



**SCOTTISH**  
**FIRE AND RESCUE SERVICE**

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**Report to: THE BOARD OF THE SCOTTISH FIRE AND RESCUE SERVICE**

**Report No: B/BS/03-15**

**Date: 26 MARCH 2015**

**Report By: CHIEF OFFICER ALASDAIR HAY**

**Subject: REVIEW OF THE SCOTTISH FIRE AND RESCUE SERVICE INTERIM SCHEME OF DELEGATION**

## **1 PURPOSE**

- 1.1 The purpose of this report is to inform Board Members of the outcomes of a review of SFRS's Interim Scheme of Delegation ("the Scheme").

## **2 RECOMMENDATION**

2.1 Members are invited to:

- a) note the review process;
- b) approve the proposed changes to the Scheme, which are outlined in Section 4 (entitled "Outcomes of the Review") of this report, and
- c) approve the arrangements for implementing the proposed changes.

## **3 BACKGROUND**

- 3.1 Upholding and implementing principles of good governance within a corporate body requires certain key policies and procedures to be applied (in a standardised fashion) throughout the entity. A clear and coherent system for decision-making within the corporate body can greatly assist and facilitate with the upholding of such policies and procedures. A scheme of delegation is an important feature of a decision-making system and fundamental to corporate governance arrangements. A scheme of this nature can assist with clearly setting out powers, authority and duties delegated by a Board to its

employees and committees. Similarly, a scheme of delegations can provide clarification on those matters requiring decision-making powers to be reserved to the Board.

- 3.2 The SFRS currently has an Interim Scheme in place, which was approved at the Board Meeting held in February 2013. At a subsequent Board meeting held on 25 September 2014, the Chief Officer advised of the necessity for a review of the Interim Scheme of Delegation, in light of the revised SLT structure and SFRS's enhanced strategic management capacity.
- 3.3 The need for reviewing the Scheme was also highlighted following the annual review of the effectiveness of the Board, whereby this task was approved at the Board meeting held on 27 November 2014 as part of a wider improvement plan to address the outcomes of the annual review of the effectiveness of the Board.
- 3.3 The Business Manager has carried out an initial review of the Scheme, following the process outlined at section 4.

#### **4 REVIEW PROCESS**

- 4.1 The outcomes of the review of the Scheme was informed by the Business Manager following the process outlined below:
- An analysis of the scheme of delegation currently in place within comparable public bodies, including Scottish Environmental Protection Agency, Commissioner for Ethical Standards in Public Life in Scotland, Audit Scotland, Scottish Police Authority and various Health Boards;
  - Reviewing relevant guidance documents, including the Scottish Public Finance Manual (SPFM), On Board: A Guide for Board Members of Public Bodies in Scotland and the Good Governance Standard for Public Bodies.
  - Taking cognisance of the outcomes of sessions facilitated by the Chartered Institute for Public Finance and Accountancy (CIPFA), which focussed on systems for decision making by the Board, and
  - Seeking the views of the SFRS Legal Service's Function to gain a legal understanding of the content of the Scheme of Delegation.

#### **5 OUTCOMES OF THE REVIEW**

The outcomes of the review have led to the following proposals being considered as revisals to the current Scheme:

- Ensure the revised Scheme is sufficiently clear about what matters are reserved for decision-making at Board level and what matters are delegated to the Chief Officer and other employees in named roles and committees. To assist with this proposal,

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consideration should be given to developing a schedule of matters reserved to the Board for determination, to be incorporated within the revised Scheme of Delegation;

- Ensure the revised Scheme of Delegation is compliant with the Delegated Authority section of the SPFM, in particular the responsibilities outlined in this section around strategic and financial management responsibilities, which includes those responsibilities delegated to the Accountable Officer. As a result, the content of the revised Scheme should be developed to reflect these responsibilities and ensure content is clear about parameters for decision-making;
- Ensure the wording of the revised Scheme is simplistic and provides as much clarity as possible in terms of what powers are/are not included within the Scheme, and
- Ensure the revised Scheme of Delegation remains up to date and relevant by articulating within the Scheme, the occasions whereby a review may be triggered and providing details of the arrangements for seeking assurances that the revised Scheme will comply with all relevant guidance and authority.

## 6 IMPLEMENTATION OF THE CHANGES

- 6.1 It is proposed that two nominated Board Members work with the Business Manager to support the implementation of the changes proposed at section 5 of this report.
- 6.2 It is proposed that engagement with the SFRS Strategic Sponsorship Team takes place, to agree a list of matters reserved to the Board and ensure that the requirements of the Governance and Accountability Framework Document are where relevant, appropriately reflected in the revised Scheme of Delegation.

## 7 LEGAL CONSIDERATIONS

- 7.1 The Scheme should emphasise that any SFRS employee (or committee) exercising delegated authority must be clear they do so in accordance with the Scheme. It could also be highlighted that it is the personal responsibility of each employee to ensure they act in accordance with the Scheme (perhaps wording to this effect could be added to the revised Scheme). A transaction or agreement creating legal obligations may be open to challenge if an employee authorising on behalf of SFRS does not possess the requisite authority or does not exercise and apply their authority in accordance with the Scheme. Similarly, SFRS could also find itself bound by legal obligations that it would not otherwise have entered into.
- 7.2 Consideration should perhaps be given to how an SFRS employee may prove they hold the requisite authority to bind SFRS to legal obligations (for example, where a Disposition is executed on behalf of SFRS to sell land owned by SFRS, the purchasing party may wish to be provided with proof that the person executing on behalf of SFRS holds the

requisite authority to do so). It may be that documentation can be provided as proof in an instance such as the example above and consideration should be given to what form of documentation would be suitable. (Note – this may only be required (and practical) for those who deal with transactions and agreements which are of a higher value or greater risk to SFRS).

## **8 RISKS**

- 8.1 This reports aims to mitigate the risk of the service's governance arrangements being undermined or challenged by keeping the Interim Scheme of Delegation up to date.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 There are no equality issues arising from this report.

## **10 CORE BRIEF**

- 10.1 A paper outlining the outcome of a review of the SFRS's Interim Scheme of Delegation was presented to the Board for consideration. A suite of changes to the revised Scheme of Delegation was therefore proposed, including developing a schedule of matters reserved to the Board for determination.

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**26 March 2015**

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