

# Framework document



## Foreword from the Cabinet Secretary for Education and Lifelong Learning

Improving life chances for all our people through the provision of excellent education and children's services is at the heart of this Government's ambition for Scotland. We want Scotland to be the best country in the world in which to grow up, and to be marked out by the quality of learning opportunities we provide to ensure that everyone can reach their potential as they continue to engage in learning throughout their lives.

I established Education Scotland as our new national improvement agency for education to play a key role in ensuring this ambition is realised. The Agency has a unique combination of roles and capabilities, giving it the potential to blend guidance, support and constructive challenge in new ways which will increase the pace of improvement across the whole of our education system.

This framework document sets out how Education Scotland will operate, its relationship with Scottish Ministers and the Scottish Government and how it is expected to fulfil its remit and purpose. I look forward to working closely with Education Scotland in the years ahead to help ensure that it realises fully its potential and that learners across Scotland reap the benefits of an education system which has made a decisive move from being 'good' to being truly 'great'.

Michael Russell  
Cabinet Secretary for Education and Lifelong Learning

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## **A: Strategic goals, roles and functions**

### **Role and status**

1. Education Scotland was established on 1 July 2011 by the Cabinet Secretary for Education and Lifelong Learning as a new public body, charged with supporting quality and improvement in Scottish Education and thereby securing the delivery of better learning experiences and outcomes for Scottish learners of all ages.
2. The organisation's status as an Executive Agency means that it operates independently and impartially, whilst remaining directly accountable to Scottish Ministers for the standards of its work. This status safeguards its independence of inspection, review and reporting within the overall context of the National Performance Framework. It is headed by a Chief Executive who is responsible to Scottish Ministers, within the terms of this framework document, for its management, performance and future development.

### **Vision**

3. Education Scotland's vision is that Scottish learners will progress in one of the most effective education systems in the world, renowned for the ability of national and local partners to work flexibly together to achieve high quality and equitable outcomes for all.

### **Mission**

4. The mission which the Agency is pursuing in order to realise this vision is summarised as being 'to provide the best blend of national support and challenge to inspire and secure continuous improvement in the opportunities that all Scottish learners can access'.

### **Strategic objectives**

5. In pursuing its mission, Education Scotland is committed to working collaboratively and in partnership with other public bodies and local authorities, promoting and supporting a climate of ambition and delivering added value through focusing its work around seven strategic objectives. These are:
  - i. to lead and support successful implementation of the curriculum;
  - ii. to build the capacity of education providers and practitioners to improve their own performance;
  - iii. to promote high quality professional learning and leadership;
  - iv. to stimulate creativity and innovation;
  - v. to provide independent evaluation on the quality of educational provision;
  - vi. to provide evidence-based advice to inform national policy; and
  - vii. to develop our people and improve our organisational capability.

## Alignment with the National Performance Framework

6. Education Scotland is fully committed to ensuring that its activities as a public body make a strong and effective contribution to the Scottish Government's over-arching National Purpose of creating a more successful country with opportunities for all to flourish through sustainable economic growth.
7. All of the Agency's business activities are organised within thematic delivery programmes. Each programme is aligned to one or more of Education Scotland's seven strategic objectives and will support and contribute to achievement of a number of the National Outcomes<sup>1</sup>. Overall, the Agency's work will contribute most directly to the following outcomes:
  - we are better educated, more skilled and more successful, renowned for our research and innovation;
  - our young people are successful learners, confident individuals, effective contributors and responsible citizens;
  - our children have the best start in life and are ready to succeed;
  - we have improved the life chances for children, young people and families at risk; and
  - our public services are high quality, continually improving, efficient and responsive to local people's needs.

## B: Roles, responsibilities and relationships

### Role of the Scottish Ministers

8. Scottish Ministers set the strategic objectives for the education system in Scotland and are responsible for setting the policy and resources framework within which the Agency operates. Scottish Ministers are responsible for:
  - setting the strategic objectives and related performance targets;
  - approving the Agency's corporate and business plans;
  - holding the Chief Executive to account for Education Scotland's performance;
  - setting budgets for the Agency;
  - receiving the annual report and audited financial accounts from the Chief Executive; and
  - approving the framework document for the Agency and any revisions to it.
9. Scottish Ministers' responsibilities will be discharged in the light of advice from the Director-General Learning and Justice.

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<sup>1</sup> National Performance Framework, Scottish Government:  
<http://www.scotland.gov.uk/Resource/Doc/933/0124202.pdf>

## Role of the Chief Executive

10. The Chief Executive is answerable to the Scottish Ministers for the outcomes delivered by the Agency and for planning its future development. Responsibility for all operational matters is delegated to the Chief Executive by the Director-General Learning and Justice.
11. The Chief Executive's principal duties include:
  - responsibility for progress towards and achievement of the Agency's strategic priorities;
  - working collaboratively with the Scottish Government, in particular, with the Director-General Learning and Justice's senior management team to support progress towards the National Outcomes;
  - responsibility for the operations and financial management of the Agency and for its performance against key targets;
  - providing regular briefings to relevant portfolio Ministers on progress and activities of Education Scotland;
  - providing independent professional advice, information and evidence to Scottish Ministers, relevant Scottish Government directorates and key national bodies including those responsible for funding, policy development, management, quality and delivery of education;
  - carrying out his/her duties to support the Director-General Learning and Justice;
  - determining the scale and priorities of the Agency's inspection/review programme to ensure it fulfils the Agency's strategic priorities, in agreement with the Cabinet Secretary for Education and Lifelong Learning, who may also commission specific inspection/review activity through the Chief Executive;
  - acting as Accountable Officer for the management of the Agency's resources, as appointed by the Permanent Secretary;
  - 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 Agency's business;
  - providing regular and comprehensive information about the Agency's financial and operational performance to the Director-General Learning and Justice;
  - preparing and publishing annual reports, accounts, corporate and business plans, subject to Ministerial approval;
  - leading, managing and developing the Agency's staff, drawing on the principles laid out in the Scottish Government's People Strategy;
  - ensuring Best Value<sup>2</sup>, specifically through participation in shared services arrangements, when putting in place appropriate operational structures, business systems and procedures - including systems for financial management and control, internal audit and risk management;

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<sup>2</sup> Scottish Public Finance Manual, The Scottish Government, May 2011, <http://www.scotland.gov.uk/Topics/Government/Finance/spfm/BestValue>



- replying to correspondence from MSPs on operational issues within the Agency's responsibilities and otherwise supporting Ministers by preparing Ministerial briefing and responses to Ministerial correspondence and written or oral parliamentary questions; and
- keeping the content of the Agency's framework document under review, discussing changes with the Director-General Learning and Justice.

## Role of the Director of Inspection

12. A strong role for the Director of Inspection is critical in maintaining stakeholder confidence in the integrity and impartiality of the Scottish inspection model, as it is operated within Education Scotland. The Chief Executive shall ensure that the role of Director of Inspection will be allocated to a member of his/her senior management team with appropriate experience, stature and credibility in relation to Scottish education, quality evaluation and improvement. The Director of Inspection, whilst a member of the senior management of Education Scotland, shall be acknowledged by the Cabinet Secretary for Education and Lifelong Learning, the Director-General Learning and Justice, the Chief Executive, the Corporate Management Group and the Management Advisory Board of Education Scotland as having a custodian and protective role for ensuring Education Scotland operates openly and impartially when carrying out its inspection and scrutiny obligations. To that extent, the Director of Inspection will be acknowledged as having a distinct and separate role to the Chief Executive. The Director of Inspection will:

- establish and publicise an appropriate policy and code of practice governing the conduct of inspections, including inspections of specific establishments or services and broader inspections of themes or aspects of education provision, which guarantees their objectivity and impartiality and freedom from inappropriate influence;
- ensure that this policy is reflected in the design of any inspection regimes designed by each of the other Strategic Directors and their teams and monitor and promote full compliance with the code of practice;
- ensure the presence of an appropriate complaints procedure in relation to inspections and reviews and oversee its operation, acting as the most senior internal adjudicator;
- report annually to the Agency's Audit and Risk Committee on compliance with policy and the code of practice, including the outcome of complaints;
- take overall responsibility for the integrity of the inspection analysis, feeding into any key 'state of the nation' reports summarising the findings of inspections and reviews across all of the Agency's fields of operation; and
- act as the Head of Profession for HM Inspectors of Education, who are a designated specialist professional group within the Scottish Government.



## Role of Director-General Learning and Justice

13. The role of the Director-General Learning and Justice has two broad dimensions:
  - providing Ministers with a key source of external advice on the strategic role and direction of the Agency in the context of the government's overall policy objectives; and
  - providing support and constructive challenge to the Chief Executive at a strategic level, with a view to ensuring that the Agency is performing and developing its role in close alignment with the government's outcomes and the activities of core policy directorates, and in a manner which reflects the operation of good governance and appropriate accountability.
14. In carrying out this role the Director-General Learning and Justice will seek to ensure that the Agency plays an integral role within the Director-General family and portfolio to support Ministers and that its relationship with Ministers and with its Non-Executive Directors are healthy.
15. Specific aspects of the Director-General role include:
  - confirming that the Agency's strategy and priorities are aligned effectively with the Government's Purpose and the National Outcomes in general and with the priorities and objectives of the Learning and Justice portfolios in particular;
  - confirming that the Agency is meeting the corporate expectations of Scottish public bodies, as set out in the government's annual statement of guidance;
  - ensuring that the broad distribution of roles and functions between the Agency and relevant policy directorates within the Director-General family is clear, efficient and effective;
  - through delegation to the Director of Learning, ensuring that the Agency is operating effective strategic planning and performance management arrangements, including a process of triennial strategic planning and a process of annual business planning, which integrate with the Scottish Government's financial and planning cycles, and ensuring Ministers receive appropriate advice as the Chief Executive submits these plans for approval;
  - advising Ministers, as required, on the overall performance of the Agency, as Ministers receive the Agency's annual report and at other times if required;
  - arranging for the Agency to be incorporated into the Director-General's high-level financial planning and monitoring arrangements, with appropriate adaptations to take account of the distinct status and delegated financial and audit responsibilities of an Executive Agency;
  - seeking clarification on any matter which may arise from these planning and monitoring arrangements or from the Agency's own financial performance and audit arrangements, as and when required;

- considering specific requests from the Chief Executive for approval of spending which exceeds the delegated authority limits set out in this framework document; and
- undertaking the annual performance appraisal of the Chief Executive.

### **Role of Director of Learning**

16. The Director of Learning has been delegated by the Director-General to work directly with the Chief Executive to establish and operate a process of engagement around the Agency's business planning processes (annual business planning and triennial strategic planning) which ensures appropriate alignment of Agency activities with the priorities of relevant policy directorates and the portfolio as a whole.
17. In carrying out this role the Director of Learning will agree with the Chief Executive an agreed schedule of consultation and feedback opportunities at appropriate points in the year (and three-year cycle for strategic planning) to inform the development of the Agency's annual business plan. The Director of Learning will coordinate input and feedback from across relevant policy directorates, proposing changes as appropriate and, if required, acting as the central point of contact for them in agreeing any action needed to resolve competing demands or need for prioritisation to meet resource constraints.
18. Progress against the objectives and priorities set out in both the business plan and the three year corporate plan, will be reviewed at regular intervals as agreed by the Chief Executive and the Director of Learning, with others, where appropriate, reporting to the Director-General as necessary.
19. As annual business plans and three-year corporate plans are being submitted to the Director-General in advance of being submitted for Cabinet Secretary approval, the Director of Learning will provide the Director-General with advice with a view to providing assurance that appropriate alignment has been achieved.

### **C: Accountability**

20. Scottish Ministers will be accountable to the Scottish Parliament for Education Scotland.

### **Accountable Officer arrangements**

21. The Permanent Secretary of the Scottish Government 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 Director-General Learning and

Justice as the Portfolio Accountable Officer and the Chief Executive of Education Scotland as the Agency's Accountable Officer.

22. The Chief Executive is responsible for the preparation and signature of the Agency's annual accounts. The Chief Executive will provide such information as is necessary for the preparation of the consolidated accounts for the Scottish Government, which are signed by the Permanent Secretary. The Chief Executive will also report to the Director of Learning during the year, on a basis agreed between them, on all expenditure and income administered by the Agency.
23. As Agency Accountable Officer, the Chief Executive is personally answerable to the Scottish Parliament for the proper, efficient and effective use of all the resources provided for the administration of the Agency (including budget provision). The Chief Executive is also responsible for ensuring compliance with relevant guidance issued by the Scottish Government and for putting into effect any recommendations of the Auditor General or the Scottish Parliament that have been accepted by Scottish Ministers.
24. The Chief Executive's accountability is subject to the responsibilities of the Scottish Government's Permanent Secretary as the Principal Accountable Officer for the Scottish Administration and the responsibilities of the Director-General Learning and Justice as described in the framework document.

### Parliamentary committee attendance

25. The Chief Executive is liable to be called to appear before the Public Audit Committee of the Scottish Parliament on the discharge of the responsibilities allocated in this framework document, or before other committees in the capacity of Chief Executive of Education Scotland. The Scottish Parliament has the power to require witnesses to attend parliamentary committees.
26. It will continue to be for Scottish Ministers to decide who should represent them at parliamentary committees. In practice, where a committee's interest is confined to the day to day operations of Education Scotland, Ministers will normally regard the Chief Executive (who will call on such specialist or technical support as he or she may require), as the person best placed to appear on their behalf.

### Best Value

27. The Chief Executive, as Agency Accountable Officer, has a duty to secure Best Value, which includes the concepts of good corporate governance, performance management and continuous improvement. Guidance to Accountable Officers on the duty to ensure that arrangements are in place to secure Best Value in public services is available on the Scottish Government website.

## Arrangements for dealing with parliamentary correspondence

28. The Scottish Ministers will reply to correspondence from MSPs and MPs on issues relating to the Agency's role. The Scottish Ministers will encourage MSPs and MPs to communicate directly with the Chief Executive on operational matters within his or her authority. The Chief Executive will provide the Scottish Ministers with any information necessary to answer parliamentary questions or deal with any other parliamentary business about matters for which the Agency is responsible.

## Complaints and the Scottish Public Services Ombudsman

29. The Agency will maintain a complaints handling procedure which complies with the principles published by the Scottish Public Services Ombudsman (SPSO), which will be publicised on the Education Scotland website. Where stakeholders are not satisfied with the implementation of that complaints procedure, the SPSO could be asked to investigate individual complaints. The SPSO will deal directly with the Chief Executive on any case where a complaint is made.

## Freedom of Information

30. As a public authority, Education Scotland will comply with the *Freedom of Information (Scotland) Act 2002* by providing information to members of the public: either in response to individual requests for information or as part of the Agency's publication scheme. The Agency will work with both the Scottish Information Commissioner and the Scottish Government's Freedom of Information Unit to ensure that information is appropriately provided to members of the public.

## D: Resource planning, management and audit

### Strategy and management

31. The Chief Executive will establish a Management Advisory Board which will provide strategic oversight of the operations of Education Scotland and give advice to the Chief Executive. The Management Advisory Board will comprise of key Agency personnel as determined by the Chief Executive.
32. Independent Non-Executive Directors shall be selected and appointed by the Chief Executive in accordance with good practice and recommendations in public appointments. Non-Executive Directors will be appointed for up to three years with the possibility of reappointment for a further three years and will be subject to annual performance review by the Chief Executive.

33. Non-Executive Directors will provide constructive advice and support to the Chief Executive, including contributing to reviews of strategic direction and operating and business plans. Non-Executive Directors will be expected to offer, as appropriate, constructive critical challenge to the executive members of the Board.
34. The Management Advisory Board will establish an Audit and Risk Committee, members of which should all be Non-Executive Directors or independent external members. The Audit and Risk Committee will be chaired by a Non-Executive Director and at least one of the committee members should have recent and relevant financial experience.
35. Non-Executive Directors will have direct access to the Director-General Learning and Justice and to Scottish Ministers as may be required and vice versa.

### Financial provision and authorities

36. The use of resources by Education Scotland is authorised by the Scottish Parliament in the Budget (Scotland) Act.
37. The agreed funding for Education Scotland budget will be allocated as a discrete element within the overall budgetary provision for the Learning and Justice portfolios, alongside budgets for policy directorates and other Agencies. The Chief Executive will ensure the Agency participates in 'Director-General wide' strategic budget planning and monitoring processes appropriately.
38. Education Scotland may, with the agreement of Scottish Ministers, undertake additional services for clients out with Scottish Government on a repayment basis.
39. The financial authorities set out in **Annex 2** are delegated to the Chief Executive by the Director-General Learning and Justice in consultation with the Scottish Government's Director-General Finance. They are designed to provide flexibility to make the most efficient use of resources. The delegations may be reviewed at any time by the Director-General Learning and Justice, the Director of Learning or the Chief Executive in consultation with each other and with the Scottish Government's Director-General Finance.
40. The Chief Executive will be responsible for ensuring that relevant financial procedures are followed by the Agency and may sub-delegate authority in accordance with relevant guidance in the Scottish Public Finance Manual<sup>3</sup>. The Agency will also put into effect any relevant recommendations of Scottish parliamentary committees or other parliamentary authority accepted by the Scottish Government and will

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<sup>3</sup> Scottish Public Finance Manual, Scottish Government:  
<http://www.scotland.gov.uk/Topics/Government/Finance/spfm/Intro>

seek prior approval of the relevant core SG Finance Business Partner must be obtained for any novel or contentious (or repercussive) financial transactions.

### Corporate and business planning

41. The Agency will develop, maintain and publish a corporate plan. This plan will be reviewed and updated every year on a rolling three year basis and submitted to Scottish Ministers for approval. The Corporate Plan will set out the strategic management priorities for the Agency over a three year period. The plan will form the basis for evaluating the performance of the Agency and will be used as a framework for a more detailed annual business plan which will form the basis for operational management of Education Scotland.
42. At the end of each three year corporate plan, Education Scotland will produce a comprehensive effectiveness report about its impact and the effectiveness of the Agency. This will link into the development of the next three year corporate plan.
43. The Agency will have a process for consultation with policy colleagues and stakeholders and will agree with the Director of Learning a calendar for consultation that leads to submission of the annual business plan in March each year.
44. The business plan will set out the Agency's priorities, targets and outputs for the year ahead and be used as an aid to internal management. A summary of progress will normally be published along with the annual accounts.
45. Exceptionally, if policy or circumstances change significantly in the course of a planning period, the Director-General Learning and Justice, the Director of Learning, Director of Lifelong Learning, Director of Children and Families or the Chief Executive may propose revisions to the corporate or business plans, including changes to targets and financial resources. Any revisions will be subject to approval by Scottish Ministers.

### Audit and Risk Committee

46. The Management Advisory Board will establish and maintain an Audit and Risk Committee which will be constituted and operate in conformity with the terms of the Scottish Government's Audit Committee Handbook<sup>4</sup>. The Chief Executive, Director of Inspection and the Assistant Director (Corporate Services) will routinely attend the Committee as will representatives of Internal and External Audit. The Committee may, however, sit privately when it may so decide.

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<sup>4</sup> Audit Committee Handbook, The Scottish Government, August 2008, <http://www.scotland.gov.uk/Publications/2008/08/08140346/0>

47. The remit of the Audit and Risk Committee will include supporting the Chief Executive with regard to the efficient and effective use of resources and the associated responsibilities for risk, control, governance and assurance. The Education Scotland Audit and Risk Committee will be responsible for drawing any significant matters arising in this respect to the attention of the Education and Lifelong Learning Audit Committee, for example in instances where issues may depend on factors which are out with the control of the Agency or have implications for the operation of the Scottish Government and its public bodies more generally. The Chair of the Audit and Risk Committee will have a direct right to access to Scottish Government Internal Audit Division.

### **Risk management**

48. The Chief Executive will maintain a risk management policy for the successful delivery of Agency functions and projects, in accordance with relevant guidance in the Scottish Public Finance Manual. The risk management policy will be formally reviewed annually by the Management Advisory Board and updated as necessary.
49. In support of the policy, the Chief Executive will maintain a comprehensive risk register and business continuity/disaster recovery plans for the Agency, covering all aspects of the Agency's operations. These documents will be made available to the Audit and Risk Committee and Corporate Management Group meetings as required. Both documents will also be made available to Scottish Government Internal Audit, the Auditor General for Scotland (AGS) (or auditors appointed by AGS) and Scottish Government Finance as required.
50. The Agency risks, including public and employer liability, will be carried in line with the Scottish Government's policy on insurance. The Chief Executive will keep Scottish Government Finance Directorate informed of the level of any contingent liabilities, including where possible an assessment of their values. Where appropriate the Chief Executive will report contingent liabilities to the Scottish Parliament, seeking prior approval where appropriate in line with the requirements in the Scottish Public Finance Manual.

### **Internal audit**

51. The Chief Executive in consultation with Scottish Government Internal Audit Division will establish an internal audit service in line with Government Internal Audit Standards. As part of this system, the Agency Audit and Risk Committee will assist the Chief Executive in evaluating the effectiveness of the financial and management controls within Education Scotland.
52. Scottish Government Internal Audit Division will have right of access to Education Scotland, where required and after consultation with the



Chief Executive, in order to give independent assurance to the Chief Executive and to the Director-General Learning and Justice in discharging their responsibilities.

### External audit

53. Education Scotland will be subject to external audit by the AGS, or by auditors appointed by the AGS.

### Annual report and accounts

54. The Chief Executive will sign and present annually to Scottish Ministers an annual report and accounts. The annual report will review Education Scotland's performance over the previous year and show whether targets and performance measures set by Ministers have been achieved.
55. The accounts shall be prepared in accordance with a direction given by Ministers under section (19) of the *Public Finance and Accountability (Scotland) Act 2000*. The annual report and audited accounts will be laid before the Scottish Parliament and published before 31 December and in accordance with the timetable for the production of the Scottish Government consolidated accounts each year. The accounts must not be laid before they have been formally sent by the AGS to the Scottish Ministers and must not be published before they have been laid.
56. The Agency will operate financial and management accounting systems which enable management to continuously review performance against budgets and targets.

### External accountability and consultation

57. As noted in paragraphs 31, 32 and 33, a Management Advisory Board will be established consisting of independent Non-Executive Directors who will provide advice and support to the Chief Executive and constructively challenge the way in which the Agency is run. They will provide the Chief Executive with an independent perspective on the Agency's work and will assist the Chief Executive in evaluating the effectiveness of the Agency.
58. Sections C and D of this document set out a range of complementary arrangements through which Education Scotland is held accountable for its performance by external parties. This overall landscape of external accountability arrangements for Education Scotland is summarised graphically in **Annex 1**.

## E: Human resources

### Employment status, terms and conditions

59. The Chief Executive and Education Scotland's permanent staff are members of the Home Civil Service employed by Scottish Ministers on Scottish Government main terms and conditions of service. Those staff employed as HM Inspectors of Education (HMI) are also appointed by Royal Warrant, which guarantees their independence.
60. Staff below Senior Civil Service level are employed on Scottish Government main terms and conditions. Employees are covered by Civil Service pensions arrangements unless they opt otherwise.
61. The Chief Executive may review the terms and conditions of service of Education Scotland staff in the business interests of the Agency. Where proposals for change go beyond the Chief Executive's delegated authority they will require the approval of the Scottish Government's Head of Human Resources. As such proposals will be subject to normal consultations, including consultations with staff and the Council of Scottish Government Unions.
62. All civil service appointments are subject to Disclosure Scotland clearance. All Education Scotland staff who undertake regulated work with vulnerable people must become members of the Protecting Vulnerable Groups (PVG) Scheme.

### Human resource management

63. The Chief Executive is responsible for ensuring that there are adequate human resource management arrangements within Education Scotland for Band C staff and below. The Agency will continue to use some services of Scottish Government Human Resources. The Scottish Government's Head of Human Resources will continue to have overall responsibility for members of the Senior Civil Service. Senior Civil Service posts may only be established following consultation and agreement with the Head of Human Resources.
64. The Chief Executive is responsible for determining the number and grades of staff up to and including C3 level employed by Education Scotland. Through its current service level agreement with the Agency, Scottish Government Human Resources has the main responsibility for recruiting permanent staff to the Agency, in line with standard Scottish Government and in full consultation with the Chief Executive. The Chief Executive will be directly involved in appointments in the Senior Civil Service. Education Scotland may, on occasion, recruit Band A, B and C staff directly, in full consultation with Scottish Government Human Resources Unit. All recruitment will be undertaken on the basis of fair and open competition as required by the Civil Service Commissioners'

Recruitment Code and with due regard for the availability of staff elsewhere in the wider Scottish Government.

65. Education Scotland aims to offer its staff career development opportunities and is committed to continuous learning, diversity and equal opportunities. Within the framework of Scottish Government's People Strategy, the Agency will develop and maintain a Human Resources strategy which will meet the needs of the organisation and of all individuals within it. All staff can transfer between Education Scotland and other parts of the Scottish Government as a consequence of career planning and promotion. They will also retain the right to career development advice from Scottish Government Human Resources. Professional staff will retain access to their head of profession where located elsewhere in the Scottish Government. The Chief Executive is responsible for line management of staff and for job-related professional training and continuing professional development. Scottish Government Organisation Development, Leadership and Learning Directorate supports the generic training and development of staff as Scottish Government Civil Servants.
66. The Chief Executive, in consultation with the Scottish Government's Head of Human Resources, will review at appropriate intervals the extent of Education Scotland's human resource delegations with a view to maximising the Agency's freedom to manage its staff, while increasing the efficiency and effectiveness of the service to management and staff.

### Promotion

67. Education Scotland staff will be eligible for promotion opportunities in the Scottish Government and vice versa. The Chief Executive will agree any arrangements for promotion with the Scottish Government's Head of Human Resources to ensure that common promotion standards are in place.

### Equality and diversity

68. The Agency will adhere to the Scottish Government's equal opportunities policy to eliminate discrimination and unfair treatment on the grounds of sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern employment status, gender identity (transgender), caring responsibility or trade union membership. The Agency will act as an equal opportunities employer and aim to produce an organisational culture that is welcoming and supportive of all staff.
69. The Agency will also support the Scottish Government's commitment to increasing the diversity of its staff, and to developing them, ignoring all irrelevant differences; to value their different perspectives and skills and make full use of these in its work.

70. The Chief Executive is responsible for ensuring adherence to all Scottish Government equalities policies and relevant equalities legislation.

### **Staff relations**

71. The Chief Executive will determine, after consultation with staff and the Council for Scottish Government Unions, what arrangements are necessary to foster good staff relations. Education Scotland is committed to effective communication with all its staff and their representatives.

### **Pay and performance incentives**

72. The staff of Education Scotland, below Senior Civil Service level, are subject to Scottish Government pay policies and practices. Any proposal by the Chief Executive to depart from these policies and practices must be discussed and agreed with the Scottish Government's Head of Human Resources.

### **Flexible working arrangements**

73. The Chief Executive is free to develop new working arrangements for all staff, subject to consultation with staff representatives and with the Head of Scottish Government Human Resources as appropriate.

### **Training and development**

74. The Chief Executive is responsible for the training and development of all staff and will draw up, implement and keep under review a training and staff development strategy for the Agency, which will be continuously monitored and updated as required. The strategy will apply to all staff and take account of the Agency's business priorities, as set out in its Corporate Plan, and the development needs of individual members of staff.

### **Health and safety**

75. The Chief Executive has overall responsibility for the health and safety arrangements of the Agency. He or she should ensure that these arrangements meet current legislation, guidance and/or best practice. Assurances on health and safety management may be sought by the Occupational Health and Safety Branch of the Scottish Government.

### **Environmental management**

76. The Chief Executive is responsible for ensuring the effective environmental management of the organisation including the adoption of any required standard.

## Welfare

77. The staff of the Agency will have access to the Scottish Government's Employee Assistance Programme. The welfare of staff in terms of their physical working environment will be the responsibility of the Chief Executive who may call upon advice from Scottish Government Facilities and Estates Services.

## F: Support services

### General

78. The Agency is responsible for corporate planning, financial and human resource management (as described in paragraphs 36-45 and 63-66 above). The Agency also has responsibility for a wide range of additional support services relating to the management, maintenance and day-to-day running of its offices as well as management and financial responsibility for its information systems within the framework of the Scottish Government's Information Systems Policy.
79. The Agency may continue to utilise support services from Scottish Government for:
- media and communications;
  - security;
  - internal audit and accountancy services, central accounting and banking and procurement advice;
  - library services;
  - accommodation;
  - ICT systems support;
  - procurement advice;
  - corporate responsibility advice;
  - certain human resources services;
  - legal services; and
  - some external statistical support.
80. Education Scotland may also seek advice on estates, accommodation and facilities management from Scottish Government Facilities and Estates Services.
81. The Agency will participate in Scottish Government framework and shared services contracts whenever possible in order to achieve value for money.
82. Subject only to the requirement not to exceed the total budget, the Chief Executive may switch provision among services and obtain them from whichever supplier offers best value for money. The Chief Executive will review the provision of support services with appropriate parts of the Scottish Government as part of the three yearly

review of this framework document. The criteria to be applied in this process will give proper consideration to the efficiency and effectiveness of the Agency and the Scottish Government as a whole. Budgets for any new support services will reflect their full economic costs as set out in the Scottish Public Finance Manual or through guidance published by Scottish Government on any of these corporate services.

83. Education Scotland will adopt key Scottish Government policies such as fraud, IT security and whistle-blowing.

## **Legal**

84. As an Executive Agency of the Scottish Government, Education Scotland, will receive legal services through the Scottish Government Legal Directorate. Those services may be provided direct by Scottish Government Legal Directorate or by an external supplier under Scottish Government Legal Directorate's arrangements for outsourcing legal work. The provision of such services would be managed by Scottish Government Legal Directorate Business Group.

## **G: Appointment of the Chief Executive**

85. The Chief Executive of the Agency 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 Unit.

## **H: Relationship with stakeholders and other bodies**

86. The Agency will develop a strategy for engagement with all of its key stakeholders and establish and maintain appropriate arrangements for consultation with them about the Agency's activities.
87. The Agency will act as sponsor for the CLD Standards Council for Scotland and ensure that an appropriate framework document and reporting arrangements are in place to govern accountability for the funding arrangements.

## **I: Amendment and review of the framework document**

88. This framework document will be formally reviewed at three yearly intervals but should be the subject of an annual review discussion between the Chief Executive and the Director of Learning to highlight any

areas of concern. It should also be reviewed at key trigger points such as when there has been a change in Chief Executive or Minister. Changes to the document on an ad hoc basis may also be proposed in the light of experience.

89. The Chief Executive will consult all appropriate parts of the Scottish Government prior to putting them to Scottish Ministers for approval. Where the proposed changes relate to staff terms and conditions of service they will also be the subject of consultations under the arrangements established in paragraph 61 of this document.

## **J: Publication**

90. Copies of this framework document, and of any subsequent changes, will be placed in the Scottish Parliament Information Centre (SPICe) and on the Education Scotland website and shall form part of the Agency's publication scheme under Freedom of Information provisions.

## **K: Enquiries**

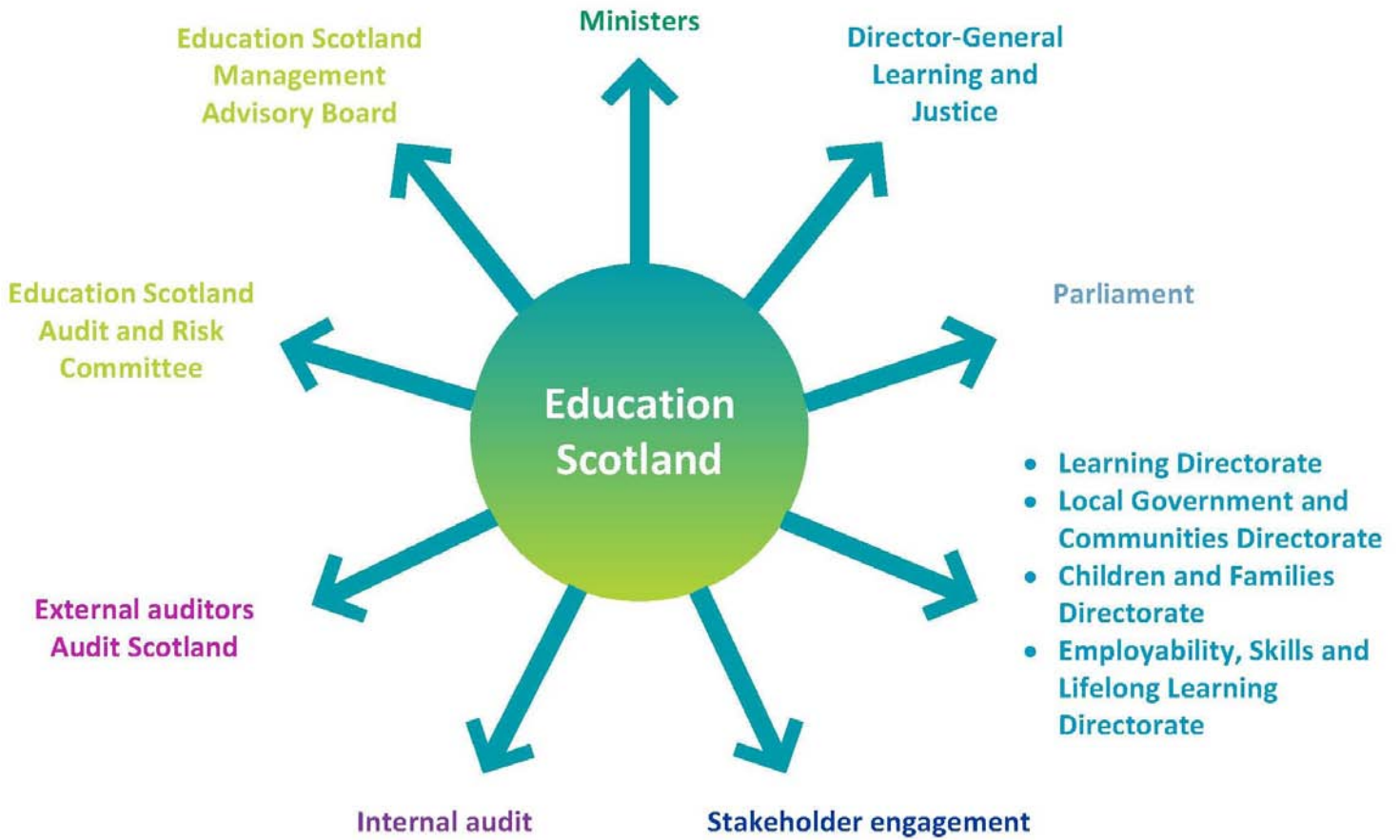
91. All enquiries about this framework document should be addressed in the first instance to:
  - Education Scotland
  - Denholm House
  - Almondvale Business Park
  - Almondvale Way
  - Livingston
  - EH54 6GA

Telephone: 0141 282 5000      Email: [enquiries@educationscotland.gov.uk](mailto:enquiries@educationscotland.gov.uk)



## Annex 1: Education Scotland's accountability landscape

### Accountability landscape



## Annex 2: Financial delegations

Within the agreed overall budgetary provision, and subject to the Scottish Public Finance Manual and Scottish procurement policy handbook, the Chief Executive of Education Scotland has delegated authority as set out below.

1. Commit expenditure and authorise payments	Unlimited, apart from the items below, within the Agency's authorised budget levels.
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 the guidance on contingent liabilities in the Scottish Public Finance Manual.
4. Commission consultants	Unlimited up to £10,000. Consultancies between £10,000 to £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 and special payments	Unlimited apart from the categories listed below which are subject to a limit of £3,000: <ul style="list-style-type: none"> <li>• losses arising from failure to make adequate charges for services/use of property;</li> <li>• claims waived or abandoned;</li> <li>• special or ex-gratia payments; and</li> <li>• gifts or awards (subject to a limit of £1,000).</li> </ul>
6. Capital expenditure including investment projects	Unlimited within the Agency's agreed overall budget provision.

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## Transforming lives through learning

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