

SCTS STANDING ORDERS

Approved by the SCTS Board – 13 June 2022.

Valid from 1 July 2022. Next scheduled review – June 2023

1. General

1.1 The Scottish Courts and Tribunals Service (SCTS) is a body corporate established under Part 4 of the Judiciary and Courts (Scotland) Act 2008 (“the Act”). The SCTS is the holder of a non-ministerial office within the Scottish Administration.

1.2 These standing orders, for regulation of the conduct and proceedings of the SCTS, are made under paragraphs 10, 11 and 13 of schedule 3 to the Act.

1.3 No standing order is to be made, read, applied or suspended in such a manner that contravenes any rule of law, legislative provision, or the terms of the SCTS Framework Document.

1.4 These standing orders are made by and can be altered or suspended, in whole or in part, by a majority of the members of the SCTS Board.

1.5 These standing orders and their Annexes should be reviewed on an annual basis.

1.6 Where these standing orders do not make specific provision, the Chair of the SCTS, in consultation with the Chief Executive, will have discretion to determine all questions of procedure for the conduct and proceedings of the SCTS.

2. Membership

2.1 Members are appointed to and hold office in the SCTS in accordance with the provisions of paragraphs 2 to 8 of schedule 3 of the Act, the Scottish Courts and Tribunals Service (Procedure for Appointment of Members) Regulations 2015 (SSI 2015/53) as amended by the Scottish Courts and Tribunals Service (Procedure for Appointment of Members) Amendment Regulations 2020, (SSI 2020/112) and the SCTS Framework document. The collective membership of the SCTS will be known as, and may be referred to as, “the SCTS Board”.

2.2 The SCTS Secretariat will manage the appointment process under the direction of the Lord President, maintain a register of members and ensure appropriate public access to information regarding membership is provided.

2.3 Membership is not representational of any personal or professional group or any professional body. Members of the SCTS are expected to subscribe to and comply with the code of conduct set out at Annex A.

2.4 Members will require to register their interests as defined in Annex A, within one month of the date of their appointment to the SCTS, in a register kept by the SCTS Secretariat for that purpose, which register will be available for public inspection.

2.5 Where a dispute arises as to whether a conflict of interest arises in respect of any member, the following procedure will apply:

- in the event of the potential conflict arising during the course of a meeting the Chair of the SCTS will have the power to rule as to whether such a conflict exists. In the event of a

positive ruling, the member concerned will not be permitted to be further involved in that part of the meeting affected by the conflict;

- in the event that the potential conflict arises outwith a meeting then the Chair of the SCTS will have power to rule as to whether such a conflict exists. In the event of a positive ruling, the member concerned will not be permitted to be further involved in the business affected by the conflict;
- before ruling in either of the circumstances set out in (a) or (b) above, the Chair of the SCTS may take views of other members of the SCTS as he or she deems necessary;
- a record of the area of potential conflict, the ruling reached and by whom will be retained.

3. Chair of the SCTS

3.1 Meetings of the SCTS will be chaired in accordance with paragraph 9 of Schedule 3 to the Act.

3.2 If, in the opinion of the Chair of the SCTS, any person present at a meeting is incapacitated, behaving inappropriately or without due consideration for other members or persons present, the Chair of the SCTS may require that person to leave the meeting.

4. Ordinary Meetings

4.1 The SCTS will meet at least six times in each financial year on dates and at times and places determined by the SCTS and specified in the notice calling the meeting. No period longer than three months should pass between meetings.

4.2 Notice of meetings, with an agenda detailing the business to be transacted, will be issued electronically to each member not less than seven days prior to the date of the meeting, together with copies of all relevant papers. Late papers will be issued or tabled only in exceptional circumstances.

4.3 Any member who wishes to receive notice of all or any meetings and the agenda and papers for those meetings in paper copy, must ensure that the SCTS Secretariat receives notice to that effect in time for the SCTS Secretariat to meet the requirements of standing order 4.2.

4.4 Failure to comply with 4.2 above will not affect the validity of a meeting.

4.5 Where business to be transacted has not been completed within the time allotted for a meeting, those present may resolve to continue the meeting in order to deal with the business.

4.6 Any business not completed may become part of the agenda for the next meeting of the SCTS.

4.7 All decisions must be made by the members of the SCTS unless an individual or Committee has been delegated to deal with a specific issue.

4.8 Decisions of the SCTS will generally be by consensus of those attending meetings.

4.9 Any matter put to the vote is decided by a simple majority. In the event of a tie, the Chair of the SCTS has a second vote. Only members present at a meeting may vote. Proxy voting is not allowed. Members departing early will be treated as non-attending for the purpose of any decision taken after the time of departure.

4.10 Voting will be by a show of hands unless any member requests a secret ballot.

4.11 Decisions of the SCTS are binding on all its members and staff.

4.12 A member may have his/her dissent to a decision of the SCTS recorded provided he/she has attended for the whole of the discussion and decision, and asks to record his/her dissent immediately after the decision is concluded. The recording of any such dissent shall not affect standing order 4.11.

4.13 No business shall be transacted at a meeting of the SCTS unless there are present at least seven members, of whom at least three are non-judicial members.

4.14 Apologies for absence should be tendered to the SCTS Secretariat and will be noted.

4.15 The Chair of the SCTS will regulate discussion and debate and will ensure that all present enjoy equality of opportunity to express their views.

5. Agenda

5.1 The agenda for Ordinary meetings of the SCTS will be prepared by the SCTS Secretariat and circulated to Board members for approval or comment at least two weeks in advance of the date of the meeting.

5.2 The following will be standing items on the Agenda of Ordinary meetings of the SCTS:

- Minutes of last meeting and issues arising
- Performance and Finance reports
- Corporate & Business Plan Delivery Status reports
- SCTS Board Decision Tracker

5.3 At least quarterly, reports will be received from the Estates, People and Audit & Risk committees which will update Board members on the progress being made in their areas of delegated responsibility.

5.4 The following items will be added to the Agenda of Ordinary meetings as need arises:

- Corporate Communications
- Planning and horizon scanning
- Corporate projects and attendant risks
- Property and Services Reports
- Staff issues
- Board Training

5.5 Any member may propose an item for the Agenda of an Ordinary meeting by contacting the SCTS Secretariat not less than fourteen days before the date of the meeting.

5.6 Any member wishing to raise an urgent item at the meeting must give notice at the start of the meeting. The members present will decide whether any such item will be discussed or dealt with at a subsequent meeting.

6. Special Meetings

6.1 The Chair of the SCTS may call a meeting of the SCTS at any time and shall do so on receipt of a formal request which specifies the business to be transacted at the meeting and which has the support of no fewer than 4 members of the SCTS. A formal request under this standing order shall be sent to the SCTS Secretariat.

6.2 Where a formal request is received in accordance with the above, the meeting shall be held within fourteen days of receipt of the request and no business shall be transacted at that meeting other than that specified in the request.

6.3 If the Chair of the SCTS refuses to call a meeting after a formal request is received in accordance with the above, or if, without so refusing, does not call a meeting within seven days after such request has been presented, those members who presented the request may require the SCTS Secretariat to call a meeting forthwith subject to the provision that no business shall be transacted at the meeting other than that specified in the request. The SCTS Secretariat shall comply with a requirement under this standing order.

7. Minutes

7.1 Minutes will be kept of each meeting of the SCTS recording the members present, apologies tendered and accepted for non-attendance, issues considered, decisions reached and resolutions passed.

7.2 Within five working days of a meeting, draft minutes will be sent by the SCTS Secretariat to the Chair of the SCTS for approval. The Chair of the SCTS will return the draft minutes, with such revisions as he or she wishes made to the draft, to the SCTS Secretariat within five working days. The revised draft minutes returned by the Chair of the SCTS, or, where it is not possible for any reason to obtain a revised draft from the Chair of the SCTS, an unrevised draft, will be circulated to all members within fifteen working days of the meeting and will be published on the SCTS website with the caveat that these have yet to be approved. The draft minutes will be tabled at the next meeting for approval.

7.3 Where those present at a meeting of the SCTS or any of its committees determine that any part of the business conducted is confidential, that part of the proceedings will be minuted separately and will not be published under standing order 7.2 or 7.4.

7.4 Once approved, minutes will be published on the SCTS website in final form and the draft minutes removed.

7.5 Decisions on issues of immediate importance to operational staff may be disseminated to them, notwithstanding the minutes of the meeting recording the decision having not been approved or published, but only with approval of the person chairing the meeting.

8. Committees

8.1 Committees established under paragraph 10 of Schedule 3 to the Act will operate strictly in accordance with the terms of their remit.

8.2 When establishing Committees, the SCTS will:

- determine the membership and period of appointment;
- select or confirm the arrangements for chairing of the committee meetings;
- establish the terms of reference (in consultation with the Committee);
- determine procedures, including its quorum and which of these standing orders will apply to the conduct of the Committee and for reporting back to the SCTS.

8.3 Paragraphs 4-8 of schedule 3 of the Act and the Members Code of Conduct at Annex A apply to Committee members in respect of their appointment to a Committee of the SCTS.

8.4 The following will be standing committees of the SCTS:

- Audit and Risk
- Remuneration
- Estates, Health & Safety, Fire and Security
- People

8.5 The SCTS will review its Committee structure at least annually.

9. Decisions Reserved for the SCTS and Scheme of Delegation:

9.1 The following decisions are reserved for the SCTS:

- strategic direction, corporate and business plans and budgets;
- standing orders, including a scheme of delegation;
- the establishment of terms of remit and reporting arrangements for all committees acting on behalf of the SCTS;
- corporate financial and audit reporting arrangements;
- corporate performance management reporting arrangements;
- decisions on any recommendations for opening or closing courts;
- approval of annual accounts.

9.2 A scheme of delegation is at Annex B.

10. Correspondence

10.1 All incoming correspondence to the SCTS body corporate is for the attention of the whole membership, whether addressed to any member or to the SCTS Secretariat.

10.2 The SCTS Secretariat will receive and log all correspondence to and from the SCTS body corporate. Any such correspondence received or sent by an individual member in relation to the SCTS will be copied to the SCTS Secretariat for this purpose.

10.3 Unless undue delay would occur or legislative requirements would not be met in relation to the giving of due attention to any item of correspondence, the SCTS Secretariat will present all significant items of correspondence to the next meeting of the SCTS.

11. Urgent actions

11.1 The Chair of the SCTS has the authority to require or permit the Chief Executive to take urgent action (on matters that are permitted to be delegated to an individual) or to reply to correspondence between meetings where the delay in exercising a function or in responding to correspondence is likely to be seriously detrimental to the interests of the SCTS or to be contrary to legislation.

11.2 If the issue in relation to which the urgent action relates is not one permitted to be delegated to an individual, agreement to take such action should be sought and obtained through electronic means of communication from a majority of the members of SCTS – always providing that within that majority there are at least three non-judicial members.

11.3 On every occasion standing order 11.1 or 11.2 is invoked, the circumstances will be reported to all members and to the SCTS Secretariat at the earliest opportunity. All such actions will be reported to the next meeting of the SCTS.

12. Public statements

12.1 Public statements concerning the SCTS will normally be made by the Chief Executive or by an officer authorised by the Chief Executive or by the SCTS. Where such statement relates to a novel or controversial matter the approval of a majority of the members of the SCTS should be obtained, through electronic means if urgency requires, always providing that within that majority there are at least three non-judicial members.

13. Signing of Documents

13.1 Where any documents are required to be executed on behalf of the SCTS, they shall be signed:

- by any two members; or
- by any person operating within their remit under the scheme of delegation at Annex B.

14. Confidentiality

14.1 All members, the SCTS Secretariat and any other person present at a meeting of the SCTS, have a duty:

- not to discuss items of business agreed under standing order 7.3 to be confidential with any person who was not present at that meeting unless authorised to do so by the Chair of the SCTS or the Chief Executive; or
- to comment on any matter in any way that undermines the principle of collective responsibility for decisions reached at such meetings.

14.2 This standing order is without prejudice to the terms of the Public Interest Disclosure Act 1998.

15. Members' remuneration and expenses

15.1 The SCTS will remunerate the judicial member who is a justice of the peace, the non-judicial members and any other persons appointed to any committee established by it in accordance with the scales set out in Annex C to these standing orders, always provided that that person is not already in receipt of a publicly funded salary or payment for the time they expended on SCTS business.

15.2 The SCTS will reimburse expenses incurred by its members or any member of a committee established by the SCTS in accordance with scales set out in Annex C to these standing orders.

15.3 These sums of remuneration will be reviewed annually by the SCTS and be fixed in accordance with Scottish Government guidelines.

16. Interpretation

16.1 In these standing orders and in the annexes thereto:

"a non-ministerial office holder within the Scottish Administration" means a body named as such in Section 126 (8)(a) of the Scotland Act 1998 as amended by an Order in Council made by Her Majesty under subsection (b) of that section;

"Chair of the SCTS" means the person chairing a meeting of the SCTS or where the term applies to a situation outwith a meeting of the SCTS, the Lord President of the Court of Session or, in the Lord President's absence, the Lord Justice Clerk;

"Lord President" means the Lord President of the Court of Session;

"SCTS Secretariat" means any officer or officers appointed by the CEO of the SCTS to act in this capacity;

"financial year" means the period beginning with the establishment of the SCTS and ending on 31 March next occurring and each subsequent period of a year ending on 31 March;

"the SCTS website" means the worldwide website - www.scotcourtribunals.gov.uk

MEMBERS' CODE OF CONDUCT (Last Reviewed – June 2022)

Note – this Code is based on the Model Code of Conduct for Members of Devolved Public Bodies in Scotland – last updated in December 2021

CONTENTS

Section 1: Introduction to the Model Code of Conduct

My Responsibilities
Enforcement

Section 2: Key Principles of the Model Code of Conduct

Section 3: General Conduct

Respect and Courtesy
Remuneration, Allowances and Expenses
Gifts and Hospitality
Confidentiality
Use of SCTS Resources
Dealings with the SCTS and Preferential Treatment
Appointments to Outside Organisations

Section 4: Registration of Interests

Category One: Remuneration
Category Two: Other Roles
Category Three: Contracts
Category Four: Houses, Land and Buildings
Category Five: Interest in Shares and Securities
Category Six: Gifts and Hospitality
Category Seven: Non–Financial Interests
Category Eight: Close Family Members

Section 5: Declaration of Interests

Stage 1: Connection
Stage 2: Interest
Stage 3: Participation

Section 6: Lobbying and Access

Annexes

- Annex A/1 Sanctions for Breach of Code
- Annex A/2 Definitions

SECTION 1:

INTRODUCTION TO THE CODE OF CONDUCT

1.1 This Code of Conduct is derived from the recommendations of the Committee on Standards in Public Life and is similar to the codes of conduct followed by other devolved public bodies in Scotland.

1.2 The purpose of this Code is to set out the conduct expected of those who serve on the SCTS board. The Scottish public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. As a member of SCTS you must meet those expectations by ensuring that your conduct is above reproach. Although the code relates to your behaviour as a member of the SCTS, as a consequence of your membership of the SCTS, this code may equally apply to you in your private life.

1.3 This Code has been developed in line with the nine key principles of public life in Scotland. The principles are listed in Section 2 and set out how the provisions of the Code should be interpreted and applied in practice.

My Responsibilities

1.4 I understand that the public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. I will always seek to meet those expectations by ensuring that I conduct myself in accordance with this Code.

1.5 I will comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all situations and at all times where I am acting as an SCTS board member, have referred to myself as an SCTS board member or could objectively be considered to be acting as an SCTS board member.

1.6 I will comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all my dealings with the public, employees and fellow board members, whether formal or informal.

1.7 I understand that it is my personal responsibility to be familiar with the provisions of this Code and that I must also comply with the law and the rules of conduct contained in this Code, standing orders and regulations. I will also ensure that I am familiar with any guidance or advice notes issued by the SCTS Secretariat.

1.8 I will not, at any time, advocate or encourage any action contrary to this Code.

1.9 I understand that this code has been developed in line with the key principles listed in Section 2 and that this section provides additional information on how the principles should be interpreted and applied in practice. I am aware that this Code itself cannot provide for all circumstances. If I am uncertain about how this Code applies, I will seek advice, initially, from the SCTS Secretariat. I understand that the SCTS Secretariat may refer the matter to the CEO or Chair of the SCTS. I note I may also choose to consult my own legal advisers on how to interpret this Code and, on detailed financial and commercial matters, seek advice from other relevant professionals.

Enforcement

1.10 Failure to adhere to this code may give rise to grounds for your removal from the SCTS under the provisions of paragraph 7(3) of Schedule 3 to the 2008 Act. Before invoking that process, the Lord President, may choose to offer guidance, or a warning, or both, or to invoke any of the sanctions outlined in Annex A/1.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

2.1 This Code has been based on the following key principles of public life. I will behave in accordance with these principles and understand that they should be used for guidance and interpreting the provisions in this Code.

2.2 I note that a breach of one or more of the key principles does not in itself amount to a breach of this Code. I note that, for a breach of the Code to be found, there must also be a contravention of one or more of the provisions in sections 3 to 6 inclusive of this Code.

The key principles are:

Duty

I have a duty to uphold the law and act in accordance with the law and the public trust placed in me. I have a duty to act in the interests of the SCTS of which I am a member and in accordance with the statutory responsibilities of the SCTS.

Selflessness

I have a duty to take decisions solely in terms of public interest. I must not act in order to gain financial or other material benefit for myself, family or friends.

I will keep in mind at all times that my appointment as a member of the SCTS Board is not representational of any personal or professional group or any professional body. In particular, I will not allow any potential professional or personal interest or gain to influence my contribution to written or oral discussions within the SCTS or any vote taken.

Integrity

I must not place myself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties.

Objectivity

I must make decisions solely on merit and in a way that is consistent with the functions of the SCTS when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

I am accountable to the public for my decisions and actions. I have a duty to consider issues on their merits, taking account of the views of others and I must ensure that the SCTS uses its resources prudently and in accordance with the law.

Openness

I have a duty to be as open as possible, subject to SCTS Standing Orders 12 and 14, about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands.

Honesty

I have a duty to act honestly. I must declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

I have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the SCTS and its members in conducting public business.

Respect

I must respect fellow members of the SCTS and its employees and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a member of the SCTS.

SECTION 3:

GENERAL CONDUCT

Respect and Courtesy

3.1 I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity; I will advance equality of opportunity and seek to foster good relations between different people.

3.3 I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.4 I accept that disrespect, bullying and harassment can be:

- a) a one-off incident,
- b) part of a cumulative course of conduct; or
- c) a pattern of behaviour.

3.5 I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.6 I accept that it is my responsibility to understand what constitutes bullying and harassment and I will utilise resources, including relevant policies and training material to ensure that my knowledge and understanding is up to date.

3.7 Except where it is written into my role as a member of the SCTS, and/or at the invitation of the Chief Executive, I will not become involved in operational management of the SCTS. I acknowledge and understand that operational management is the responsibility of the Chief Executive and Executive Team.

3.8 I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public. I will raise any concerns I have on such matters in private with senior management as appropriate.

3.9 I will not take, or seek to take, unfair advantage of my position in my dealings with employees of the SCTS or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

3.10 I will respect and comply with rulings from the Chair during meetings of:

- a) the SCTS, its committees; and
- b) any outside organisations that I have been appointed or nominated to by the SCTS or on which I represent the SCTS.

3.11 I will respect the principle of collective decision-making and corporate responsibility. This means that once the SCTS Board has made a decision, I will support that decision, even if I did not agree with it or vote for it.

Remuneration, Allowances and Expenses

3.12 I will comply with the rules, and the policies of the SCTS, on the payment of remuneration, allowances and expenses.

Gifts and Hospitality

3.13 I understand that I may be offered gifts (including money raised via crowdfunding or sponsorship), hospitality, material benefits or services ("gift or hospitality") that may be reasonably regarded by a member of the public with knowledge of the relevant facts as placing me under an improper obligation or being capable of influencing my judgement.

3.14 I will never **ask for** or **seek** any gift or hospitality.

3.15 I will refuse any gift or hospitality, unless it is:

- a) a minor item or token of modest intrinsic value offered on an infrequent basis;
- b) a gift being offered to my public body;
- c) hospitality which would reasonably be associated with my duties as a member of the SCTS; or
- d) hospitality which has been approved in advance by the SCTS.

3.16 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.

3.17 I will not allow the promise of money or other financial advantage to induce me to act improperly in my role as a board member. I accept that the money or advantage (including any gift or hospitality) does not have to be given to me directly. The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce me to improperly perform a function.

3.18 I will never accept any gift or hospitality from any individual or applicant who is awaiting a decision from, or seeking to do business with the SCTS.

3.19 If I consider that declining an offer of a gift would cause offence, I will accept it and hand it over to the SCTS Secretariat at the earliest possible opportunity and ask for it to be registered.

3.20 I will promptly advise the SCTS Secretariat if I am offered (but refuse) any gift or hospitality of any significant value and/or if I am offered any gift or hospitality from the same source on a repeated basis, so that the SCTS Secretariat can monitor this.

3.21 I will familiarise myself with the terms of the [Bribery Act 2010](#), which provides for offences of bribing another person and offences relating to being bribed

Confidentiality

3.22 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person or body authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain such express consent, I should assume it is not given.

3.23 I accept that confidential information can include discussions, documents, and information which is not yet public or never intended to be public, and information deemed confidential by statute.

3.24 I will only use confidential information to undertake my duties as a board member. I will not use it in any way for personal advantage or to discredit the SCTS (even if my personal view is that the information should be publicly available).

3.25 I note that these confidentiality requirements do not apply to protected whistleblowing disclosures made to the prescribed persons and bodies as identified in statute.

Use of SCTS Resources

3.26 I will only use SCTS' resources, including assistance from employees, facilities, stationery and IT equipment, for carrying out duties on behalf of the SCTS, in accordance with SCTS policies and rules on their usage.

3.27 I will not use, or in any way enable others to use, SCTS resources:

- a) imprudently (without thinking about the implications or consequences);
- b) unlawfully;
- c) for any political activities or matters relating to these; or
- d) improperly.

Dealings with SCTS and Preferential Treatment

3.28 I will not use, or attempt to use, my position or influence as a board member to:

- a) improperly confer on or secure for myself, or others, an advantage;
- b) avoid a disadvantage for myself, or create a disadvantage for others; or
- c) improperly seek preferential treatment or access for myself or others.

3.29 I will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

3.30 I will advise employees of any connection, as defined at Section 5, I may have to a matter, when seeking information or advice or responding to a request for information or advice from them.

Appointments to Outside Organisations

3.31 If I am appointed, or nominated by the SCTS, as a member of another body or organisation, I will abide by the rules of conduct and will act in the best interests of that body or organisation while acting as a member of it. I will also continue to observe the rules of this Code when carrying out the duties of that body or organisation.

3.32 I accept that if I am a director or trustee (or equivalent) of a company or a charity, I will be responsible for identifying, and taking advice on, any conflicts of interest that may arise between the company or charity and the SCTS.

SECTION 4:

REGISTRATION OF INTERESTS

4.1 The following paragraphs set out what I have to register when I am appointed and whenever my circumstances change (*Annex A/2 contains key definitions to help you decide what is required when registering your interests under any particular category. These categories are listed below with explanatory notes designed to help you decide what is required when registering your interests under any particular category). The register covers my current term of appointment.

4.2 I understand that regulations made by the Scottish Ministers describe the detail and timescale for registering interests; including a requirement that a board member must register their registrable interests within one month of becoming a board member, and register any changes to those interests within one month of those changes having occurred with the SCTS Secretariat.

4.3 The interests which I am required to register are those set out in the following paragraphs. Other than as required by paragraph 4.23, I understand it is not necessary to register the interests of my spouse or cohabitee.

Category One: Remuneration

4.4 I will register any work for which I receive, or expect to receive, payment. I have a registrable interest where I receive remuneration by virtue of being:

- a) employed;
- b) self-employed;
- c) the holder of an office;
- d) a director of an undertaking;
- e) a partner in a firm;
- f) appointed or nominated by the SCTS to another body; or
- g) engaged in a trade, profession or vocation or any other work.

4.5 I understand that in relation to 4.4 above, the amount of remuneration does not require to be registered. I understand that any remuneration received as a board member of the SCTS does not have to be registered.

4.6 I understand that if a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under Category Two, "Other Roles".

4.7 I must register any allowances I receive in relation to membership of any organisation under Category One.

4.8 When registering employment as an employee, I must give the full name of the employer, the nature of its business, and the nature of the post I hold in the organisation.

4.9 When registering remuneration from the categories listed in paragraph 4.4 (b) to (g) above, I must provide the full name and give details of the nature of the business, organisation, undertaking, partnership or other body, as appropriate. I recognise that some other employments may be incompatible with my role as board member of the SCTS in terms of paragraph 6.7 of this Code.

4.10 Where I otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and how often it is undertaken.

4.11 When registering a directorship, it is necessary to provide the registered name and registered number of the undertaking in which the directorship is held and provide information about the nature of its business.

4.12 I understand that registration of a pension is not required as this falls outside the scope of the category.

Category Two: Other Roles

4.13 I will register any unremunerated directorships where the body in question is a subsidiary or parent company of an undertaking in which I hold a remunerated directorship.

4.14 I will register the registered name and registered number of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which I am a director and from which I receive remuneration.

Category Three: Contracts

4.15 I have a registerable interest where I (or a firm in which I am a partner, or an undertaking in which I am a director or in which I have shares of a value as described in paragraph 4.19 below) have made a contract with the SCTS:

- a) under which goods or services are to be provided, or works are to be executed; and
- b) which has not been fully discharged.

4.16 I will register a description of the contract, including its duration, but excluding the value.

Category Four: Houses, Land and Buildings

4.17 I have a registrable interest where I own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of the SCTS.

4.18 I accept that, when deciding whether or not I need to register any interest I have in houses, land or buildings, the test to be applied is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as being so significant that it could potentially affect my responsibilities to the SCTS and to the public, or could influence my actions, speeches or decision making.

Category Five: Shares and Securities

4.19 I have a registerable interest where:

- a) I own or have an interest in more than 1% of the issued share capital of the company or other body; or
- b) Where, at the relevant date, the market value of any shares and securities (in any one specific company or body) that I own or have an interest in is greater than £25,000.

4.20 Where I am required to register the interest I will provide the registered name of the company in which I hold shares. The amount or value of the shares does not have to be registered.

Category Six: Gifts and Hospitality

4.21 I understand the requirements of paragraphs 3.13 to 3.21 regarding gifts and hospitality. As I will not accept any gifts or hospitality, other than under the limited circumstances allowed, I understand there is no longer the need to register any.

Category Seven: Non-Financial Interests

4.22 I may also have other interests and I understand it is equally important that relevant interests such as membership or holding office in other public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, I understand non-financial interests are those which members of the public with knowledge of the relevant facts might reasonably think could influence my actions, speeches, votes or decision-making of the SCTS (this includes its Committees and memberships of other organisations to which I have been appointed or nominated by the SCTS).

Category Eight: Close Family Members

4.23 I will register the interests of any close family member who has transactions with the SCTS or is likely to have transactions or do business with it.

SECTION 5:

DECLARATION OF INTERESTS

Stage 1: Connection

5.1 For each particular matter I am involved in as a board member, I will first consider whether I have a connection to that matter.

5.2 I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

5.3 A connection includes anything that I have registered as an interest.

5.4 A connection does not include being a member of a body to which I have been appointed or nominated by the SCTS as a representative of the SCTS, unless:

- a) The matter being considered by the SCTS is quasi-judicial or regulatory; or
- b) I have a personal conflict by reason of my actions, my connections or my legal obligations.

Stage 2: Interest

5.5 I understand my connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

Stage 3: Participation

5.6 I will declare my interest as early as possible in meetings. I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.

5.7 I will consider whether it is appropriate for transparency reasons to state publicly where I have a connection, which I do not consider amounts to an interest.

5.8 I note that I can request that the SCTS Secretariat grant a dispensation to allow me to take part in the discussion and decision-making on a matter where I would otherwise have to declare an interest and withdraw (as a result of having a connection to the matter that would fall within the objective test). In such circumstances the Secretariat will consult with the Chair of the SCTS Board or Chair of the relevant Committee of the Board. I note that such an application must be made in advance of any meetings where the dispensation is sought and that I cannot take part in any discussion or decision-making on the matter in question unless, and until, the application is granted.

5.9 I note that public confidence in a public body is damaged by the perception that decisions taken by that body are substantially influenced by factors other than the public interest. I will not accept a role or appointment if doing so means I will have to declare interests frequently at meetings in respect of my role as a board member. Similarly, if any appointment or nomination to another body would give rise to objective concern because of my existing personal involvement or affiliations, I will not accept the appointment or nomination.

SECTION 6:

LOBBYING AND ACCESS TO MEMBERS OF THE SCTS

6.1 I understand that a wide range of people will seek access to me as a board member and will try to lobby me, including individuals, organisations and companies. I must distinguish between:

- a) any role I have in dealing with enquiries from the public;
- b) any community engagement where I am working with individuals and organisations to encourage their participation and involvement, and;
- c) lobbying, which is where I am approached by any individual or organisation who is seeking to influence me for financial gain or advantage, particularly those who are seeking to do business with the SCTS (for example contracts/procurement).

6.2 In deciding whether, and if so how, to respond to such lobbying, I will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard my conduct as being likely to influence my, or the SCTS, decision-making role.

6.3 I will not, in relation to contact with any person or organisation that lobbies, do anything which contravenes this Code or any other relevant rule of the SCTS or any statutory provision.

6.4 I will not, in relation to contact with any person or organisation that lobbies, act in any way which could bring discredit upon the SCTS.

6.5 If I have concerns about the approach or methods used by any person or organisation in their contacts with me, I will seek the guidance of the SCTS Secretariat.

6.6 The public must be assured that no person or organisation will gain better access to, or treatment by, me as a result of employing a company or individual to lobby on a fee basis on their behalf. I will not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which I accord any other person or organisation who lobbies or approaches me. I will ensure that those lobbying on a fee basis on behalf of clients are not given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming.

6.7 Before taking any action as a result of being lobbied, I will seek to satisfy myself about the identity of the person or organisation that is lobbying and the motive for lobbying. I understand I may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that I understand the basis on which I am being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code and the [Lobbying \(Scotland\) Act 2016](#).

6.8 I will not accept any paid work:

a) which would involve me lobbying on behalf of any person or organisation or any clients of a person or organisation.

b) to provide services as a strategist, adviser or consultant, for example, advising on how to influence the SCTS and its members. This does not prohibit me from being remunerated for activity which may arise because of, or relate to, membership of the SCTS, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

ANNEX A/1

SANCTIONS AVAILABLE TO THE LORD PRESIDENT FOR BREACH OF THE CODE

- (a) Censure – the Lord President may reprimand the member but otherwise take no action, or,
- (b) Issue a warning letter to the member advising that if conduct is repeated or not corrected within a given period this could result in paragraph 7 (3) of schedule 3 of the Act being invoked; or
- (c) Removal of the member under paragraph 7(3) of schedule 3 of the Act.

ANNEX A/2

DEFINITIONS

1. "Remuneration" includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car or travelling expenses by an employer.
2. "Undertaking" means:
 - a) a body corporate or partnership; or
 - b) an unincorporated association carrying on a trade or business, with or without a view to a profit.
3. "Related Undertaking" is a parent or subsidiary company of a principal undertaking of which you are also a director. You will receive remuneration for the principal undertaking though you will not receive remuneration as director of the related undertaking.
4. "Parent Undertaking" is an undertaking in relation to another undertaking, a subsidiary undertaking, if:
 - a) it holds a majority of the voting rights in the undertaking; or
 - b) it is a member of the undertaking and has the right to appoint or remove a majority of its board of directors; or
 - c) it has the right to exercise a dominant influence over the undertaking (i) by virtue of provisions contained in the undertaking's memorandum or articles or (ii) by virtue of a control contract; or
 - d) it is a councillor of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the voting rights in the undertaking.
5. "Group of companies" has the same meaning as "group" in section 474(1) of the Companies Act 2006. A "group", within section 474(1) of the Companies Act 2006, means a parent undertaking and its subsidiary undertakings.
6. "Public body" means a devolved statutory public body or body corporate.
7. "A person" means a single individual or legal person and includes a group of companies.
8. "Any person" includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations.
9. "Spouse" does not include a former spouse or one who is living separately & apart from you.
10. "Cohabitee" includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of husband and wife.
11. "Chair" see paragraph 16 of the Standing Orders.

12. "Employee" includes individuals employed:

- directly by the SCTS;
- as contractors by the SCTS, or
- by a contractor to work on the SCTS' premises.

13. "Bullying" is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted.

14. "Harassment" is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.

SCOTTISH COURTS AND TRIBUNALS SERVICE BOARD – SCHEME OF DELEGATION

Board Responsibility	Delegated Responsibility	Delegated To
<p>1. Governance, Scrutiny & Risk</p> <p>1.1 Ensure effective governance and scrutiny of all aspects of the business of the SCTS.</p> <p>1.2 Set the overall framework for risk, control and governance.</p>	<p>1.1.1 Ensure that SCTS has sound internal governance arrangements and controls – and that it fully meets requirements for regularity and propriety in all its financial arrangements, including compliance with the Scottish Public Finance Manual and appropriate use of risk registers.</p>	<p>Chief Executive</p>
	<p>1.1.2 Ensure that the Board has an opportunity to scrutinise thoroughly any novel or contentious proposals, including those which otherwise fall within delegated financial limits.</p>	<p>Chief Executive</p>
	<p>1.1.3 Take all necessary steps to ensure that the assets, interests and reputation of the SCTS are properly protected, particularly where urgent action is required, and ensuring that significant issues affecting the assets, interests or reputation of the SCTS are brought to Board attention as soon as possible.</p>	<p>Chief Executive</p>
	<p>1.1.4 On behalf of the SCTS Board, scrutinise staff engagement, morale, resourcing and deployment, skills and qualifications and how well these fit with current and anticipated business needs.</p>	<p>People Committee</p>
	<p>1.1.5 On behalf of the SCTS Board, scrutinise the quality, efficiency, effectiveness and economy of the operation of the SCTS estate and delivery of the SCTS Carbon Reduction commitment programme.</p>	<p>Estates, Health & Safety, Fire and Security Committee</p>
	<p>1.2.1 Scrutiny of strategic arrangements for risk, control and governance, accounting policies, oversight of annual accounts and other matters as agreed in Audit & Risk Committee remit.</p>	<p>Audit & Risk Committee</p>
	<p>1.2.2 Identify key risks to the effective, efficient and economical operation of the SCTS arising from staffing issues and ensure that these are managed and mitigated effectively.</p>	<p>People Committee</p>
	<p>1.2.3 Identify key risks to the effective, efficient and economical operation of the SCTS estate and ensure that these are managed and mitigated effectively.</p>	<p>Estates, Health & Safety, Fire and Security Committee</p>

Board Responsibility	Delegated Responsibility	Delegated To
<p>2. Strategy, Planning & Performance</p> <p>2.1 Set strategic direction of the organisation, including its strategic priorities and objectives, approval of the Corporate Plan, annual business plan and associated performance framework.</p> <p>2.2 Monitor performance against agreed framework and progress on Business plan delivery. Approve remedial action where required.</p> <p>2.3 Respond to proposals and consultations issued by Scottish Ministers, the Scottish Parliament or any other body or group where the proposed changes would have a substantial impact on the future operation, jurisdiction or core function of the SCTS and/or would increase costs by more than £250k.</p>	<p>2.1.1 Management of staff, finances and other resources to meet agreed performance measures, milestones and targets set in the Corporate and Business Plans.</p> <p>2.1.2 Alert the SCTS Board to any performance, budget or delivery concerns with significant potential reputational or financial implications, or which could impact on the delivery of the SCTS's strategic aims and objectives.</p> <p>2.2.1 Prompt and accurate reporting to the Board on achievement of performance measures, milestones and targets.</p> <p>2.2.2 Advise on the formulation and monitor delivery of the SCTS people strategy. Scrutinise proposals, consultations, policies, reports and performance information relevant to SCTS people issues. Ensure alignment of these with other SCTS strategies and priorities – approving remedial action and reporting to the Board where these would have a substantial impact.</p> <p>2.2.3 Advise on the formulation and monitor delivery of the SCTS estates strategy. Scrutinise proposals, consultations, policies, reports and performance information relevant to SCTS estates issues. Ensure alignment of these with other SCTS strategies and priorities – approving remedial action and reporting to the Board where these would have a substantial impact.</p> <p>2.3.1 Keep the Board informed of consultations underway or proposals received. Where the Board considers the impact would be substantial, providing business analysis and any other evidence available to support the Board's consideration of the issues and eventual response. For all other proposals, providing business analysis as an official response.</p> <p>2.3.2 Consider and provide advice to the SCTS Board, as required, on any consultations or proposals with significant potential implications for the SCTS as an employer.</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>People Committee</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>Chief Executive</p> <p>People Committee</p>

Board Responsibility	Delegated Responsibility	Delegated To
<p>3. Resourcing & Expenditure</p> <p>3.1 Consider and approve the Capital and Revenue budgets for the SCTS over spending review periods, including formal approval of forecasts of receipts due from fees, fine income retention or other sources outside government.</p> <p>3.2 Consider and approve Adjustments to budgets beyond the limits delegated to the Chief Executive and Executive Directors.</p> <p>3.3 Authorise payments in respect of legal claims or ex gratia payments above £50k.</p> <p>3.4 Approve any increase in permanent, full-time equivalent staff numbers over current agreed baseline.</p>	<p>3.1.1 Expenditure from within budgets approved by the Board for business delivery.</p> <p>3.1.2 Set level of remuneration for members of the Board and its Committees not otherwise remunerated from public funds.</p> <p>3.1.3 Approve and review strategic planning for the SCTS estate, ensuring alignment between investment priorities and the aims and objectives set by the SCTS Board.</p> <p>3.2.1 Transfer of budget allocation between approved cost categories up to a maximum of £500K.</p> <p>3.2.2 Within the budget totals agreed by the SCTS Board for estates, health, safety and security, agree investment priorities and any required adjustments to budgets for relevant areas of expenditure beyond the limits delegated to the Chief Executive and Executive Directors in order to ensure that investment is carried out in the optimal manner.</p> <p>3.3.1 Authorise payments in respect of legal claims or ex gratia payments up to £50k.</p> <p>3.3.2 Monitor individual legal claims by, or <i>ex gratia</i> payments made to, staff (or former staff) for failures in people management systems.</p> <p>3.3.3 Monitor the risk to SCTS of individual compensation payments exceeding 50k, relevant to the estate, health, safety and security.</p> <p>3.4.1 Scrutinise information on SCTS workforce data and its alignment with the SCTS pay budget.</p>	<p>Chief Executive</p> <p>Remuneration Committee</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>Chief Executive</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>Chief Executive</p> <p>People Committee</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>People Committee</p>

Board Responsibility	Delegated Responsibility	Delegated To
<p>4. Project Approval & Management</p> <p>4.1 Approve level 1 and 2 projects.</p> <p>4.2 Approve changes to business case, including budget, for level 1 and 2 projects if beyond the agreed contingency allocation for the project.</p> <p>4.3 Routine review, at least twice per year, of level 1 projects.</p> <p><i>Note – project levels are defined overleaf</i></p>	<p>4.1.1 Management of project, including project expenditure within agreed budget including contingency allocation.</p> <p>4.1.2 Commission Gateway Reviews for level 1 projects.</p> <p>4.2.1 Consider and approve business cases for all level 1 and 2 estates, health, safety and security projects. Monitor routinely level 1 project reports and monitor reports if level 1 and 2 projects are not on track.</p> <p>4.2.2 Consider and approve business cases for all level 1 and 2 HR projects. Monitor routinely level 1 project reports and, monitor reports if level 1 and 2 projects are not on track.</p> <p>4.3.1 Routine reporting of progress on level 1 projects to Board and immediate reporting of level 1 or 2 projects no longer on track to deliver agreed outcomes.</p> <p>4.3.2 Management and review of level 3 projects.</p>	<p>Senior Responsible Owner (SRO) of each project</p> <p>SRO</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>People Committee</p> <p>SRO</p> <p>SRO</p>
<p>5. Statutory Compliance</p> <p>5.1 Ensure SCTS meets all statutory obligations, including those relating to health and safety, employment, building regulations, data protection, freedom of information and equality.</p>	<p>5.1.1 Monitor SCTS compliance with statutory obligations, keeping records of compliance achievement, taking actions within delegated limits wherever possible to ensure compliance and ensuring that statutory compliance issues are properly reflected in risk registers and annual assurance statement. Bringing to the Board for decision any compliance issues which cannot be resolved within delegated authority.</p> <p>5.1.2 Scrutinise information on compliance by the SCTS with its statutory and other obligations relating to health, safety & security and buildings. Report to the SCTS Board any significant risks of non-compliance which have the potential for reputational damage or financial impact.</p> <p>5.1.3 Scrutinise information on compliance by the SCTS with its statutory and other obligations relating to employment issues. Report to the SCTS Board any significant risks of non-compliance which have the potential for reputational damage or financial impact.</p>	<p>Chief Executive</p> <p>Estates, Health & Safety, Fire and Security Committee</p> <p>People Committee</p>

Project Levels

The SCTS characterises 3 levels of project:

- **Level 1** (high risk) – corporate projects which are subject to the Scottish Government’s Gateway Review criteria i.e. projects with a value of £5m or over or which are otherwise high risk or “mission critical”;
- **Level 2** (medium risk) – corporate projects which are not subject to the Gateway Review criteria with a value between £1m and £5m.
- **Level 3** (lower risk) – projects with a value below £1m

Delegations to the Chief Executive

Where this Scheme delegates a responsibility to the Chief Executive that responsibility may be delivered on behalf of the Chief Executive by, or with the support of, other members of the Executive, although the Chief Executive remains accountable to the SCTS Board for its effective delivery.

Annex C

Table of Members' Remuneration

SCTS Board Members (Daily)	£336.92
-----------------------------------	----------------

Annex D Table of Members' Expenses

Allowance/Expense Type	SCTS Rate	Unit (no. of)
Subsistence (24 hour period) (also payable for overnight on sleepers)	Up to £30 (receipted)	per night
Personal Incidental Expenses Allowance	£5.00	per night
Maximum Non Discounted Hotel Scheme	£90.00	Elsewhere
Rate (fully vouched)	£100.00*	London

*During certain peak periods accommodation costs in London may be higher than the stated allowance. In this case, approval should be sought to incur the extra cost.

Allowance/Expense Type	SCTS Rate	Unit (no. of)
Passenger Supplement	£0.05	per mile
	£0.01	per mile for each additional passenger
Standard Motor Mileage Rate		
First 10,000 miles	£0.45	per mile
Over 10,000 miles	£0.25	per mile
Motorcycles	£0.24	per mile
Bicycle	£0.20	per mile