

## Framework Document – Boundaries Scotland

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## **Introduction**

1. This framework document is agreed between Boundaries Scotland and the Scottish Ministers. It summarises how Boundaries Scotland and Scottish Government (SG) will work together, and the key roles and responsibilities of:

- the Commission;
- the Head of Secretariat;
- Accountable Officer;
- the Scottish Ministers; and
- the Portfolio Accountable Officer within the SG whose remit includes Boundaries Scotland.

While this document does not confer any legal powers or responsibilities, it forms a key part of the accountability and governance framework and as a live document it should be reviewed by SG and Boundaries Scotland regularly and at least every 2-3 years. Any changes will be agreed between the Commission and the Scottish Ministers.

2. Any question regarding the interpretation of the document will be determined by the SG after consultation with Boundaries Scotland. Legislative provisions take precedence over any part of the document.

3. Boundaries Scotland is not permitted to establish any subsidiaries or enter into joint ventures without express approval from Scottish Ministers.

4. Copies of the document shall be published on the Boundaries Scotland website

## **Purpose**

5. Boundaries Scotland is established under the Local Government (Scotland) Act 1973.

6. The Commission is responsible for reviewing and making recommendations for:

- constituencies and regions for the Scottish Parliament;
- the number of councillors on each council in a local government area;
- the number of wards for local government elections and their boundaries; and
- the extent of council areas.

## **Governance and Accountability**

7. Boundaries Scotland, as established through the Local Government (Scotland) Act 1973, is established under Scottish Ministers. Boundaries Scotland does not carry out its functions on behalf of the Crown.

8. The remainder of this section summarises the specific responsibilities and accountabilities of the key people involved in governance of Boundaries Scotland.

## The Commission

9. Commissioners, including the Chair, are non-executives appointed by Scottish Ministers in line with the [Code of Practice for Ministerial Public Appointments in Scotland](#). The Chair and Commissioners are accountable to the Scottish Ministers and also to the Scottish Parliament, and may be required to give evidence to Parliamentary Committees.

10. The Commission has overall responsibility for the delivery of the functions of Boundaries Scotland, as set out at paragraph 6 above, in accordance with the aims, policies and priorities of the Scottish Ministers. In fulfilling this responsibility, individual Commissioners, under the leadership of the Chair, will:

- a. set strategic and operational plans to deliver the functions of Boundaries Scotland, focusing on how the work of Boundaries Scotland can most effectively contribute to achievement of the outcomes in the [National Performance Framework](#), the [Programme for Government](#) and [Scotland's Economic Strategy](#) in collaboration with the SG and other public bodies;
- b. regularly scrutinise current and projected performance against the aims, objectives and targets set out in plans and take decisions on remedial action where required;
- c. ensure that effective governance is established and maintained, including ensuring that decision-taking is open and transparent and that key risks are identified and managed;
- d. promote the efficient, economic and effective use of resources consistent with the principles of [Best Value](#), and regularly scrutinise financial performance and compliance with financial guidance issued by the SG;
- e. promote the wellbeing, learning and development of staff assigned to work for Boundaries Scotland.

11. The Chair will:

- a. lead the Commission, ensuring that all Commissioners have suitable induction to understand the role and their responsibilities, that the skills and experience of all Commissioners are used effectively and that the Commission undertakes regular self-assessment of its performance;
- b. ensure that the performance of each Commissioner is reviewed at least once per year and that the Commission and/or individual Commissioners undertake development activity when required to ensure the effectiveness of the Commission.
- c. ensure that the Commission reviews its effectiveness annually;
- d. ensure that a Code of Conduct (aligned to the Model Code of Conduct for Commissioners) is in place, that corporate actions are taken to implement it as required and that Members understand their responsibilities, using the guidance provided by the Standards Commission (however as Boundaries Scotland is not a "devolved public body" in terms of the 2000

Act (as it is not listed at Schedule 3 of the 2000 Act), that the Standards Commission has no remit over its members.) ;

- e. work with the Portfolio Accountable Officer or their delegate(s) and the Public Appointments Team in SG on succession planning for the Commission, action necessary to fill vacancies as they arise, skills requirements and promoting diversity by encouraging applications from less represented groups, including younger people, people from minority ethnic backgrounds and people with disabilities.

12. Specific guidance on how the Chair and Commissioners should discharge their duties will be provided in their appointment letters and helpful information can be found in [On Board – A Guide for Members of Statutory Boards](#). Guidance on governance good practice is available in the [Scottish Public Finance Manual](#) and from the sponsor team, who may consult the SG Governance and Risk Team. A list of key aspects of governance to consider is included in the Governance and Risk section below.

### **Head of Secretariat to the Commission**

13. All staff, including the Head of Secretariat, are civil servants on SG terms and conditions of employment. They are required to comply with the Civil Service Code and SG HR policies, but their primary responsibility for all operational matters is to the Commission and it will not be possible for the Portfolio AO, Senior Sponsor, members of the Sponsor Team or other SG officials to instruct the staff of Boundaries Scotland in the performance of their duties except by agreement with the Chair or the Commission.

14. The Head of Secretariat will be the principal adviser to the Commission on the discharge of its functions and is accountable to it. The Head of Secretariat role is to provide operational leadership to staff working for Boundaries Scotland and to ensure that its aims and objectives are met, its functions are delivered, and its targets are met through effective and properly controlled executive action.

15. The specific duties of the Head of Secretariat will be set out in a job description and annual objectives will be agreed with the Chair and the Portfolio AO. Appraisal of the Head of Secretariat will be carried out by the Chair who will seek input from the Sponsor Team leader on progress against objectives and to agree the performance marking. As the Sponsor Team leader will be the line manager of the Head of Secretariat within the Scottish Government hierarchy, the Sponsor Team Leader will sign the agreed appraisal and upload it to the Scottish Government's HR system. The appraisal will be countersigned by the Sponsor Team Leader's line manager (Deputy Director level or above).

16. In addition to any other specific duties, the Head of Secretariat will:

- a. advise the Commission on the discharge of its responsibilities – as set out in this Framework Document, in the founding legislation and in any other

- relevant instructions and guidance issued by or on behalf of the Scottish Ministers;
- b. implement or oversee implementation of the decisions of the Commission;
  - c. manage the staff of Boundaries Scotland in line with guidance, policies and procedures in place in the SG, and ensure their wellbeing and development;
  - d. manage the budget for Boundaries Scotland in line with Finance guidance, policies and procedures, including the [Scottish Public Finance Manual](#);
  - e. agree with the Commission and the Portfolio AO or Senior Sponsor what information is required to enable the Commission and SG to scrutinise the performance of Boundaries Scotland and progress against overall strategic and business plan aims and objectives, and ensure that the agreed information is provided and that is both accurate and timely;
  - f. manage the day-to-day relationship with the Senior Sponsor and/or Sponsor Team, with other SG officials who have an interest in the work of Boundaries Scotland and other key stakeholders, including staff of other public bodies.

17. In advising the Commission, the Head of Secretariat will ensure that the key governance issues highlighted in the Governance and Risk section below are addressed.

### **The Scottish Ministers**

18. The Scottish Ministers appoint the Chair and Commissioners, and hold the Commission to account for the performance of Boundaries Scotland and its use of resources. Ministers are ultimately accountable to the Scottish Parliament for ensuring that the Commission is discharging its duties effectively, although the Parliament will scrutinise the performance of Boundaries Scotland directly as it does with all public sector bodies. The Scottish Ministers are not directly responsible for the operation of Boundaries Scotland and founding legislation prevents them from directing the Commission in relation to specific statutory functions.

19. The Scottish Ministers will:
- a. agree the strategic aims, objectives and key targets of Boundaries Scotland as part of the corporate planning process;
  - b. agree the budget for Boundaries Scotland, and secure the necessary Parliamentary approval; where necessary
  - c. approve the Code of Conduct of the Boundaries Scotland Commission.

### **SG Portfolio Accountable Officer**

20. The Principal Accountable Officer for the Scottish Administration (the Permanent Secretary of the SG) has designated the Director General for Strategy

and External Affairs as the Accountable Officer (AO) for the SG portfolio budget which will provide funding for the Boundaries Scotland.

21. The Portfolio AO's duties are to establish a framework for the relationship between SG and a public body, oversee the operation of that framework, ensure the public appointments to the body are made appropriately and ensure that appropriate assurance is provided on the performance and governance of the body. These activities are known collectively as 'sponsorship'. In practice, the Portfolio AO is likely to delegate some or all sponsorship duties to a Director or Deputy Director as Senior Sponsor and/or to other SG officials in a 'Sponsor Team'. The responsibilities of a Portfolio Accountable Officer are set out in detail in the [Memorandum to Accountable Officers for Parts of the Scottish Administration](#).

22. The Portfolio AO will:

- a. make sure this framework document is agreed between the Scottish Ministers and Boundaries Scotland, reviewed regularly and oversee the operation of the roles and responsibilities set out;
- b. ensure that financial and other management controls being applied by Boundaries Scotland are appropriate and sufficient to safeguard public funds and conform to the requirements both of propriety and of good financial management;
- c. in line with [Code of Practice for Ministerial Appointments](#), ensure that public appointments are made in good time and secure appropriate skills, experience and diversity amongst Board members, working with the Chair on succession planning; that there is effective induction for new appointees; and ensure that there is continuous assessment and annual appraisal of the performance of the Chair;
- d. support regular and effective engagement between Boundaries Scotland and the relevant Scottish Minister(s); and
- e. make sure there is clear, documented delegation of responsibilities to a Senior Sponsor and/or Sponsor Team and that the Commission and senior officials of Boundaries Scotland are aware of these delegated responsibilities.

23. The Portfolio AO remains personally answerable to the Scottish Parliament for the effectiveness of sponsorship activity.

### **Relationship between Scottish Government and Boundaries Scotland**

24. Strategic engagement between the SG and Boundaries Scotland is essential in order that they work together as effectively as possible to maintain and improve public services and deliver improved outcomes. Specific governance and accountability roles are described in the section above, but more generally, both the SG and Boundaries Scotland will take all necessary steps to ensure that their relationship is developed and supported in line with the jointly agreed principles set out in the statement on '[Strategic Engagement between the Scottish Government and Scotland's NDPBs](#)'. This emphasises the need for cooperation and good

communication, and particularly early warning from either side about any emerging risk or issue with significant implications for the operation or governance of Boundaries Scotland.

25. The Sponsor Team's primary function is to carry out the responsibilities delegated to it by the Portfolio AO, directly or via the Senior Sponsor, as described above. In addition to ensuring that the arrangements in this framework document operate effectively, managing public appointments and providing assurance to the Portfolio AO, the Sponsor Team will usually be the first point of contact for the body on any issue with SG. As part of the assurance they provide to the Portfolio AO, they must ensure that key actions and decisions agreed are documented and implemented. This includes ensuring that SG teams implement any agreed actions.

### **Planning and Reporting**

26. Boundaries Scotland will prepare a draft strategic or corporate plan every 3 to 5 years setting out its strategic aims, objectives and targets over that period, for consideration by the Scottish Ministers. The final, agreed version of the strategic or corporate plan will be published on the Boundaries Scotland website. The Commission will agree annual operational plans to enable Boundaries Scotland to deliver the overall strategic aims, objectives and targets.

27. Boundaries Scotland will publish on its website an Annual Report on its work, including progress against its current strategic aims, objectives and targets. A copy of the report should be provided to the Scottish Ministers via the Sponsor Team.

### **Budget Management**

28. The Scottish Ministers are required to provide staff and resources to enable Boundaries Scotland to carry out its functions. A budget is provided for Boundaries Scotland, but formally held and accounted for by SG. The Head of Secretariat will be responsible to the Commission for managing the budget provided, in line with SG Finance policies and guidance including the [Scottish Public Finance Manual](#) and requirements for monitoring and reporting. The Portfolio AO or their delegate(s) can provide advice as required.

29. If Boundaries Scotland identifies a need for increased resource from a future budget or spending review, a business case for additional funding should be submitted to the Sponsor Team for consideration as part of the budget setting process. If additional resources are need in-year, or underspends become apparent, then the body should raise these as soon as possible with the Portfolio AO and/or their delegate(s).

### **Audit**

30. In normal circumstances the budget is held and accounted for by SG so there is no need for Boundaries Scotland to prepare separate accounts and there will be no separate external audit undertaken by Audit Scotland.

31. Internal audit is a governance requirement. This will be carried out by the SG Directorate of Internal Audit and Assurance.

32. The Head of Secretariat will:
- a. ensure that internal audit arrangements comply with the requirements of the Internal Audit section of the Scottish Public Finance Manual;
  - b. ensure SG sponsors receive timely copies of all audit documents, including the audit charter, strategy, periodic audit plans and annual audit assurance report;
  - c. keep records of, and prepare and forward promptly to the SG a report on any fraud or theft in Boundaries Scotland and notify the Portfolio AO or Senior Sponsor at the earliest opportunity of any unusual or major incidents.

### **Governance and Risk**

33. Guidance on governance requirements is available in several documents referred to earlier in this framework document:

- [the Scottish Public Finance Manual](#) (SPFM)
- [the Audit and Assurance Committee Handbook](#)
- [On Board – A Guide for Members of Statutory Boards](#)

34. If in any doubt about a governance issue, the Chair or Head of Secretariat should consult the Senior Sponsor or Sponsor Team in the first instance, and sponsors may in turn consult the SG Public Bodies Unit, the SG Governance and Risk Branch and/or other teams with relevant expertise.

35. The Commission and Head of Secretariat are advised to pay particular attention to guidance on the following issues.

### **Risk management**

36. Boundaries Scotland must develop an approach to risk management consistent with the Risk Management section of the Scottish Public Finance Manual and establish reporting and escalation arrangements with the Portfolio AO or Senior Sponsor.

37. The Commission should have a clear understanding of the key risks, threats and hazards it may face in the personnel, accommodation and cyber domains, and take action to ensure appropriate organisational resilience, in line with the guidance in: [Having and Promoting Business Resilience](#) (part of the Preparing Scotland suite of guidance) and the [Public Sector Cyber Resilience Framework](#).

### **Internal control**

38. The Commission should establish clear internal delegated authorities with the Head of Secretariat, who may in turn delegate responsibilities to other members of staff.

39. Boundaries Scotland must comply with the requirements of the Freedom of Information (Scotland) Act 2002 and ensure that information is provided to members of the public in a spirit of openness and transparency. Boundaries Scotland must



also register with [Information Commissioners Office](#) and ensure that it complies with the Data Protection Act 2018 and the General Data Protection Regulations, commonly known as GDPR.

### **Budget and finance**

40. Any procurement activity must be undertaken through the SG in line with the requirements of the [Procurement](#) section of the SPFM, and Boundaries Scotland must not engage in financial investments, borrowing, lease holding or lending.

41. Boundaries Scotland is not under normal circumstances permitted to: generate income; receive gifts, bequests or donations; provide grant funding to a third party; make gifts or special payments; or write off losses. Any exceptions must be agreed in advance with Portfolio AO or Senior Sponsor and the SG Financial Management Directorate.

### Budgeting procedures with BCS

42. The Boundaries Scotland and the Boundary Commission for Scotland (BCS) share resources and a workforce. Both Commissions are independent organisations who are funded by the Scottish Government Office of the Secretary of State for Scotland respectively. For efficiency and practical reasons the two bodies share a workforce and the following arrangements are in place for the supply of corporate services to the two commissions.

<b>Service</b>	<b>Provider</b>
Staff	Scottish Government employees on assignment to the Commissions
HR services, including payroll	Scottish Government People Directorate
Finance systems and services	Scottish Government Finance Directorate
ICT	Information Services and Information Systems (Scottish Government)
Procurement services, supplier management and set-up	Scottish Government Procurement Directorate
Accommodation services	Scottish Government

43. Costs incurred by the Commissions are recorded separately, where applicable, for example for reviews and public engagement on UK boundary reviews, or staff

allocated to work to a specific Commission. Other corporate costs, such as accommodation, ICT and consumables are shared equally by the Commissions.

44. The arrangement whereby finance services are provided by the Scottish Government means that the Scottish Government will raise invoices on behalf of the BCS and the Scotland Office will be invoiced for the costs.

### **Remuneration**

45. Remuneration, allowances and any expenses paid to the Chair and Commissioners must comply with the latest SG Pay Policy for Senior Appointments and any specific guidance on such matters issued by the Scottish Ministers.

46. All individuals who would qualify as employees for tax purposes should be paid through the payroll system with tax deducted at source.

47. As part of overall compliance with SG HR policies and procedures the staff (who will normally be civil servants) will come under SG policies. The Commission of Boundaries Scotland as a public body must also ensure compliance with the current SG policy on any settlement scheme, observing all policy limits as set out in the [Settlement, severance, early retirement, redundancy section](#) of the SPFM..