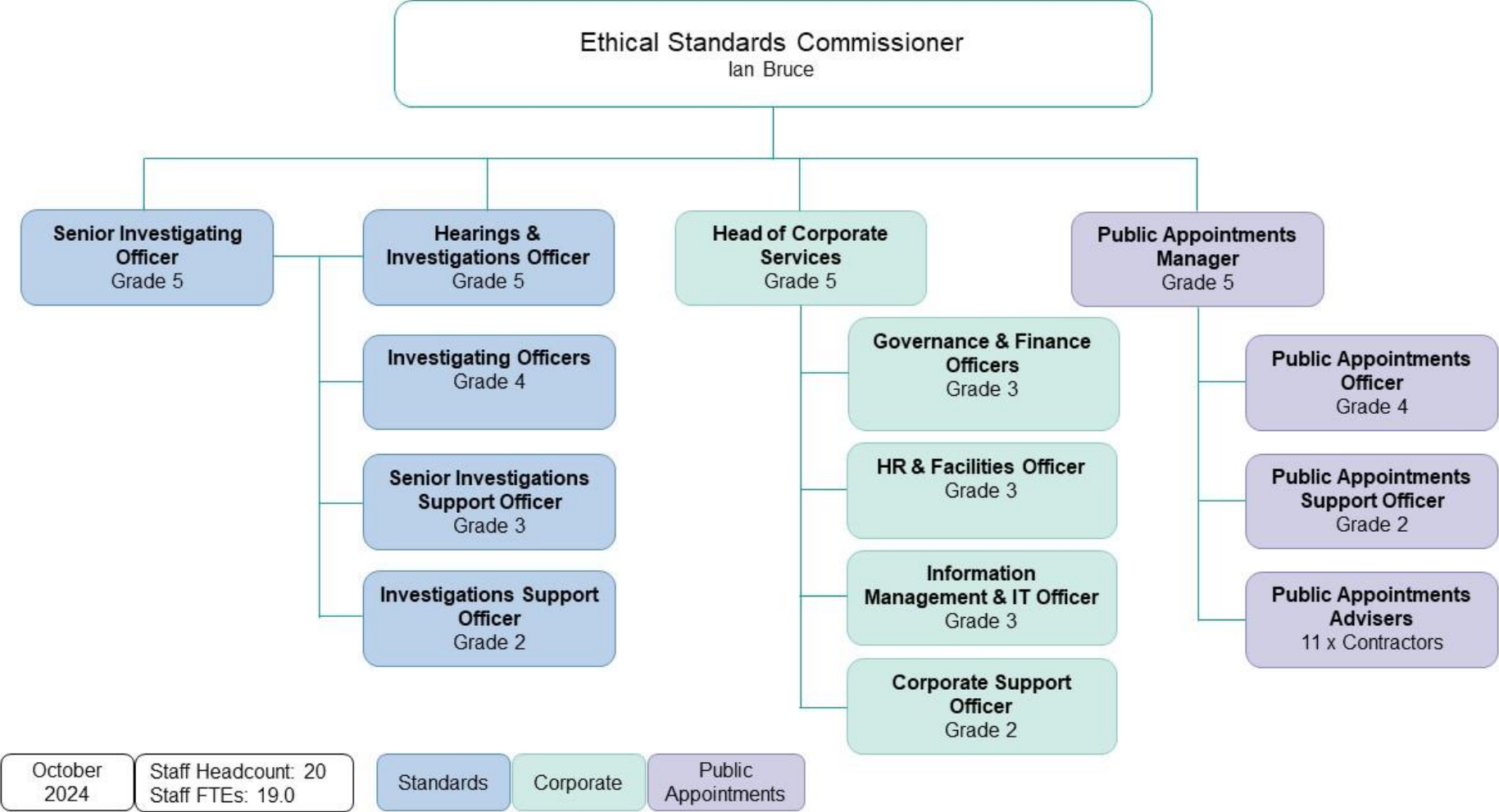
SCHEMES OF DELEGATION for EACH FUNCTION	
Corporate Services	Scheme of Delegation Corporate Services DRAFT
Public Appointments	Scheme of Delegation Appointments October 2018
Standards	Standards Team Scheme of Delegation September 2023

[Return to Contents list](#)

APPROVAL	
Signed	
Name:	Ian Bruce
Title:	Ethical Standards Commissioner
Date:	1 October 2024

[Return to Contents list](#)

ORGANISATION CHART



[Return to Contents list](#)