

Title: GOV003 SLCC Scheme of Delegation

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1 Introduction

- 1.1 This document sets out the delegated decision powers for all decisions taken by the SLCC. It includes decisions delegated under statutory powers, governance arrangements, the SLCC's Rules, Policies and where appropriate, operational Procedures.

- 1.2 In making decisions the Scottish Public Finance Manual and the SLCC's Framework Agreement with the SLCC must be taken into account.

2 Finance

Authorisation to order goods and services

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Authorisation of purchase order requests and other requests for goods, services or contracts up to and including £2,500 .	One of the following: <ul style="list-style-type: none">• CEO• DoBP	Two of the following: <ul style="list-style-type: none">• Any member of the SMT• Chair• Chair of Audit
Authorisation of purchase order requests and other requests for goods, services or contracts over £2,500 up to £5,000 .	Both of the following: <ul style="list-style-type: none">• CEO• DoBP	Two of the following: <ul style="list-style-type: none">• Any member of the SMT• Chair• Chair of Audit
Authorisation of purchase order requests and other requests for goods, services or contracts over £5,000 up to £20,000 .	Both of the following: <ul style="list-style-type: none">• CEO• DoBP	One of the authorised signatories and one of: <ul style="list-style-type: none">• Chair• Chair of Audit
Authorisation of purchase order requests and other requests for goods, services or contracts over £20,000 or at recommendation of Accountable Officer	Board	N/A
Capital purchases under £5,000	CEO	One of the authorised signatories and one of: <ul style="list-style-type: none">• Chair• Chair of Audit
Capital purchases over £5,000	Board	N/A
External consultancy over £100,000 (other than legal fees)	Scottish Government (on recommendation of SLCC Board) – Framework Agreement requirement	N/A
Claims waived or abandoned £10,000	Scottish Government (on recommendation of SLCC Board) – Framework Agreement requirement	N/A
Operating leases (other than property) £10,000	Scottish Government (on recommendation of SLCC Board) – Framework Agreement requirement	N/A
Gifts and/or ex gracia payments £1,000	Scottish Government (on recommendation of SLCC Board) – Framework Agreement requirement	N/A

Authorisation to Pay Invoices by Cheque

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Payments by Cheque	Both of the following: <ul style="list-style-type: none">• CEO• DoBP	N/A

Authorisation to Pay Invoices by BACS

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Any payment	Any two of the following: <ul style="list-style-type: none">• CEO• DoBP• FO	N/A

Authorisation of payroll

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Preview	DoBP ensuring other checks have already been made by nominated officers, or in their absence	CEO Chair
BACS payment	Any two of the following: <ul style="list-style-type: none">• CEO• DoBP• FO	N/A

Budget and accounts

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Budget, including general levy and complaints levy	Board	N/A
Annual Accounts	Board and CEO	N/A
Annual Report	Board	N/A
Financial Plans	Board	N/A

Other finance matters

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Banking arrangements	Board	
Borrowing arrangements	Board	
Signing of contracts under £20,000 in total value	CEO	DoBP and the Chair
Signing of contracts over £20,000 in total value	CEO with authority of the Board	<ul style="list-style-type: none"> Chair (With approval of the Board)

3 Staff Governance

Appointment of staff and termination of employment

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Approving the recruitment process for the CEO when a vacancy occurs.	Board recommendation to Ministers	N/A
Appointing a new CEO when a vacancy occurs.	Board	N/A
In the event of a disciplinary, pay, grievance or other serious employment matter affecting the CEO, appointing a small Group of Members to give support and oversight to the Chairing Member in addressing the issue.	Board	N/A
Approving the recruitment process for a member of the Senior Management Team when a vacancy occurs (on the advice of HR).	CEO and Chair	Board
Appointing a member of the Senior Management Team	CEO	Board
In the event of a disciplinary, pay, grievance or other serious employment matter affecting a member of the Senior Management Team, termination of employment	CEO and designated Member	Board

Approving the recruitment of all other staff.	SMT	CEO
Approving the recruitment process for all other members of staff.	Line Manager	Member of SMT
Appointing all other members of staff.	Line Manager	Member of SMT
In the event of a disciplinary, pay, grievance or other serious employment matter affecting a member of staff, termination of employment	Member of SMT	N/A
Continuously reviewing the appropriateness of SLCC's remuneration policies for all staff and where appropriate, deciding upon any major changes to employee remuneration and benefit structures	Board and CEO	N/A
Approving non-contractual severance terms for CEO, SMT or IMT staff on termination of employment ensuring any payments made are fair to the individual and to the SLCC, that failure is not rewarded and that the duty to mitigate loss is fully discharged	Board	N/A

Absence and annual leave

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Company sick pay	Line Manager	one member of SMT or IMT or in case of CEO, Chair of Audit
Approval of annual leave and other absence	Line Manager	one member of SMT or IMT or in case of CEO, Chair of Audit
Approval for access to IT profile and data, personal belongings or personal search	DoBP	One member of SMT
Approval to access personal data and contact individual Board Member	Chair	One of following: <ul style="list-style-type: none">• CEO• Chair of Audit

Appraisal

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Confirming the Chairman's assessment of the CEO performance annually	Chair/Board	Chair of Audit or Board
Agreeing the CEO's performance targets annually	Board	N/A
SMT Objectives and appraisal	CEO	One of following: <ul style="list-style-type: none">• Chair• Chair of Audit• Nominated member
Staff objectives and appraisal	Line Manager	Any member of IMT or SMT
Ensuring arrangements are in place for the setting of objectives and the monitoring of performance of senior staff	Board	N/A

Pay

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Deciding on pay awards to the CEO pay	Board	N/A
Annual pay policy	Board	N/A
Additional responsibilities allowances	CEO or DoBP	SMT
Annual pay award letters	CEO or DoBP	SMT
Approving remuneration policy (cash and benefits) for all staff, including taking account of SGvt guidance and policies	Board	N/A
Approving the Remuneration Report in the SLCC Annual Report ensuring all disclosure requirements are met.	Board	N/A

Other staffing matters

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Disciplinary, grievance and whistle blowing polices	Board	N/A
Staff Code of Conduct	SMT	N/A
Approval for overtime	CEO	SMT
Payment of overtime/TOIL	SMT	Any member of SMT

4 Governance

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Approval of standing orders and governance arrangements	Board	N/A
Approval of Corporate/Strategic Plans	Board	N/A
Members Code of Conduct	Board subject to requirements of Standards Commissioner	N/A
Audit arrangements	Board	N/A
Approval of the Rules made under section 32 of the LPLA(S) Act 2007	Board	N/A
Annual Report	Board	N/A
Insurance and Indemnity Arrangements	Board	N/A
Leasing and other major property arrangements	Board	N/A
Board Committee Structures and Terms of Reference	Board	N/A

5 IT, Information and Data

Item	Authorised signatory	Alternative signatory if authorised signatory unavailable
Add a new user to Newpro and/or NVT; alter user groups	CEO or DoBP	DoR

6 Complaints

Section of the LP&LA (S) Act 2007	Decision	Main decision maker	Alternative decision maker and circumstances
All	Approval of policy	Board	Two of the following: <ul style="list-style-type: none">• Chair• Designated Board Member Or <ul style="list-style-type: none">• Delegated Committee
All	Approval of operational procedure which are business critical, unusual or may have an impact bigger than just the operational part of the SLCC	SMT	Two of the following: <ul style="list-style-type: none">• CEO• One member of SMT• Nominated deputy to any of the SMT
2(1A)	Determination of the nature of a complaint	CI or any one member of IMT	Any Board Member
2 (2)	Person eligible to make a complaint	CI or any one member of IMT	Any Board Member
2(4)(a)	Reject complaint as FVTWM	One Board Member	DC or Board
2(4)(a)	Accept complaint that is borderline or contentious	One Board Member	DC or Board
2(4)(a)	Accept complaint that is not FVTWM	CI or any one member of IMT	Any Board Member
3	Reject complaint covered by other regulatory scheme	One Board Member	N/A
4(1) and (3)	Reject a complaint that is out of time	One Board Member	DC
4(1) and (3)	Accept a complaint which is out of time but where there are exceptional circumstances or it is in the public interest	One Board Member	DC
4(1) and (3)	Accept a complaint as being within time	CI or any one member of IMT	Any Board Member
4(2) and (4)	Reject complaint that is premature, accept complaint that is premature but circumstances are exceptional	CSO	Any member of IMT
9(1A)	Discontinuing or reinstating complaints	CI	Any member of IMT
9 (A)	Remaking eligibility decisions	Any member of IMT	N/A
9(2)	Propose settlement at investigation stage (ie approval of investigation report) and amount of complaint levy	CI	Any member of IMT
10	Determination of complaint, direction on settlement and complaint levy	DC	N/A
13	Publication of a report	DC	N/A

Section of the LP&LA (S) Act 2007	Decision	Main decision maker	Alternative decision maker and circumstances
15	Serve notice that complaint/issue is conduct/a regulatory complaint rather than service	<ul style="list-style-type: none"> Any member of IMT 	N/A
17	Serving of notice	<ul style="list-style-type: none"> CI or any member of IMT 	N/A
17	Raise court action to recover documents and other information	<ul style="list-style-type: none"> DoR 	<ul style="list-style-type: none"> CEO
19	Court action to recover documents and other information	DoR	<ul style="list-style-type: none"> CEO
20	To enforce direction under 10(2)	CEO	One of the following: <ul style="list-style-type: none"> Chair Board
23(2)(a)	Not to investigate a handling complaint	DC	N/A
23(2)(b)	Handling complaint – discretionary decision to discontinue an investigation	DC	N/A
23(2)(c)	Handling complaint – discretionary decision to reinstate a discontinued investigation	DC	N/A
23(4)(b)	Handling complaint – accept as in time	OAM	One of the following: <ul style="list-style-type: none"> DoPP CEO
23(4)(b)	Handling complaint – reject as out of time	One Board Member	Other Member or DC
23(5)	Handling complaint – accept or reject ongoing complaints	OAM	One of the following: <ul style="list-style-type: none"> DoPP CEO
23(8)	Handling complaint – authority to issue interim report	OAM	One of the following: <ul style="list-style-type: none"> DoPP CEO
24(1)	Handling complaint – report with recommendations	OAM	One of the following: <ul style="list-style-type: none"> DoPP CEO
24(6A)	Determine a longer period of time for a RPO/AR to respond	OAM	DoPP
24(6)	Handling complaint – giving direction when RPO/AR does not accept 24(1) report	DC	N/A
25	Handling complaint – petition court for non-compliance	CEO	DoPP
25	Application to the court to comply with direction	CEO	DoPP

Section of the LP&LA (S) Act 2007	Decision	Main decision maker	Alternative decision maker and circumstances
35(2)	Publication of reports	CEO	DoPP
35(3) and (4)	Protocols and MOUs (including with other organisations not only RPOs/ARs)	CEO	Board
36	Publication of guidance and recommendations	OAM	One of the following: <ul style="list-style-type: none">• CEO• DoPP
39(2)	Recommendations to RPO/AR on Client Protection Fund and Insurance Indemnity Arrangements	CEO	DoPP
40	Issuing of Section 40 guidance	DoPP	CEO
46(3)	Deciding whether any element of a complaint is about the exercise of discretion by any Crown Counsel or Procurator Fiscal in relation to the prosecution of crime or investigation of deaths	One Board Member	Other Member
Schedule 2	Enforcement of any provision through the Courts	CEO	Board
Schedule 3 1(e)	Decide to hold an oral hearing	DC	N/A

Other complaints related decisions

LP&LA (S) Act 2007	Authorised signatory	Alternative signatory if authorised signatory unavailable
Approval of notice at eligibility stage	<ul style="list-style-type: none"> • CI • Any member of IMT 	N/A
New conduct/regulatory complaint issue identified	Any member of IMT	N/A
Approval to treat a complaint as withdrawn	<ul style="list-style-type: none"> • CI 	Any member of IMT
Appeals: Decision to seek Counsel's opinion	<ul style="list-style-type: none"> • Any member of IMT 	CEO
Appeals: Decision to pursue or concede an appeal	Any two of: <ul style="list-style-type: none"> • CEO • DoR • CIM • CM 	N/A
Appeals: Decision to settle claim for expenses	Any two of: <ul style="list-style-type: none"> • CEO • DoR • CIM 	N/A

	• CM	
Approved Regulator Complaints - LS(S)Act 2010):	Authorised signatory	Alternative signatory if authorised signatory unavailable
Admit a complaint	CEO	DoPP
Decision to give the AR a reasonable period to respond before we accept a complaint	CEO	DoPP
Reject a complaint as FVTWM	DC	Board
Uphold an AR complaint	DC	Board

Appendix 1 – Acronyms

Scottish Legal Complaints Commission (Board)	
Chief Executive Officer (CEO)	
Director of Resolution (DoR)	
Director of Business Performance (DoBP)	
Director Public Policy (DoPP)	
Oversight and Assurance Manager (OAM)	
Clerking Manager (CM)	
Case Investigations Manager (CIM)	
Investigations Support Manager (ISM)	
Senior Management Team (SMT)	Comprises CEO, DoR, DoBP, DoPP and anyone whole or partly Acting up into any SMT role.
Investigations Management Team (IMT)	Comprises DoR, CIMs, CM, ISM and anyone whole or partly Acting up into any IMT role.
Determination Committee (DC)	
Case Investigator (CI)	
Case Support Officer (CSO)	
Finance Officer (FO)	
Memorandum of Understanding (MOU)	
Relevant Professional Organisation (RPO)	
Approved Regulator (2010 Act) (AR)	
SLCC Commissioner (Member)	