



SCOTTISH PRISON SERVICE

FRAMEWORK DOCUMENT

March 2016

FOREWORD FROM MICHAEL MATHESON, CABINET SECRETARY FOR JUSTICE

As the Minister with direct responsibility for the services provided by the Scottish Prison Service, it is my pleasure to provide the foreword to this Framework Document.

As a Government, we are strongly committed to reducing re-offending and finding alternatives to imprisonment. Whilst crime should be duly punished, this Government believes that individuals can turn their lives around. For those committed into custody, helping transform their lives and fulfil their potential as valued citizens is at the heart of this Government's ambition for Scotland. To do so, they need help, support, compassion and opportunities. The justice system in Scotland must therefore be one that both enables rehabilitation, as well as dispensing punishment. This requires a joined-up approach that reaches out from justice into other areas such as health, housing and education. The Scottish Prison Service has a clear role to play in this collaborative approach in public protection, law enforcement and crime prevention. Scotland is very fortunate to have a prison service that is respected across the world. This Government wants to ensure that every individual in the care of Scottish Prison Service is treated with dignity and compassion, and is challenged and supported in to transforming their own lives.

This Framework Document sets out how the Scottish Prison Service will operate, its relationship with Scottish Ministers and the Scottish Government. It describes the financial and wider accountabilities of the Scottish Prison Service and its approach to staffing and other organisational matters.

I wish the Chief Executive and staff every success and look forward to working closely with the Agency in the years ahead.



MICHAEL MATHESON MSP
Cabinet Secretary for Justice

INTRODUCTION FROM COLIN MCCONNELL, CHIEF EXECUTIVE, SCOTTISH PRISON SERVICE

In November 2013, '*Unlocking Potential - Transforming Lives*', the report of the Scottish Prison Service Organisational Review was published. That report, as well as being a comprehensive review of the structure and function of the organisation, saw a re-launch of our organisational Vision, Mission and Values. A significant re-structure of the organisation's Headquarters function to take forward the agenda of change for the organisation as a whole concluded in 2014. Accordingly, it is now an appropriate time to re-visit the Framework Document to review it to ensure it adequately describes the operation of the governance and accountability model in place today. The Framework Document now embeds the Accountability and Governance Policy for the Scottish Government and Executive Agencies.

As an Executive Agency, the aim of the Scottish Prison Service is to contribute to a safer Scotland by contributing to reducing re-offending through the care, rehabilitation and re-integration of those citizens committed into custody. I am personally accountable to the Scottish Parliament for the efficient and effective operation and financial management of the Scottish Prison Service and for performance against key performance indicators. Further specific accountability and governance arrangements that are in place between myself, as Agency Chief Executive and Accountable Officer, the Scottish Government and Scottish Ministers are captured in this document.

This Framework Document is a living document that focuses on relationships between Scottish Government and Executive Agencies and the inherent issues therein. As changes become apparent in governance and accountability relationships, it may be appropriate to revise this document in the future. We will commit to reviewing this document at least once within the next three years to ensure accountability and governance arrangements are accurate and properly reflected in our Framework Document.



COLIN MCCONNELL
Chief Executive, Scottish Prison Service

CONTENTS

1. STATUS AND ROLE OF THE AGENCY	1
Core Functions	1
Vision, Mission and Strategic Priorities	1
Contribution to National Outcomes	2
2. ROLES, RESPONSIBILITIES AND RELATIONSHIPS	2
Scottish Ministers	2
Director General (Learning and Justice)	3
Chief Executive	3
Executive Management Group	4
Advisory Board	5
Risk Monitoring and Audit Committee	5
3. ACCOUNTABILITY	6
Accountable Officer Arrangements	6
Parliamentary Committee Attendance	6
Arrangements for Dealing with Parliamentary Correspondence	6
Complaints and the Ombudsman	6
Role of HM Chief Inspector of Prisons	7
Role of Independent Prison Monitors	7
Role of Community Justice Authorities	7
Freedom of Information	7
4. FINANCIAL REGIME	7
Fraud	8
Arrangements for Audit	8
Arrangements for Producing Accounts	8
5. CORPORATE AND BUSINESS PLANNING	8
Corporate and Business Plans	8
Risk Management	9
6. EXTERNAL RELATIONSHIPS	9
Our Stakeholders	9
External Accountability Arrangements	9
7. OTHER MANAGEMENT ARRANGEMENTS	9
Appointment of the Chief Executive	10
Review of the Framework Document	11
ANNEX A: DELEGATIONS TO SPS	12
ANNEX B: SPS EXTERNAL ACCOUNTABILITY LANDSCAPE	14

1. STATUS AND ROLE OF THE AGENCY

Core Functions

The Scottish Prison Service (SPS) was established as an Executive Agency of the Scottish Government in 1993. SPS is a public service-led delivery agency. Our core functions are defined by legislation; we are required to deliver custodial and rehabilitation services for those sent to us by the courts.

Our principle objective is to contribute to making Scotland Safer by Protecting the Public and Reducing Re-offending. We aim to achieve this by ensuring the delivery of secure custody, safe and ordered prisons, decent standards of care and opportunities for those in our care to develop in a way that helps them re-integrate into the community on release.

To support this objective, SPS agrees a service framework with each public sector prison and manages private sector providers of prisons and custodial services under contract arrangements. Details of these arrangements are available on SPS' website (www.sps.gov.uk). At 1 April 2015, there were 13 publicly managed prisons and 2 privately managed prisons (HMPs Addiewell and Kilmarnock).

SPS also manages, on behalf of multi-agency justice partners, the national contract for the provision of court custody and prisoner escorting. In addition, SPS also routinely works and co-operates with statutory and other partners to deliver improved justice outcomes.

Vision, Mission and Strategic Priorities

Following the comprehensive review of SPS in 2013, SPS' Strategic Priorities have been the basis of its Corporate Plan and Annual Delivery Plan which are available on the SPS website. These have identified key deliverables which aim to drive SPS forward to achievement of its Vision.

The SPS has a Vision of:

- Helping to build a safer Scotland - Unlocking Potential - Transforming Lives.

The Mission of SPS is:

- Providing services that help transform the lives of people in our care so they can fulfil their potential and become responsible citizens.

To deliver the Vision and Mission, SPS has 7 strategic priorities:

1. Embedding the new Vision.
2. Investing in SPS People.
3. Delivering effective and efficient services.
4. Delivering a collaborative, outcome focus.
5. Developing a person-centred, asset-based approach.
6. Becoming a learning organisation.
7. Promoting public confidence in SPS.

Contribution to National Outcomes

SPS contributes to Scotland Performs, the Strategic Objectives of Safer and Stronger Communities, and the National Outcomes through deliverables identified within its Corporate and Annual Delivery Plans.

The National Performance Framework and the agenda for public services reform outlined in the Commission on the Future Delivery of Public Services underpin what we do. Success in achieving the SPS Vision contributes very directly to the following National Outcomes:

- We live our lives safe from crime, disorder and danger.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

These National Outcomes are reflected in the Strategy for Justice in Scotland. SPS has a strong lead role to play in the delivery of this Strategy to contribute to a flourishing Scotland. SPS can help to create an inclusive and respectful society in which all communities live in safety and security.

2. ROLES, RESPONSIBILITIES AND RELATIONSHIPS

Scottish Ministers

Scottish Ministers set the strategic objectives for the justice system in Scotland. They are responsible for determining the overall policy and resources framework within which the Agency operates. Ultimately, they are accountable to the Parliament for its functions and performance. Responsibilities of Scottish Ministers include:

- Holding the Chief Executive to account for Agency performance.
- Setting the strategic objectives and related performance targets.
- Approving corporate and business plans.
- Setting the budget for the Agency.
- Receiving the annual report and audited financial accounts from the Chief Executive.
- Approving the Framework Document.

The Chief Executive has delegated authority for the operation and management of the Scottish Prison Service as outlined in **Annex A**. The Chief Executive also meets with the Cabinet Secretary for Justice on a monthly basis and at any time of significant development or change for the Agency.

Director General (Learning and Justice)

The responsibilities of the Director General (Learning and Justice) include:

- Supporting Ministers in the discharge of their duties towards SPS.
- Supporting the relationship between the Chief Executive and Ministers.
- Ensuring that the strategic priorities and performance of SPS contribute to and are part of the Portfolio as a whole; and are aligned to the Scottish Government's Purpose and National Outcomes set out in the National Performance Framework.
- Having oversight of the delivery of the Justice Strategy in Scotland to which SPS contributes through the strategic priorities and deliverables identified within its Corporate and Annual Delivery Plans.
- Ensuring that there is a clear framework for strategic performance improvement and management of the work of SPS; providing support and constructive challenge to ensure that it is high performing and continuously improving; and ensuring that operational accountability is being exercised properly.
- Monitoring the financial performance, operational effectiveness and risk management arrangements of SPS.
- Approving matters not covered by the delegated authority arrangements set out in this Framework Document.
- Ensuring that SPS is taking steps to improve its operating efficiency, including through participation in collaborative procurement and shared service arrangements.
- Promoting integration and organisational alignment between SPS and the Scottish Government as appropriate.
- Representing the interests of SPS within the wider Scottish Government.
- Undertaking the performance appraisal of the Chief Executive.
- Ensuring that an appropriate Framework Document is in place and maintained.

Chief Executive

The Chief Executive is responsible for delivery of the functions of SPS. Responsibilities include:

- Being the Accountable Officer for the management of the resources of SPS, as appointed by the Principal Accountable Officer.
- Being personally answerable for the efficient and effective operation and financial management of SPS and for performance against key performance targets.
- Where relevant, developing Scottish Government policy and providing Ministers and others with strategic policy advice.

- Providing advice and evidence on delivery to inform policy and ensuring that SPS works across the Scottish Government in support of the purpose and national outcomes set out in the National Performance Framework.
- Ensuring that SPS is a high performing and continuously improving organisation and that it is contributing to the 'Serving Government Better' business strategy.
- Providing support to the Director General (Learning and Justice), including assurance about the financial performance, operational effectiveness, risk management arrangements of the Agency and its business improvement activity.
- Membership of the Justice Board and therefore, leadership of the Justice System in Scotland.
- Ensuring that all relevant financial considerations and Scottish Government guidance, including issues of propriety, regularity, efficiency and value for money, are taken into account in delivering the business of SPS.
- Preparing and publishing annual reports, accounts, corporate and business plans, subject to Ministerial approval.
- Management and development of staff.
- Ensuring Best Value in all aspects of SPS operations, both front-line delivery and corporate support functions, including the use of collaborative procurement and shared service arrangements where participation offers value for money for SPS or to the wider public purse.
- The Cabinet Secretary for Justice will reply to Members' correspondence relating to the policy and resources framework for SPS and on matters not delegated to the Chief Executive. The Chief Executive will reply to Members' correspondence on matters delegated to him. The Chief Executive will ensure that matters on which it is proper for Ministers to reply are referred to them.
- Where a Parliamentary Question relates to matters delegated to SPS, it will be referred to the Chief Executive to prepare the substance of the response. The question will be then be answered as follows: "I have asked [Name], Chief Executive of the Scottish Prison Service, to respond. His/Her response is as follows:"
- Keeping the content of the SPS Framework Document under review, discussing changes with the Director General (Learning and Justice).

Executive Management Group

SPS operates a 3 Directorate model comprising Operations, Strategy and Innovation, and Corporate Services Directories. Each Directorate is headed by an Executive Director. The Executive Management Group of SPS comprises the Executive Directors from each Directorate and the Chief Executive. Its purpose is to:

- Discuss and agree critical operational and corporate matters.

- Make recommendations and provide advice to the Advisory Board.

Advisory Board

SPS has an Advisory Board which is currently chaired by the Chief Executive and comprises the Executive Directors and 4 external Non-Executive Director members.

The role of chairing the Advisory Board may not always fall to the Chief Executive. Adopting such an approach not only constitutes good governance, but it also affords the Chief Executive an opportunity to fully participate in Advisory Board meetings without the responsibilities associated with chairing proceedings. It may be appropriate in some circumstances to have that role performed by a Non-Executive member. The Chairman has additional responsibilities over and above those of Advisory Board members, particularly in relation to leadership and the conduct of business. The role of the Chairman is to lead the Advisory Board, ensuring that it has the ability to carry out functions effectively and in accordance with the Principles of Public Life. The Chairman will support the Chief Executive in ensuring that all Advisory Board members receive necessary induction, on-going training and development and that Non-Executive Board members receive annual appraisal and feedback on their contribution.

The role of the Advisory Board is to undertake a supportive, advisory, questioning and enabling function. It supports the Chief Executive in the discharge of his or her role by providing a safe, challenging forum to bring issues to a well-informed group of Executive and Non-Executive Directors to help him or her reach defensible and well-informed decisions. The Advisory Board and Executive Management Group have no role in holding the Chief Executive to account for the Agency's performance and cannot issue directions to him or her.

The role of Advisory Board may include:

- **Strategy** - constructively challenging and contributing to the development of strategy, suggesting ambitious and customer-focused targets and innovative approaches for delivery.
- **Performance** - scrutinising the performance of management in meeting goals and objectives and monitoring the reporting of performance.
- **Risk** - satisfying themselves of the reliability and integrity of risk management and internal control arrangements. Providing assurance that the framework for organisational governance is operating effectively.

The process of appointing Non-Executive Directors should follow good practice. Whilst not Ministerial appointments; the relevant Minister should be sighted on proposals.

The Chief Executive retains responsibility for all aspects of the operation of SPS.

Risk Monitoring and Audit Committee (RMAC)

Each Agency, as a self-accounting entity, has an Audit and Risk Committee. Within SPS, this Committee has the title of Risk Monitoring and Audit Committee and is chaired by a Non-Executive member of the Advisory Board. Other members of the Committee consist of Non-Executive members of the Advisory Board and, if required to provide the necessary skills or number of

members, additional independent individuals are appointed by SPS. The role of the Committee is to support the Accountable Officer in his or her responsibilities for issues of risk management, control, governance and associated sources of assurance, consistent with the expectations of the Scottish Public Finance Manual (SPFM) and the Scottish Government's Audit Committee Handbook.

In tandem with guidance published within the SPFM and Scottish Government's 'Approach to Risk Management', the RMAC also has a duty to notify the Learning and Justice Portfolio Audit and Risk Committee if it considers that it has identified a significant problem which may have wider implications.

3. ACCOUNTABILITY

Accountable Officer Arrangements

The Permanent Secretary is the Principal Accountable Officer for the Scottish Administration and is responsible for designating, under section 15 of the Public Finance and Accountability (Scotland) Act 2000, the relevant Director General as the Portfolio Accountable Officer and the Agency Chief Executive as the Agency Accountable Officer. These Accountable Officers have personal responsibility to Parliament for the propriety and regularity of public finances for the part of the Scottish Administration for which such Accountable Officers have stewardship.

The roles and responsibilities of Portfolio Accountable Officers and Agency Accountable Officers are set out in the Memorandum to Accountable Officers for parts of the Scottish Administration.

Parliamentary Committee Attendance

The Scottish Parliament has the power to require witnesses to attend Parliamentary Committees. The Chief Executive, as Accountable Officer for the Agency, may be called to appear before the Public Audit Committee of the Scottish Parliament to account for the discharge of his or her responsibilities under the terms of the Framework Document, or before other Committees in the capacity of Chief Executive.

The Chief Executive is responsible for implementing any relevant recommendations from the Public Audit Committee or other Committees of the Scottish Parliament which are accepted by the Scottish Government.

Arrangements for Dealing with Parliamentary Correspondence

Scottish Ministers will encourage MSPs to communicate directly with the Agency Chief Executive on operational matters within his or her authority.

The Chief Executive will provide any necessary information and support the answer of Parliamentary Questions or deal with any other Parliamentary business for which the Agency is responsible.

Complaints and the Ombudsman

The Chief Executive is responsible for ensuring that effective procedures for handling complaints are established, published and adhered to. The complaints procedure must be compliant with the

statement of principles published by the Scottish Public Services Ombudsman (SPSO). Where complainants are unhappy with the outcome of their complaint, they will be informed of their right to raise it with the SPSO who will investigate. The Chief Executive will ensure that any actions arising from these investigations are appropriately and promptly addressed.

Role of HM Chief Inspector of Prisons

The role of HM Chief Inspector of Prisons is set out in the Prisons (Scotland) Act 1989. The Chief Inspector reports to the Scottish Ministers on the treatment of prisoners and conditions in prisons. The Chief Executive is responsible for considering those recommendations of HM Chief Inspector which fall within the matters delegated to SPS and for implementing those which the Scottish Ministers require him or her to implement.

Role of Independent Prison Monitors

The role of Independent Prison Monitors holds statutory authority under the Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015. From September 2015, Independent Prison Monitors will act on behalf of Scottish Ministers to provide an independent monitoring role within prisons. The role of the Independent Prison Monitor is to help to ensure prisoners' human rights are upheld and that life in prison contributes to their rehabilitation.

Role of Community Justice Authorities

SPS is a named statutory partner for each of the 8 Community Justice Authorities across Scotland. Community Justice Authorities were established under the Management of Offenders etc (Scotland) Act 2005 and began operating on 1 April 2007. SPS is required to fulfil a 'duty to co-operate' with other statutory partners in terms of the Act.

A new model for community justice services is being designed to deliver a community solution to achieving improved outcomes for community justice; to reducing re-offending; and to support desistance. SPS will conform to any duties placed upon it as a consequence of the accompanying enabling legislation. Under the new model, a strategic vision for community justice in Scotland will be provided through a new National Outcomes, Performance and Improvement Framework and National Strategy which will set out the aims for improved community justice outcomes.

Freedom of Information

SPS will publish its information in accordance with its publication scheme which forms part of the Scottish Government's overarching publication scheme. The Chief Executive will assume responsibility for the SPS scheme.

4. FINANCIAL REGIME

The Chief Executive is responsible for ensuring that SPS financial procedures comply with guidance issued by the Finance Directorate and Scottish Procurement and Commercial Directorate. SPS will comply with the requirements of the Scottish Public Financial Manual and other relevant guidance.

SPS has a robust system of financial and budgetary control which provides the Chief Executive and the Director General (Learning and Justice) with sufficient information to assure them that:

- Expenditure is being handled in a proper and prudent manner.
- It is achieving efficiency improvements and value for money from its resources in delivering its functions.

Financial Delegations are set out in **Annex A**.

Fraud

SPS has a zero tolerance approach to fraud: there is no acceptable level of fraud. To support this approach, SPS ensures that opportunities for fraud are reduced to the lowest possible level of risk. SPS has a Fraud Prevention Policy and Fraud Response Plan, in accordance with the guidance set out in the Scottish Public Sector Finance Manual. This Policy outlines the approach for prevention, detection, reporting and handling of fraud. The Fraud Response Group meets regularly and presents an annual report on activity to the Risk Monitoring and Audit Committee.

Arrangements for Audit

The Chief Executive is responsible for establishing internal audit mechanisms in accordance with the objectives and standards laid down by the Government Internal Audit Standards (GIAS) and Public Sector Internal Audit Standards (PSIAS) in a way that demonstrates value for money. Internal Audit will provide the Chief Executive, as Accountable Officer, with an independent and objective opinion on the overall adequacy of risk management, control environment and governance by measuring their effectiveness in achieving SPS' Strategic Priorities.

Arrangements for Producing Accounts

The Chief Executive is responsible for producing and publishing accounts for the Agency and for laying them before the Parliament, together with SPS' annual report. The accounts must be produced in accordance with the accounts direction from Scottish Ministers and the timetable for the production of the Scottish Government's consolidated accounts each year. The Public Finance and Accountability (Scotland) Act 2000 stipulates that the Scottish Government's consolidated accounts will be laid before the Scottish Parliament and published after they have been audited and certified by the Auditor General for Scotland.

The Chief Executive is responsible for maintaining a sound system of internal control that supports the achievement of the policies, aims and objectives of SPS and for regularly reviewing the effectiveness of that system. A Governance Statement is to be provided by the Accountable Officer alongside the Agency's annual accounts.

5. CORPORATE AND BUSINESS PLANNING

Corporate and Business Plans

The Chief Executive, supported by the Advisory Board and Risk Monitoring and Audit Committee (RMAC), is responsible for preparing a corporate plan covering the medium to long-term business of SPS and an annual business plan that takes account of and reflects the Scottish Government Business Strategy. The corporate plan and business plan should be prepared in consultation with the Director General (Learning and Justice) and be approved by Scottish Ministers. The plans should be clear on how the activities of the Agency are aligned to the

Government's purpose and the national outcomes set out in National Performance Framework. As outlined in Section 1, the SPS Corporate Plan and Annual Delivery Plan are available on SPS' website.

Risk Management

The Chief Executive, supported by the Advisory Board and RMAC, is responsible for implementing and monitoring risk management arrangements as part of a robust corporate governance framework.

The review of risk is an integral part of monthly reporting cycles and the Executive Management Group meets to formally consider risk on a bi-monthly basis. Outwith these cycles, SPS believes that risk management is a critical component of effective business management and utilises risk management techniques to better inform decision-making.

The risk profile of SPS is continually evolving and as such, risk management arrangements are actively monitored and reviewed to gain assurance that the approach remains effective and appropriate. The Chief Executive will regularly discuss risk management arrangements with the Director General (Learning and Justice) to provide assurance and to ensure a comprehensive and co-ordinated approach to managing risk and the successful delivery of Agency functions and projects.

6. EXTERNAL RELATIONSHIPS

Our Stakeholders

SPS will ensure that external stakeholders are appropriately informed and, where relevant, involved in 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 access the organisation. SPS will be responsible for keeping them informed of any changes in service delivery and responding to issued or concerns raised by stakeholders.

External Accountability Arrangements

Section 3 outlines a range of complementary arrangements through which SPS is held accountable for its performance by external parties. This overall landscape of external accountability arrangements for SPS is illustrated at **Annex B**.

7. OTHER MANAGEMENT ARRANGEMENTS

The Chief Executive has delegated authority to determine the terms and conditions of employment (excluding pensions) of SPS staff, after consultation with the relevant Trade Unions. The terms and conditions must be appropriate to SPS business needs, consistent with Government policies on the Civil Service and take account of Government policies on public sector pay.

SPS staff align with the Civil Service Code (Scottish Government version) which sets out the core values of the Civil Service and the standards expected of civil servants.

SPS is responsible for the recruitment of its staff. All recruitment will adhere to the Civil Service Management Code, the SPS Recruitment Guidelines and the Civil Service Commissioners' Recruitment Principles.

SPS will be responsible for promoting and supporting effective employee relations and, where appropriate, consulting with recognised Trades Unions in line with the Partnership Agreement.

The Chief Executive is responsible for the development of SPS staff, drawing as necessary on Scottish Government staff development resources and activity. All staff are eligible for promotion opportunities within Scottish Government.

SPS' risks, including public and employer liability, are carried in line with the Scottish Government's policy on insurance. The Chief Executive will keep the Portfolio Finance Team/Finance Business Partners or equivalent informed of the level of any contingent liabilities, including, where possible, an assessment of their values. Where appropriate, he or she will report contingent liabilities to the Scottish Parliament, seeking prior approval where appropriate in line with the Scottish Public Finance Manual.

The responsibility for Health and Safety management, including compliance with Health and Safety legislation, guidance and/or best practice, lies with the Chief Executive. Assurances on Health and Safety management may be sought by the Occupational Health and Safety Branch of the Scottish Government.

Whilst SPS is responsible for its own communications and media handling, it has a close working relationship with colleagues in Communications Safer Stronger and Communications Justice with whom it consults as a matter of routine.

The Chief Executive, with regard to the requirements of efficient government and value for money, will keep the provision of support services under review as part of ensuring best value in all aspects of SPS' operations. This includes the use of shared service arrangements where participation offers value for money for SPS or to the wider public purse. Opportunities to share the delivery of front-facing services should also be considered. To this end, SPS will report annually on the steps taken during each financial year to improve efficiency, effectiveness and economy (including details of shared services activity), under the terms of the Public Services Reform (Scotland) Act 2010 and the associated guidance.

The Chief Executive is responsible for ensuring that the Agency complies with all statutory duties and relevant Scottish Government policies to which it is subject. He or she is also responsible for ensuring adherence to all Scottish Government equality and diversity policies and relevant equalities legislation, including relevant public sector duties.

Appointment of the Chief Executive

The Chief Executive is a Civil Servant and is subject to the Civil Service Code. The post of Chief Executive may be filled by a managed move within the Civil Service, in the same way as any other senior management position within the Scottish Government, or it may be filled by open competition overseen by the Civil Service Commissioners. The arrangements for appointing a Chief Executive will be managed by the Senior Staff Team within the Scottish Government's Human Resources and Organisational Development Directorate.

Review of the Framework Document

This Framework Document can be reviewed at any time and should be reviewed at key trigger points such as when there has been a change in Chief Executive or Minister. It should be formally reviewed at least once every 3 years and published on SPS' website.

DELEGATIONS TO SPS

General

The Chief Executive has delegated authority for the operation and management of the Scottish Prison Service:

- Within the law, including the Prison Rules.
- Within the resources available to SPS.
- Consistent with the policies of Scottish Ministers.
- Subject to the approval by Scottish Ministers of the Agency's Business Plan for the relevant period.
- Subject to the exceptions listed below.
- Subject to any directions made by the Scottish Ministers from time to time.

Developing and Managing the Prison Estate

The Chief Executive has delegated authority to develop and manage the prison estate, subject to the following exceptions:

- Closing a prison.
- Deciding the location of a new prison.
- Increasing total prison capacity by more than 7%.
- Reducing total prison capacity by more than 7%.

Prison Operations and Regime

The Chief Executive has delegated authority to make decisions about the rules, policies in force, operations, discipline, security and incident control, and the provision of regimes, interventions and activities intended to contribute to reducing re-offending at prisons in Scotland, so long as these are consistent with the policies of Scottish Ministers and in accordance with business plans approved by Scottish Ministers.

Management and Movement of Prisoners

The Chief Executive has delegated authority to make decisions about the management of individual offenders, including their location, movement, discipline, care, welfare, interventions and activities to further rehabilitation of offenders in prison, subject to the following exceptions:

- Agreements to hold prisoners on behalf of jurisdictions other than those of Great Britain.
- To comply with decisions for release by the Parole Board.

Finance

Within the agreed overall budgetary provision and subject to the Scottish Public Finance Manual and Scottish Procurement Policy Handbook, and any other current extant budget management and expenditure guidance, the Chief Executive of SPS has delegated authority to procure goods and services, enter into contracts and to incur expenditure necessary to fulfil his responsibilities as set out below.

1. Commit expenditure and authorise payments.	Unlimited within the agreed budget limits, with the exception of the specific categories below and: <ul style="list-style-type: none"> ▪ Contracts with a value over £50m. ▪ Contracts which could have a significant impact on other criminal justice services.
2. Accept receipts.	Unlimited, but receipts in excess of those authorised in the Budget Act must be surrendered to the Scottish Consolidated Fund.
3. Incur contingent liabilities.	Subject to compliance with guidance on contingent liabilities contained in the Scottish Public Finance Manual.
4. Commission Consultants.	Unlimited up to £10,000: <ul style="list-style-type: none"> ▪ Consultancies between £10,000 and £50,000 must be approved by the Chief Executive. ▪ Consultancies above £50,000 must be approved by the Cabinet Secretary for Infrastructure, Investment and Cities, and Cabinet Secretary for Finance, Employment and Sustainable Growth. Submissions for approval must be endorsed by the Chief Executive.
5. Authorise losses, special payments and write-offs.	Unlimited, but Scottish Government Finance Business Partner should be consulted on cases which: <ul style="list-style-type: none"> ▪ Are novel or contentious. ▪ Involve important questions of principle. ▪ Raise doubts about the effectiveness of existing systems. ▪ Contain lessons which might be of wider interest. ▪ Arise because of obscure or ambiguous instructions issued centrally.
6. Capital expenditure including investment projects.	Unlimited, except for: <ul style="list-style-type: none"> • Contracts with a value over £50m. ▪ Contracts which could have a significant impact on other criminal justice services.

SPS EXTERNAL ACCOUNTABILITY LANDSCAPE

