



Disclosure Scotland  
FRAMEWORK  
DOCUMENT 2009

## FOREWORD BY MINISTER FOR CHILDREN AND EARLY YEARS

I have pleasure in providing this Foreword to Disclosure Scotland's first Framework Document.

Disclosure Scotland was established as an Executive Agency at the beginning of the 2009/10 financial year. It has an important function in helping to inform employers' recruitment decisions through the provision of criminal history checks and in so doing contributes towards making Scotland's communities safer and stronger.

As Minister for Children and Early Years, I am the Minister with direct responsibility for Disclosure Scotland's business. Ministers decide on the policy objectives and Disclosure Scotland delivers on those objectives on our behalf. Ministers are accountable to the Scottish Parliament for the operations and standards of performance of Disclosure Scotland. At the same time, the Chief Executive has direct access to Ministers and is answerable to us for those operations and performance standards.

This Framework Documents sets out the vision and objectives of Disclosure Scotland and outlines the relationships between Ministers, the Chief Executive of Disclosure Scotland, and the Director General Education within the Scottish Government. It describes Disclosure Scotland's financial and wider accountabilities, and its approach to staffing and other organisational matters. In short, it sets the broad basis on which Disclosure Scotland will operate.

May I take this opportunity to wish all of the staff at Disclosure Scotland well in this first year as an Executive Agency.

**Adam Ingram**  
**Minister for Children and Early Years**



## CONTENTS

1. Status and Role of the Agency
2. Services Delivered
3. Vision, Strategic Goal, and Functions
4. Responsibilities
5. Financial Accountabilities
6. Wider Accountability
7. Corporate and Business Planning
8. Staffing Issues
9. Support Services
10. Changes to this Framework Document

# 1

## STATUS AND ROLE OF THE AGENCY

### PURPOSE OF THIS DOCUMENT

- 1.1 Disclosure Scotland became an Executive Agency of the Scottish Government on 1 April 2009. It is responsible for providing disclosures of criminal records under Part V of the Police Act 1997 and it will, in the future, be responsible for managing the Protecting Vulnerable Groups Scheme (“the PVG Scheme”), to be established in 2010 by the Protection of Vulnerable Groups (Scotland) Act 2007 (“the PVG Act”).
- 1.2 The purpose of this document is to set out a clear framework of accountability, within which Disclosure Scotland will discharge the responsibilities of Scottish Ministers delegated to it. It sets out:
- The key functions of Disclosure Scotland;
  - A summary of its vision and strategic goal;
  - The roles and responsibilities of the key figures involved including Scottish Ministers, the Chief Executive of Disclosure Scotland and the Director of Children, Young People and Social Care in the Scottish Government;
  - Accountabilities – to the public through Ministers and the Scottish Parliament, and detailed financial accountability mechanisms;
  - Management arrangements – the Chief Executive’s delegated authority and performance management arrangements;
  - Relationships with other bodies; and
  - How amendments to the Framework Document will be made and agreed.

### DISCLOSURE SCOTLAND

- 1.3 Disclosure Scotland currently employs around 170 FTE staff who are Scottish Government employees, and some agency staff. The organisation operates from Pacific Quay, Glasgow, in accommodation that is sub-let from the Scottish Police Services Authority.
- 1.4 Scottish Ministers hold a service delivery contract with BT plc to provide the IT system and certain aspects of the business process. BT employs approximately 95 FTE staff at the same location.

# 2

## SERVICES DELIVERED

### CURRENT SERVICES

- 2.1 Disclosure Scotland was established in 2002 to provide criminal records checks under Part V of the Police Act 1997. Three types are provided:

### BASIC DISCLOSURE

- 2.2 A basic disclosure can be applied for by anyone for any purpose. The basic disclosure lists 'unspent' convictions, that is, those convictions that have not been rehabilitated under the provisions of the Rehabilitation of Offenders Act 1974.

### STANDARD DISCLOSURE

- 2.3 A standard disclosure includes all convictions, whether spent or unspent. Standard disclosures can only be applied for where the employer can ask 'the exempted question'. Being able to ask the exempted question means that questions about spent convictions can be asked in relation to certain types of employment or profession. An application for a standard or enhanced (see below) disclosure must be countersigned by a person registered with Disclosure Scotland. Standard disclosures are available for posts such as an accountant or solicitor.

### ENHANCED DISCLOSURE

- 2.4 Enhanced disclosures include all convictions and any other information that the police consider might be relevant to the individual's suitability for the post applied for. Enhanced disclosures are available for positions where the exempted question can be asked and where the post fulfils a prescribed purpose under regulations 9 to 12 of The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006. The bulk of enhanced disclosures are issued for child or adult care positions, although a small number are available for other purposes such as gaming licences. Where the applicant is applying for a child or adult care position, checks are also performed on the lists of individuals who are barred from such work in Scotland and elsewhere in the UK.

## PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

- 2.5 Enhanced disclosures for work with children or adults at risk will be replaced under the provisions of the PVG Act, due to be implemented in 2010. Preparations for bringing in the PVG scheme are underway within Scottish Government and once complete the Scheme will be delivered through Disclosure Scotland. The legislation will establish a Scheme that aims to prevent people who are unsuitable on the basis of past behaviour from working (paid or unpaid) with children or protected adults and removing from such work those who become unsuitable. The PVG Scheme will complement similar arrangements for the rest of the UK established under the Safeguarding Vulnerable Groups Act 2006, so that an individual who is listed in either jurisdiction will be unable to work with the group to which the bar relates.

# 3

## VISION, STRATEGIC GOAL, AND FUNCTIONS

### VISION AND STRATEGIC GOAL

- 3.1 Disclosure Scotland's Vision is to help make Scotland's communities safer and stronger
- 3.2 Its key Strategic Goal is to inform recruitment decisions through the timely provision of accurate criminal history information and, therein, to help protect vulnerable groups by preventing unsuitable people from working with them
- 3.3 It contributes to the following National Outcomes:

***We have improved the life chances for children, young people and families at risk***

Disclosure Scotland makes a contribution to improved life chances by reducing potential risks to both children and protected adults that may arise in a work setting.

***We live our lives safe from crime, disorder and danger***

Again, through the provision of information to a range of employers, Disclosure Scotland helps to ensure that employers employing people in positions of trust can exclude those whose history suggests they may not be trustworthy.

***Our public services are high quality, continually improving and responsive to local people's needs***

Disclosure Scotland provides a service to a large proportion of the public sector as well as a wide range of private sector organisations and individuals. Performance overall is already good in terms of speed, cost and accuracy. Improvements to the organisation will be brought about by the introduction of the PVG Act, which will provide further opportunities to enhance existing services.

***We reduce the local and global environmental impact of our consumption and production***

Changes introduced as part of the implementation of the PVG Act will enable Disclosure Scotland to reduce the volume of paper that is used through the introduction of streamlined, online application and account management processes.

## FUNCTIONS OF DISCLOSURE SCOTLAND

3.4 The current functions of the organisation are to:

- Issue basic, standard and enhanced disclosures as required under Part V of the Police Act 1997;
- Manage the scheme which allows free scheme membership and disclosures for volunteers working in the voluntary sector; and
- Help sponsor the Central Registered Body in Scotland, ensuring that voluntary sector organisations without the capacity to register direct with Disclosure Scotland are given additional support in accessing its services

3.5 Once the PVG Scheme is introduced, Disclosure Scotland will also:

- Manage the day-to-day running of the Scheme, including:
  - maintaining the Scheme's membership;
  - determining on behalf of Ministers those people who are unsuitable to work with children or protected adults under the provisions of the PVG Act and maintaining a list;
  - sharing information effectively with the scheme established under the Safeguarding Vulnerable Groups Act 2006.

# 4 RESPONSIBILITIES

## MINISTERS

- 4.1 Scottish Ministers determine the policy and financial framework within which Disclosure Scotland works. Under the provisions of the Scotland Act 1998, they have overall responsibility for Disclosure Scotland.

## MINISTER FOR CHILDREN AND EARLY YEARS

- 4.2 The Minister for Children and Early Years is responsible for:
- Approving this Framework Document and any subsequent revisions;
  - Approving annual business performance targets and measures as part of Disclosure Scotland's Corporate Plan and Business Plan;
  - Seeking approval from Parliament for changes to fees for the services provided by Disclosure Scotland;
  - Laying regulations that govern the operation of Disclosure Scotland under the provisions of Part V of the Police Act 1997 and, in the future, the Protection of Vulnerable Groups (Scotland) Act 2007;
  - Receiving Disclosure Scotland's Annual Report and audited financial accounts from the Chief Executive and laying these before the Scottish Parliament; and
  - Monitoring the overall performance of Disclosure Scotland, including through reviews with the Chief Executive as required.
- 4.3 The Minister for Children and Early Years will consult fully with the Minister for Public Health and Sport and the Cabinet Secretary for Justice in discharging his/her responsibilities. He/she will also take account of the views of other ministerial colleagues in relation to volunteering and the voluntary sector and to the use of disclosures in other employment sectors.

## DG EDUCATION

- 4.4 The Director General (DG) Education is the relevant Scottish Government Portfolio Accountable Officer. He/she is responsible for:
- Advising Ministers on the performance of Disclosure Scotland and the Chief Executive;
  - Advising Ministers on Disclosure Scotland's corporate and business planning, its performance against targets, and the overall budget;
  - Performance management, including performance appraisal reviews of the Chief Executive in accordance with current arrangements for members of the Senior Civil Service;
  - Representing the interests of Disclosure Scotland within the wider Scottish Government;
  - Ensuring that Disclosure Scotland's plans contribute towards the Scottish Government's core purpose and national outcomes and that appropriate links are made to other policy areas within the portfolio; and
  - Ensuring that the Chief Executive is briefed on those issues that may affect Disclosure Scotland's operations.
- 4.5 The DG Education has appointed the Director of Children, Young People and Social Care in the Scottish Government as the lead official in the exercise of the responsibilities listed above. He/she will not normally intervene in the day-to-day running of Disclosure Scotland unless there are exceptional circumstances.

## THE CHIEF EXECUTIVE DISCLOSURE SCOTLAND

4.6 The Chief Executive is designated as Disclosure Scotland's Accountable Officer. He/she has overall responsibility for the operational management of Disclosure Scotland, for which he/she is directly accountable to the Scottish Ministers. The Chief Executive therefore has a responsibility to keep Ministers updated on Disclosure Scotland's performance. He or she will include the Director of Children, Young People and Social Care in this dialogue where necessary or appropriate.

4.7 Areas of overall responsibility and accountability of the Chief Executive are

- delivery of Disclosure Scotland's functions;
- acting as Accountable Officer for the efficient and effective use of Disclosure Scotland's resources;
- preparing and agreeing with Ministers a Corporate Plan and an annual Business Plan, and reporting on progress made towards targets and/or measures;
- preparing, and agreeing with Ministers, Disclosure Scotland's Annual Report and Accounts;
- managing on behalf of Ministers the service contract with British Telecommunications PLC;
- ensuring effective information management;
- setting in place appropriate operational structures, business systems and procedures - including systems for financial management and control, internal audit and risk management arrangements;
- leading, managing and developing Disclosure Scotland's staff, ensuring they have the tools and resources required for Disclosure Scotland to deliver successfully;
- ensuring Disclosure Scotland's actions are conducted in accordance with the ethical standards of the Civil Service Code, the precepts of the Code on Access to Government Information, the Race Relations Amendment Act and other statutory or general obligations on public bodies;
- ensuring that Disclosure Scotland complies with the Scottish Government's information security standards and demonstrates compliance through regular testing;
- managing the delivery of Disclosure Scotland's services in a way that meets service users' expectations and maintains a high level of confidence in the delivery of those services – including by being customer focused, efficient and effective;

- providing advice to Ministers on those functions which are the responsibility of Disclosure Scotland for the following purposes, in consultation with other Scottish Government officials where necessary or appropriate:
  - responses to Parliamentary Questions and Ministerial Correspondence;
  - material for Ministerial briefings;
  - responses to Parliamentary Committees on matters within the delegated responsibility of Disclosure Scotland.

4.8 The Chief Executive is supported in the management of Disclosure Scotland by his/her senior team. Reflecting the arrangements set out in the contract with BT, BT managers will be represented on a joint management board as appropriate. BT will also be represented on Disclosure Scotland's Strategic Board and, in addition, two non Executive Directors will be appointed to the Strategic Board.

# 5

## FINANCIAL ACCOUNTABILITIES

### ACCOUNTABLE OFFICER ROLES

- 5.1 The bulk of Disclosure Scotland's operating budget is funded by income from fees charged for each disclosure application.
- 5.2 The Permanent Secretary of the Scottish Government is the Principal Accountable Officer for the Scottish Administration. He/she is responsible for the assigned budgets and for ensuring a high standard of financial management in the Scottish Administration as a whole, including Scottish Government Agencies.
- 5.3 The Principal Accountable Officer designates the Chief Executive of Disclosure Scotland as its Accountable Officer under section 15 of the Public Finance and Accountability (Scotland) Act 2000.
- 5.4 As Agency Accountable Officer, the Chief Executive has responsibility for the propriety and regularity of public finances for the part of the Scottish Administration for which he/she is accountable; and ensuring that the resources for which he/she is accountable are used economically, efficiently and effectively.
- 5.5 The Chief Executive is also responsible for putting into effect any recommendations of the Scottish Parliament accepted by the Scottish Government.
- 5.6 The DG Education is the Accountable Officer for the Scottish Government portfolio budget to which Disclosure Scotland reports.

## FINANCIAL DELEGATIONS TO DISCLOSURE SCOTLAND

- 5.7 Annex A summarises delegated financial responsibilities from the DG Education.
- 5.8 The Chief Executive is responsible for ensuring that financial procedures take account of relevant financial guidance, for example, the Scottish Public Finance Manual (SPFM) and the Procurement Policy Manual. Disclosure Scotland must comply with the requirements of the SPFM and have clearance from the relevant portfolio Finance Team in Scottish Government on changes to agreed budgets. Within the delegations, Disclosure Scotland may contract with others for consultancy, materials, land and buildings or functions and services. The Chief Executive is responsible for securing best value in making all procurement arrangements.

## INTERNAL AUDIT

- 5.9 The Chief Executive is responsible for arranging internal audit mechanisms, in accordance with the objectives and standards laid down in the Government Internal Audit Manual. Scottish Government Internal Audit will provide an audit service to Disclosure Scotland unless the Chief Executive decides otherwise. Any notice to cancel the arrangement will be in line with the Service Level Agreement signed by the Chief Executive and the Head of Internal Audit.
- 5.10 Disclosure Scotland will have an Audit Committee, with membership and operating procedures in accordance with relevant guidance in the SPFM.

## ANNUAL REPORT AND ACCOUNTS

- 5.11 The Chief Executive will sign and present annually to the Scottish Ministers an Annual Report and Accounts by 31 December. The Annual Report will review the Agency's performance over the previous year against the objectives and performance targets set in the Corporate and Business Plans. Disclosure Scotland will prepare its accounts in accordance with the Government Financial Reporting Manual (FReM). The Annual Report and audited Accounts will be laid before the Parliament and published before 31 December. The Accounts must not be laid before they have been formally sent by the Auditor General to the Scottish Ministers and must not be published before they have been laid.
- 5.12 Disclosure Scotland will operate financial and management accounting systems which enable performance against budgets and targets to be reviewed.
- 5.13 An accounts direction will be issued to Disclosure Scotland by the Scottish Ministers.

## ARRANGEMENTS FOR RISK MANAGEMENT

- 5.14 The Chief Executive is responsible for implementing and monitoring appropriate risk management arrangements in accordance with relevant guidance in the SPFM for the successful delivery of Disclosure Scotland's functions and projects. A corporate risk register will be established and reviewed regularly by the Management Board. The register will include appropriate mitigation of any risks identified and ensure that each risk is owned and managed by a named manager. Disclosure Scotland's risks, including public and employer liability, are carried in line with the Scottish Government policy on insurance.

# 6

## WIDER ACCOUNTABILITY

### SCOTTISH PARLIAMENT

- 6.1 Through the Minister for Children and Early Years, the Scottish Ministers are accountable to the Scottish Parliament for the functions of Disclosure Scotland. Day to day operational responsibilities are delegated to the Chief Executive who is in turn directly accountable to the Minister for Children and Early Years.

### EXTERNAL ACCOUNTABILITY

- 6.2 Disclosure Scotland will ensure that external stakeholders are appropriately informed and, where relevant, involved in the delivery of services. This will include bodies such as the police and regulatory bodies who are third party providers of information as well as those organisations who use the services of Disclosure Scotland. Disclosure Scotland will be responsible for keeping them informed of any changes in service delivery and responding to issues or concerns raised by stakeholders.

### RELATIONSHIPS WITH OTHER BODIES

- 6.3 Disclosure Scotland will, in respect of those responsibilities which are delegated to it, deal with any negotiations, agreements or other contacts with all relevant bodies involved in the protection of children and protected adults in Scotland, across the UK, and internationally. The Chief Executive will keep the Minister for Children and Early Years appropriately informed on these communications. These bodies may include:

- Department for Children, Schools and Families, Department of Health, the Home Office and other UK Government Departments, in line with agreed concordats;
- Other devolved administrations;
- Scottish local authorities, directly or through the Convention of Scottish Local Authorities in line with agreed concordats;
- The National Health Service in Scotland;
- The wider public, private, voluntary and community sectors, as appropriate;
- Other Executive Agencies and Non-Departmental Public Bodies, as appropriate;
- The Council of Scottish Government Unions (CSGU), in line with the Scottish Government Framework Agreement with CSGU;
- Scottish and other UK police forces and the Scottish Police Services Authority;
- The Criminal Records Bureau (CRB), the Independent Safeguarding Authority

- and Access NI;
- Regulatory bodies involved in the regulation of relevant workforces;
- The Scottish Court Service;
- Employers of regulated workforces; and
- The Central Registered Body in Scotland, which acts as an umbrella body for the voluntary sector.

## EXTERNAL COLLABORATIVE AGREEMENTS

6.4 Delivery of Disclosure Scotland's services is heavily dependent on the provision of information from its key delivery partners. In order to ensure the continuation and development of services, effective relationships - underpinned where necessary by Service Level Agreements - will be developed and maintained with all such partners. Specifically these include:

- the Association of Chief Police Officers in Scotland (ACPOS) and Scottish Police Forces in relation to the provision of relevant non-conviction information;
- the Association of Chief Police Officers (ACPO) and English and Welsh Police Forces in relation to the provision of relevant non conviction information;
- the Scottish Police Services Authority and ACPOS in relation to the provision of information from the Scottish Criminal History System;
- the National Policing Improvement Agency and ACPO in relation to the provision of information from the Police National Computer;
- the CRB in relation to provision of index data from the Police Local Exchange system;
- the Police Service of Northern Ireland in relation to conviction and non conviction information from Northern Ireland; and
- The CRB and Independent Safeguarding Authority in relation to the exchange of information in the future regarding the PVG and SVG schemes.

## SCOTTISH PUBLIC SERVICES OMBUDSMAN

6.5 The activities of Disclosure Scotland are subject to investigation by the Scottish Public Services Ombudsman who will deal directly with the Chief Executive on any case where a complaint is made.

## SCOTTISH AND UK POLICE COMPLAINTS COMMISSIONERS

- 6.6 Where complaints received by Disclosure Scotland relate to information provided by a Scottish or other UK police force, the issue will be referred to the relevant force for their action. Complainants who remain unhappy with the outcome have a right to pursue their complaints with the relevant Police Complaints Commissioner. Disclosure Scotland will respond to any recommendations that arise from such an investigation that relate to the provision of Disclosure Scotland services

## SCOTTISH CHILDREN'S COMMISSIONER

- 6.7 The Scottish Children's Commissioner has a direct interest in the protection and wellbeing of children and so will have a particular interest in the operation of the PVG Scheme. Disclosure Scotland will respond directly to any issues raised by the Commissioner about the impact on children of the way services are delivered.

## SCOTTISH FREEDOM OF INFORMATION COMMISSIONER AND UK INFORMATION COMMISSIONER

- 6.8 Disclosure Scotland will ensure that it responds promptly to any Freedom of Information requests and to any recommendations from the Scottish and UK commissioners, including the response to any appeals.

# 7

## CORPORATE AND BUSINESS PLANNING

- 7.1 Disclosure Scotland will develop Corporate and Business Plans, which will be agreed with Scottish Ministers. The Corporate Plan will set out the strategic management priorities for the Agency generally over a three year period, aligned with the Scottish Government's spending review periods. It will provide the background for annual Business Plans. They will form the basis for the regular management of Disclosure Scotland and the main basis for judging performance. The Business Plan will set out Disclosure Scotland's priorities, aims and, where relevant, targets and outputs for the year ahead. A summary will be published along with the Annual Report.
- 7.2 If policy or circumstances change significantly in the course of the year, the Scottish Ministers or the Chief Executive may propose revisions to the Corporate Plan or Business Plan. Any revisions will be subject to approval by Scottish Ministers after consultation with the Chief Executive.
- 7.3 The Corporate Plan and a summary of the annual Business Plan will be published on the Disclosure Scotland website and a copy placed in the Scottish Parliament Information Centre.



## STAFFING ISSUES

### HUMAN RESOURCES MANAGEMENT

- 8.1 The Chief Executive is ultimately responsible for the management of all staff at Disclosure Scotland, in line with the Scottish Government Main bargaining unit's (SGMain) human resources policies and procedures. The Directorate of Human Resources and Corporate Services will provide HR support to Disclosure Scotland and its staff.

### TERMS AND CONDITIONS OF SERVICE

- 8.2 The staff of Disclosure Scotland are civil servants and subject to the terms and conditions of service for Scottish Government Main employees determined centrally by the Directorate of Human Resources and Corporate Services. Employees are members of, or eligible to join, the Civil Service pension arrangements.

### RECRUITMENT

- 8.3 The Chief Executive of Disclosure Scotland is a senior civil servant and subject to the Civil Service Code of Conduct and the terms and conditions set out in his/her contract of employment with the Scottish Government. Disclosure Scotland is responsible for the recruitment of its staff in bands A-C. At present the only senior civil servant post in Disclosure Scotland is that of the Chief Executive. Any further senior civil servant requirement is a matter of discussion between the Chief Executive and the Senior Staff Team in the Directorate of Human Resources and Corporate Services. Any recruitment at senior civil service level will be managed by the Senior Staff Team in line with recruitment policies and procedures and the Civil Service Commissioners Recruitment Code. All recruitment will adhere to the Scottish Government's recruitment policies and procedures.

### PROMOTION

- 8.4 Disclosure Scotland staff remain eligible for promotion opportunities in the Scottish Government, and vice versa. Disclosure Scotland will agree with the Scottish Government each year the arrangements that are needed to ensure common promotion standards between the Agency and the rest of the Scottish Government.

## STAFF RELATIONS

- 8.5 The Chief Executive is responsible for promoting and supporting effective staff relations, consulting with trade union representatives where appropriate, in line with the Partnership Agreement between the Council of Scottish Government Unions and the Scottish Government.

## TRAINING AND STAFF DEVELOPMENT

- 8.6 The Chief Executive and his/her senior team are responsible for the training and development of staff to ensure that all staff have the knowledge, skills and experience required for Disclosure Scotland to deliver its services successfully. The Chief Executive is supported in this role by Corporate Learning Services within the Directorate of Human Resources and Corporate Services.

## HEALTH AND SAFETY

- 8.7 The Chief Executive has overall responsibility for the health and safety arrangements of the Agency and is required to ensure these arrangements meet current legislative and best practice standards as a minimum.

## DIVERSITY

- 8.8 The Chief Executive and his/her senior team are responsible for ensuring adherence to Scottish Government Main diversity and equal opportunity policies, and relevant legislation, as they apply to employees, third parties acting on behalf of Disclosure Scotland, and in the Agency's role as a public body in the promotion of diversity.

# 9

## SUPPORT SERVICES

- 9.1 The Chief Executive is responsible for securing and monitoring delivery of the support services required by Disclosure Scotland with regard to the requirements of efficient government and value for money. The Chief Executive will keep the provision of support services under review, in discussion with the Director of Children, Young People and Social Care and set out proposals for review of specific services in the Corporate Plan.
- 9.2 Disclosure Scotland will be responsible for providing or procuring the following services directly, ensuring that opportunities to share services with other Executive Agencies or the core Scottish Government, in line with Efficient Government requirements are considered where appropriate:
- Financial management and accounting arrangements using SEAS;
  - Additional press and PR support, in liaison with Scottish Government's Communications Directorate;
  - Accommodation; and
  - Internal audit.
- 9.3 The Scottish Government will provide the following support services, where appropriate at a cost to be determined:
- Human Resources, including payroll;
  - Legal services;
  - Procurement expertise;
  - Ministerial press support;
  - IT and telecommunications networks and support; and
  - Some training and development.
- 9.4 A Service Level Agreement will, where required, be agreed between Disclosure Scotland and any Scottish Government Directorate responsible for the provision of shared services.

## FREEDOM OF INFORMATION AND DATA PROTECTION

- 9.5 The Chief Executive is ultimately responsible for ensuring adherence to Scottish Government policies and procedures, and relevant legislation, on Freedom of Information and Data Protection are adhered to.

## COMPLAINTS

- 9.6 The Chief Executive is responsible for ensuring that effective procedures for handling complaints about Disclosure Scotland are established, published, and adhered to. Where complainants are unhappy with the outcome of their complaint, they will be informed of their right to raise it with the Public Services Ombudsman. The Chief Executive will ensure that any actions arising from investigations by the ombudsman are appropriately and promptly addressed.

# 10 CHANGES TO THIS FRAMEWORK DOCUMENT

- 10.1 This document will be reviewed jointly by the Scottish Ministers, the Chief Executive and the Director of Children, Young People and Social Care every 3 years in line with the spending review period. Changes may be proposed earlier, should circumstances require. Relevant Scottish Government Directorates will be consulted on any proposed changes prior to submission to the Scottish Ministers for approval.



## ENQUIRIES

- 10.2 Enquiries about this Framework Document and its content should be directed to:

Chief Executive,  
Disclosure Scotland  
1 Pacific Quay  
Glasgow  
G51 1DZ

### FINANCIAL AND PURCHASING DELEGATIONS DISCLOSURE SCOTLAND

Within agreed overall budgetary provision, and subject to the guidance in the Scottish Public Finance Manual (SPFM) and the Scottish Procurement Policy Manual (SPPM), Disclosure Scotland has delegated authority as set out below.

#### 1. Disclosure Scotland fees.

In respect of application for criminal record checks under Part 5 of the Police Act 1997, to:-

- |   |  |
|---|--|
| 1. Accept receipts.   | Unlimited but receipts which give Disclosure Scotland more than is necessary to cover its costs must be surrendered to the Scottish Consolidated Fund.   |
| 2. Authorise write-offs and make special or ex-gratia payments. | Up to a limit of £10,000 for unpaid invoices and up to a limit of £1,000 for special or ex-gratia payments.<br><br>ELL Finance clearance should be sought about any cases, irrespective of the amount of money concerned, which are novel or involve important questions of principle. |
| 3. Incur contingent liabilities.                                | Unlimited subject to ELL Finance giving clearance about any proposals to incur contingent liabilities outside the normal course of business.   |

## 2. Agency costs.

In respect of Disclosure Scotland's running costs the Chief Executive has authority within the limits set out, to:-

- |   |   |
|---|---|
| 1. Commit expenditure, authorise payments.                  | Unlimited within the Agency's agreed overall budget provision.  |
| 2. Awarding contracts.                                      | Unlimited but in accordance with EU legal requirements and the Scottish Procurement Directorate's Policy Manual.  |
| 3. Commission Consultants.                                  | A business case is required for all consultancy contracts and these must be awarded in line with the SPFM and the SPPM and any Notes or Guidance based on these Manuals..   |
| 4. Authorise losses and special payments.                   | Unlimited, apart from the categories listed below which are subject to a limit of £1,000:<br>- losses arising from failure to make adequate charges for services/ use of property;<br>- claims waived or abandoned;<br>- special or ex-gratia payments. |
| 5. Authorise Capital Expenditure.                           | Unlimited within the Agency's agreed overall budget provision.  |
| 6. Authorise Capital Expenditure on Information Technology. | Unlimited within the Agency's agreed overall budget provision.  |

The Chief Executive may sub-delegate authority to staff within the Disclosure Scotland but will remain accountable for decisions taken and transactions carried out under such arrangements.