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**SCOTTISH
FIRE AND RESCUE SERVICE**

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SCOTTISH FIRE AND RESCUE SERVICE BOARD

CORPORATE GOVERNANCE

SCHEME OF DELEGATIONS FOR THE SCOTTISH FIRE AND RESCUE SERVICE (INCORPORATING MATTERS RESERVED TO THE BOARD)

Author/Role	GM Roy Dunsire
Date of Risk Assessment (if applicable)	N/A
Date of Equality Impact Assessment	28 March 2018
Date of Impact Assessment (commenced)	N/A
Date of Impact Assessment (concluded)	N/A
Quality Control (name)	Vlad Valiente
Authorised (name and date)	Deputy Chief Officer Iain Bushell – 28 June 2018
Last reviewed (name and date)	GM Alasdair Cameron – June 2018
Date for Next Review	June 2019



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1. INTRODUCTION

The Scottish Fire and Rescue Service ('the SFRS') is a body corporate established in terms of Section 1A of the Fire (Scotland) Act 2005 ('the 2005 Act') as amended by the Police and Fire Reform (Scotland) Act 2012 ('the 2012 Act'). Schedule 1A of the 2005 Act governs aspects of the body corporate's constitution and its functions and prescribes that the SFRS shall consist of a Chair and not fewer than 10 nor more than 14 other Members, each appointed by the Scottish Ministers and collectively referred to as 'the Board'. The Board, including the Chair, consists of non-executives who are appointed in line with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland.

By virtue of Paragraph 14 of Schedule 1A of the 2005 Act, the Board may delegate any of its functions to the Chief Officer, any of its employees or any committee or sub-committee it may choose to establish. The Interpretation and Legislative Reform (Scotland) Act 2010 defines '*function*' as '*including powers and duties*'. The responsibilities of the Chief Officer are detailed below and include the responsibility for 'establishing appropriate documented internal delegated authority arrangements'.

This Scheme of Delegations ('the Scheme') narrates the powers, duties and levels of decision-making authority, both reserved for the Board and delegated by the Board to certain SFRS employees, each within their individual capacities as holders of named roles (an example of a 'named role' being 'Chief Officer' or 'Director of People and Organisational Development'). The delegation by the Board of any of SFRS's functions does not affect the Board's overall responsibility for the performance of the function being delegated, nor its responsibility to carry out the particular function, should it choose to do so and notwithstanding any common practice to otherwise delegate. The Board members will, at all times, remain personally and corporately accountable for the Board's actions and decisions and the Board may also be accountable for the actions and decisions of any SFRS employee exercising delegated authority in conjunction with the Scheme.

All delegations made by the Board in accordance with the Scheme must be in compliance with relevant and up-to-date legislation, regulations, and governance and

accountability framework documents, codes of practice and government circulars. All decisions and actions taken by SFRS employees and the Board by way of delegated authority powers shall be exercised in accordance with this Scheme and the provisions and guidance contained within SFRS's Financial Regulations and Standing Orders for the Regulation of Contracts and must be shown to uphold the principles of accountability, consistency, equality, integrity, good governance and transparency, in so far as is reasonably practicable.

There is scope to amend or alter the Scheme to ensure compliance with any of SFRS's duties or obligations that may be altered or extended due to legislative changes or the development of future guidance in relation to delegated authority. Otherwise, the SFRS Chair will make arrangements to review the Scheme at annual intervals.

Where a delegated authority requires the prior approval of the Scottish Government before it can be exercised, no decision or action shall be taken by any SFRS employee or the Board in relation to the particular delegated authority, until such times as the prior approval of Scottish Government has been confirmed and received in writing by SFRS. The [SFRS Governance and Accountability Framework Document](#) details those matters which are reserved to the Scottish Government and the delegated authority levels beyond which prior approval is required from the Scottish Government.

2. RESPONSIBILITIES OF THE SFRS BOARD, CHAIR AND CHIEF OFFICER

The [Fire and Rescue Framework for Scotland](#) sets out the strategic priorities for SFRS (as determined by the Scottish Ministers) and the [SFRS's Strategic Plan](#) describes how SFRS intends to carry out its functions in pursuit of these overarching priorities. The [SFRS Governance and Accountability Framework Document](#) sets out the broad governance structures within which the SFRS operates and defines key roles and responsibilities which underpin the accountability relationships between the SFRS, Ministers and the Scottish Parliament.

2.1 SFRS Board

The four main functions of the SFRS Board are to ensure that the SFRS delivers its functions in accordance with Minister's policies and priorities; to provide strategic leadership; to ensure financial stewardship; and to hold the Chief Officer and Strategic Leadership Team to account. The responsibilities of the SFRS Board are set out in detail in paragraph 13 of the [SFRS Governance and Accountability Framework Document](#).

2.2 SFRS Chair

The Chair is accountable to the Scottish Ministers for the performance and for the strategic leadership of the SFRS Board. In common with any individual with responsibility for devolved functions, the Chair may also be held to account by the Scottish Parliament and has general responsibility for ensuring that the public body's policies and actions support the Scottish Ministers' wider strategic policies and that its affairs are conducted with probity. The Chair's responsibilities for leading the SFRS Board are set out in detail in paragraph 15 and 16 of the [SFRS Governance and Accountability Framework Document](#).

2.3 SFRS Chief Officer

The Chief Officer is the Board's principal adviser on the discharge of the SFRS's functions and is accountable to the Board. The Chief Officer's role is to provide operational leadership to the SFRS, and ensure that the Board's strategic aims and objectives are met and its functions are delivered and targets met through effective and properly controlled executive action. The Chief Officer's general responsibilities include performance management and staffing of the SFRS. Specific responsibilities of the SFRS Chief Officer are detailed in paragraph 18 of the [SFRS Governance and Accountability Framework Document](#).

3. MATTERS RESERVED FOR THE BOARD

There are certain matters which have no scope for delegation and must be carried out by the Board. The Board and no other SFRS employee or committee/ subcommittee has authority to make decisions in respect of the following reserved areas:

- developing the Strategic Aims and Objectives of the SFRS, and approving the Strategic Plan, Annual Operating Plan and Board Annual Forward Plan;
- approval and amendment of:
 - Standing Orders for Meetings of the Board and its Committees;
 - Scheme of Delegations;
 - Financial Regulations;
 - Standing Orders for Regulation of Contracts;
 - Annual Internal Audit Plan;
 - Complaints Handling Scheme;
 - Risk Management Strategy;
 - Equality Scheme;
 - Freedom of Information Publication Scheme;
 - Personnel Policies of major significance to SFRS (as determined by the Chair in consultation with the Chief Officer);
 - Resource and Capital Budgets, and Annual Report and Accounts;
 - Financial and Performance Monitoring arrangements;
 - Major projects requiring significant capital investment, or major service redesign;
 - Anti-Fraud and Corruption Policy;
 - arrangements for the review of the annual effectiveness of the Board and its Committees, and
 - any other SFRS-wide Corporate Governance related guidance;
- appointing a Chief Officer and the setting of appropriate performance objectives for the Chief Officer;
- establishment and approval of Committees and their Terms of Reference;

- the appointment of a Standards Officer in accordance with any requirements set by the Commissioner of Ethical Standards in Public Life in Scotland; and
- reviewing the Terms of Reference and appointment of Internal auditors.

Where the Scheme does not specifically state if powers have been delegated in respect of a certain matter, it shall be assumed that responsibility for the particular matter lies with the Board in the first instance.

4. DELEGATED AUTHORITY

4.1 Delegations to Standing Committees of the Board

The Board has established a number of committees, each of which possesses a degree of delegated authority in respect of the responsibilities within their remit. Delegated authority will provide each committee with the ability to scrutinise the work of SFRS, make recommendations in respect of how the Board can achieve the aims each respective committee is concerned with and provide feedback to the Board on key performance indicators and whether targets will be met. The committees are listed below:

- Audit and Risk Assurance;
- Staff Governance;
- Service Delivery;
- Transformation and Major Projects; and
- Integrated Governance.

Each committee will conduct its business in accordance with Terms of Reference considered and approved by the Board prior to formation. There is scope to amend or alter any Terms of Reference as so required and, again, Board approval is required to do so.

4.2 Delegation of General Powers

In line with Paragraph 14 of Schedule 1A of the 2005 Act, the Board have delegated authority to the following SFRS employees:

- The Chief Officer;
- The Deputy Chief Officer;
- The Assistant Chief Officers;
- The Director of Strategic Planning, Performance and Communications;
- The Director of People and Organisational Development; and
- The Director of Finance and Contractual Services.

These employees, referred to collectively as the 'Strategic Leadership Team ('SLT')', may do anything considered appropriate for the purposes of, or in connection with, the carrying out of any of the SFRS's functions.

4.3 Delegation to Act as Authorised Signatories

Any probative document which, if entered into, will create a legally binding relationship between SFRS and another party shall (unless otherwise provided for herein) be executed for and on behalf of the SFRS by a member of the Board or by any one of the members of the SLT who are hereby authorised by the Board to execute on the SFRS's behalf.

In accordance with the Requirements of Writing (Scotland) Act 1995, the signature for and on behalf of the SFRS by a Board member or SLT member must be witnessed by one person. This person can be any employee of SFRS and may also be another Board member or SLT member. The Chief Officer and any SLT member may sub-delegate his/her authority to any SFRS employee who holds a role which he/she deems it appropriate for authority to be delegated to.

5. DELEGATION TO SFRS ACCOUNTABLE OFFICER

5.1 General Responsibilities

The Principal Accountable Officer for the Scottish Administration (the Permanent Secretary of the Scottish Government) designates the Chief Officer as the Accountable Officer for the SFRS. The essence of the role of Accountable Officer is subject to Section 5 of the Principal Officers Memorandum to Accountable Officers of Other Public Bodies, a personal responsibility for the propriety and regularity of the public finances for the SFRS and ensuring that the resources of the body are used economically, efficiently and effectively.

The Accountable Officer must make sure arrangements for delegation promote good management and that they are supported by the necessary staff with an appropriate balance of skills.

The responsibilities delegated to the SFRS Accountable Officer are set out in detail in the [Principal Accountable Officer's Memorandum to Accountable Officers of Other Public Bodies](#).

5.2 Strategic and Financial Management Responsibilities

While the responsibilities of the SFRS Accountable Officer cannot be delegated or shared, authority for budgets and associated strategic and financial management responsibilities can be delegated to appropriate SFRS employees. The SFRS Accountable Officer therefore authorises members of the SLT to undertake the following responsibilities:

5.2.1 Strategic Management Responsibilities (All members of the SLT)

- proposing objectives, priorities, outcomes and performance indicators for the organisation which square with the organisation's aims, policy and management objectives;
- making plans and ensuring that adequate systems are in place to achieve

these objectives effectively, efficiently and economically;

- ensuring that adequate systems for internal control and risk management, both financial and otherwise are in place and are monitored and reviewed regularly;
- monitoring and reporting of performance to the organisation's management board and/or Accountable Officer, and
- ensuring that functions are discharged with due regard to economy, efficiency and effectiveness within an overall framework of [Best Value](#).

5.2.2 Financial Management Responsibilities (Director of Finance & Contractual Services)

- ensuring that proper financial procedures are in place and are followed and that these comply with relevant guidance, in particular the [Scottish Public Finance Manual \(SPFM\)](#); ensuring that funds and assets are properly managed and safeguarded, with checks as appropriate; and
- ensuring that any relevant risks, whether to achievement of business objectives, regularity, propriety or value for money, are identified and effectively managed.

6. DELEGATION TO SFRS CHIEF OFFICER

6.1 Acquisitions and Disposals

The Board authorises the Chief Officer to:

- acquire and dispose of land and other heritable or moveable property, including the compulsory purchase of land, with the authorisation of Scottish Ministers, in accordance with the requirements of the [SPFM](#), and with the Board's strategic direction;
- determine and control the apportionment of accommodation for SFRS's employees, standards of furniture, furnishings and equipment within SFRS's premises;

- maintain registers of assets together with records of transactions and values; and
- arrange, as appropriate, for the sale of surplus, or disposal of discarded, PPE, work equipment and vehicles.

The Chief Officer sub-delegates this authority to the Director of Finance and Contractual Services.

6.2 Arms and Badge

The Board authorises the Chief Officer to:

- issue guidelines on the use of the SFRS Arms and Badge which is recorded in the Public Register of All Arms and Bearings in Scotland; and
- take appropriate action, which may include reporting to the Court of the Lord Lyon, in respect of any misuse of the SFRS Arms and Badge.

6.3 Authorisation to Exercise Statutory Powers

The Board authorises the Chief Officer to exercise any discretionary powers available to the SFRS.

The Board authorises the Chief Officer to issue and sign any documentation that conveys necessary authorisation to employees in roles where legislation requires the authorisation in question.

6.4 Bad Debt and Losses

The Board authorises the Chief Officer to write off bad debt and/or losses up to and including the value of £1,000 and in accordance with the Financial Regulations.

The Chief Officer sub-delegates this authority to the Director of Finance and Contractual Services.

6.5 Borrowing

The Chief Officer may, subject to obtaining the consent of Scottish Ministers, borrow money. Prior to approaching Scottish Government for any such consent, the Chief Officer shall consult with and obtain the Board's consent to make the approach.

The Chief Officer sub-delegates this function to the Director of Finance and Contractual Services, who will also be under the obligation to obtain the necessary prior consents.

6.6 Complaints, Comments and Compliments

The Board authorises the Chief Officer to receive and respond on its behalf to complaints, comments and compliments, with the exception of any which relate to the role of Chief Officer, which will be reserved to the Board.

With the exception of complaints, comments and compliments which relate to the Deputy Chief Officer, the Assistant Chief Officers, the Director of Finance and Contractual Services, the Director of Strategic Planning Performance and Communication and Director of People and Organisational Development, the Chief Officer sub-delegates this authorisation to the Director of Strategic Planning, Performance and Communications.

6.7 Consultants

The Board authorises the Chief Officer, the Chief Officer having first consulted and received advice from the Director of Finance and Contractual Services and the Director of People and Organisational Development, to source and appoint any external business and management consultants evidenced as necessary and where no existing employee is able to carry out the requirement. For any such consultancy contract with a potential or actual value of or above £100,000, Scottish Government's prior approval shall be sought and obtained in writing and only after the Chief Officer has consulted with and obtained the Board's consent to seek such approval.

6.8 Contracts

The Chief Officer and the Director of Finance and Contractual Services may enter into contracts for the supply of goods, works and services on behalf of the SFRS subject to adhering to the SFRS's Standing Orders for the Regulation of Contracts and subject to the Director of Finance and Contractual Services confirming that appropriate budget provision has been made.

6.9 Correspondence and Communications

The Board authorises the Chief Officer to issue and sign correspondence and communications that may be sent in the name of SFRS and which may bear the SFRS badge. Notwithstanding correspondence and communications sent on behalf of SFRS in respect of matters restricted under the Scheme, the Chief Officer sub-delegates this authority to all SLT members who, in turn, further delegate this authority under Section 7 of the Scheme. For the avoidance of doubt, the term 'correspondence and communications' shall include all letters, faxes, emails and other forms of electronic communication that may be sent on behalf of SFRS.

6.10 Damage or Loss to Personal Property

The Board authorises the Chief Officer to consider and, if deemed appropriate, approve payment of in whole or in part valid and vouched claims from employees for damage to, or loss of, personal property in the course of their employment where the employee is not at fault and is not otherwise insured.

6.11 Data Protection and Freedom of Information

The Board authorises the Chief Officer to:

- make, submit and update the necessary registrations;
- consider and respond to applications made under the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002;

- determine the appropriate person(s) to consider and respond to any reviews sought in terms of the said legislation; and
- if necessary and appropriate, enter into any Information Sharing Protocols.

The Chief Officer sub-delegates his authorisation to the Director of Strategic Planning, Performance and Communications.

6.12 Senior Appointments

The Board authorises the Chief Officer to appoint members of the SLT, Deputy Assistant Chief Officers and Heads of Function. The Chair of the Board, or their representative, will be involved in all SLT appointments. With all senior appointments, the Chief Officer shall engage in prior consultation with the Remuneration, Appointments and Nominations Sub Committee with regard to the appointment process and shall provide feedback to the Committee in respect of the final selections from the process. For the avoidance of doubt, there shall be no further delegation of authority to appoint SLT members, Deputy Assistant Chief Officers and Heads of Functions beyond the delegation from the Board to the Chief Officer.

6.13 Employment of Staff

With the exception of (1) appointments reserved by statute to the Board, (2) any matters requiring the prior approval of Scottish Government, (3) any matters specifically falling within the terms of reference of any SFRS Committee and (4) any matters subject to national negotiations at Scottish and UK level, the Board delegates its authority under Paragraph 8 (SFRS's employees) of Schedule 1A of the 2005 Act to employ staff to the Chief Officer.

Where appropriate, the Chief Officer sub-delegates the authority to employ staff to the Director of People and Organisational Development.

6.14 Finances and Payments

The Board authorises the Chief Officer to maintain and administer the SFRS's financial resources, including the operation of bank account(s) and the receipt and making of appropriate payments in accordance with the [SPFM](#) and SFRS's Financial Regulations.

The Chief Officer sub-delegates this authority to the Director of Finance and Contractual Services.

6.15 Fines

The Board authorises the Chief Officer to consider and, if appropriate, pay or contribute to the legal expenses and outlays of defending a SFRS employee charged with a statutory offence (for example, an offence in contravention of Road Traffic or Health and Safety legislation) whilst acting in the course of their employment, subject to the stipulation the employee is not considered to have been on a frolic of their own (i.e. the employee's actions must have been at the material time closely connected with their employment). Scottish Government's prior written approval is required for any such special payments over the value of £1,000.

6.16 Fire Safety (Prevention and Protection) and Fire Investigation

The Board authorises the Chief Officer to carry out its statutory duties and exercise its discretionary powers under the 2005 Act and associated subordinate legislation made thereunder, together with other legislation relevant to this particular function.

The Board authorises the Chief Officer to issue any necessary letters of authorisation to employees engaged in Enforcement or Fire Investigation roles.

6.17 Foreign Travel/Travel Outwith Scotland/Conferences and Seminars

The Board authorises the Chief Officer to approve the payment of foreign travel or travel further of Scotland and attendance at any relevant conferences or seminars for

any SFRS employee who is on SFRS business and upon cause shown and demonstrable benefit for the SFRS.

6.18 Gifts and Hospitality

The Board authorises the Chief Officer to:

- accept and provide gifts and hospitality in accordance with the [SPFM](#) and with SFRS's Gifts, Hospitality and Interests Policy, which clearly states SFRS's commitment to high standards of ethical behaviour; and
- maintain and publish a register of Gifts, Hospitality and Interests, in accordance with SFRS's Gifts, Hospitality and Interests Policy.

The Chief Officer sub-delegates this authority to Director of Finance and Contractual Services.

6.19 Health and Safety

The Board authorises the Chief Officer to carry out its health and safety function. The Chief Officer sub-delegates this authority to the Director of People and Organisational Development.

6.20 Insurance

The Board authorises the Chief Officer to take out and maintain appropriate insurance cover as required by employees who are employed in a particular professional capacity and as required by Landlords or other third parties with whom the SFRS is transacting or working in partnership where commercial insurance is a stipulation and whether or not the SFRS is for all other matters self-insured.

In the event that the SFRS is permitted by Scottish Government to take out insurance cover for all or part of its functions, then the Board authorises the Chief Officer to take out and maintain appropriate insurance cover.

The Chief Officer sub-delegates this authority to the Director of Finance and Contractual Services.

6.21 Legal

The Board authorises the Chief Officer to:

- lodge caveats if deemed necessary;
- accept service of all types of legal claims and legal documents;
- process employer's liability, public liability, motor vehicle and other such claims;
- initiate, enter, defend or withdraw from legal proceedings (judicial and quasi-judicial);
- negotiate settlement of claims or legal proceedings;
- settle claims without prior Scottish Government approval *and* without reference to the Chair and the Board up to and including the value of £25,000;
- engage in arbitration or mediation;
- enter compromise agreements;
- sign legal documents binding or releasing the SFRS;
- prepare and submit reports to the Crown Office and Procurator Fiscal Service in relation to offences identified in the course of the SFRS carrying out its functions, and
- engage Solicitors, Solicitor Advocates and Counsel to provide advice, opinions and representation.

The Chief Officer sub-delegates his authority to negotiate settlement of claims or legal proceedings to the Director of Finance and Contractual Services and the remainder of this authority to the Director of Strategic Planning, Performance and Communications.

6.22 Licences

The Board authorises the Chief Officer to obtain any necessary licences, including but not limited to software licences, required to enable the SFRS to carry out its functions.

The Chief Officer sub-delegates this authorisation to members of the SLT, as appropriate.

6.23 Local Senior Officers

The Chief Officer shall designate an SFRS employee to the role of Local Senior Officer (LSO) for each local authority and the LSO shall carry out the delegated functions narrated at Section 41J (2) of the 2005 Act.

6.24 Loans of Assets

The Board authorise the Chief Officer to provide on temporary or short-term loan assets which are not operationally sensitive, confidential or would breach the Data Protection principles to reputable third parties for research purposes, public exhibition or wider public benefit. The loan may be upon such terms and conditions as the Chief Officer deems appropriate and may include a requirement for security and insurance cover.

6.25 Media and Publications

The Board authorises the Chief Officer to formulate and issue on its behalf media releases and responses and to consider requests from media organisations to record sound and/or images of the SFRS for public transmission.

The Chief Officer sub-delegates this authorisation to the Director of Strategic Planning, Performance and Communications.

The Board authorises the Chief Officer to draft, for its consideration, publications required by legislation or Scottish Government and, once subsequently approved by the Board, to issue same on its behalf in accordance with any such requirement.

6.26 Objections

The Board authorises the Chief Officer to lodge any objections to planning applications, building warrants, road traffic orders and any similar statutory procedures to which the SFRS may be a competent objector and to engage in the objection process, incurring any necessary costs associated therewith and to withdraw any objection if deemed appropriate.

6.27 Principal Fire and Rescue Functions and Ancillary Functions (Response and Resilience)

The Board authorise the Chief Officer to carry out its statutory duties and exercise its discretionary powers under the 2005 Act, and associated subordinate legislation made thereunder, together with other legislation relevant to this function.

6.28 Statutory Notices

The Board hereby authorises the Chief Officer to draft, sign and serve statutory notices on its behalf, including Prohibition Notices, Enforcement Notices and Alterations Notices under Sections 63, 64 and 65 respectively of the 2005 Act and if necessary to withdraw such Notices.

The Chief Officer sub-delegates this authority to the Deputy Chief Officer and the Assistant Chief Officers.

6.29 Urgent Issues

Where time is of the essence and in order to eradicate or minimise actual or reasonably perceived risk to the SFRS, the Chief Officer may take reasonable and appropriate action in relation to any function not delegated to the Chief Officer role.

The Chief Officer must thereafter report same to the Chair of the SFRS with full reasoning for the decision as soon is reasonably practicable after the exercise of the function.

6.30 Use of SFRS Premises

The Board authorise the Chief Officer to permit third parties to use SFRS premises for purposes he deems appropriate and upon such terms and conditions as he shall determine reasonable in the circumstances.

The Chief Officer sub-delegates this authority to members of the SLT.

6.31 Warrant and Identity Cards

The Board authorises the Chief Officer to issue warrant cards to its employees for the purpose of enabling the employees to both be identified and to exercise the powers and carry out the duties appropriate to the roles held by the employees. There shall be no requirement for such warrant cards to be signed for or on behalf of the SFRS and the Chief Officer requires employees to return warrant cards upon termination of employment with SFRS.

There shall be reserved to the Chair of the Board, the power to issue identity cards to the Board members for the purpose of enabling the Board members to be identified and the Chair shall have the power to require the Board members to return the identity cards upon termination of their appointment with SFRS.

6.32 Withdrawal or Amendment of Delegation

The Chief Officer may amend, extend, qualify or withdraw any sub-delegation which he has previously authorised and shall notify the relevant employees of same as soon as is reasonably practicable.

7. DELEGATIONS TO EMPLOYEES OUTWITH THE STRATEGIC LEADERSHIP TEAM

Functions delegated to the Chief Officer and any other member of the SLT (namely, the Deputy Chief Officer, the Assistant Chief Officers, the Director of People and Organisational Development, the Director of Finance and Contractual Services and the Director of Strategic Planning, Performance and Communications) may be further delegated to any SFRS employee, providing that employee holds a role which operates under the control and direction of the particular SLT member delegating and the delegation is in accordance with the Scheme.

In exercising a function delegated from either the Chief Officer or a member of the SLT, the employee in receipt of the delegated authority shall take account at all times of any appropriate Scottish Government, general SFRS or specific departmental practices and procedures, together with any managerial instruction given or guidance notes issued.

Prior to exercising a delegation, checks shall be made to ensure that financial provision for any outlays and/or ongoing costs is available.

Each member of the SLT shall be responsible for maintaining an up to date record of sub-delegations to the various roles within their Directorates.