

CLD Standards Council Scotland



Standing Orders and Operational Guidance

1. Introduction

- 1.1 In line with established practice for public bodies, the CLD Standards Council needs to have in place supportive guidance reflecting the specific nature of its work and the particular responsibilities of its Committees.
- 1.2 This guidance provides the basic information that members of the Executive Committee of the CLD Standards Council (Scotland) or of one of its functional committees will need to understand their role. It should help to make their time with the CLD Standards Council fulfilling and effective. It supplements the information contained in letters of appointment which formally set out the specific roles and responsibilities of an Executive/functional Committee member.

The purpose of the “Standing Orders”

- 1.3 The Standards Council had been working towards constituting itself as an organisation with its own legal identity, and considering the appropriate organisational arrangements for this.
- 1.4 The Scottish Government now intends to establish an Education Workforce Council, which would take on the responsibilities of the Standards Council alongside those of the General Teaching Council for Scotland. It is understood that the Workforce Council is to be an independent body. The Standards Council is working to ensure that the key role of the CLD profession is represented and supported within these new arrangements.
- 1.5 In this context, the Standards Council is seeking to strengthen its own governance and organisational capability. It aims to govern itself and manage its business as far as possible in the way that an independently-constituted body carrying out public functions would do, while remaining formally a part of the host organisation, currently Education Scotland.

2. Induction & Training

- 2.1 When a new member joins the CLD Standards Council Executive or one of the functional Committees, they may not have had much direct experience of how the organisation functions. Effective induction serves as a valuable source of information and should provide information on specific job requirements, roles, responsibilities, policies and purposes.

- 2.2 This guidance is the starting point for induction into the Executive/functional Committees of the CLD Standards Council Scotland. All new committee members should also receive further induction guidance and training on a range of topics, including:
- The structure, governing legislation and work of the CLD Standards Council and its links with the host agency, the Scottish Government and the Scottish Parliament
 - The Code of Ethics and Code of Conduct for Committee / Board members
 - Corporate roles and responsibilities as a Board member
- 2.3 All new committee members should discuss their induction requirements with their Committee Chair and Development Officer / Head of the Standards Council.

3. The Purpose of the CLD Standards Council

- 3.1 The CLD Standards Council is the professional body for those working or volunteering in community learning and development. It aims to advance education and community development.
- 3.2 **The CLD Standards Council's purpose is articulated by its vision statement: that the communities and people of Scotland are served by CLD practitioners that are recognised as competent, confident and committed to equality, empowerment and life-wide learning for all.**
- 3.3 The Standards Council's mission is to drive high standards of professional practice in the CLD sector by the approval of professional learning, the registration of practitioners and the enabling of professional development, working with our members to be a voice for the profession
- 3.4 The core responsibilities of the Standards Council are to:
- Deliver, maintain and further develop a professional Approvals structure for qualifications, courses and development opportunities for everyone involved in CLD.
 - Maintain and develop the Registration system and establish members' services for practitioners delivering and active in CLD.
 - Maintain and develop models of Profession Learning and training opportunities for CLD practitioners.
 - Provide a voice for the profession, enhancing its confidence, influence and identity.

4. Principles of Corporate Governance and how they apply to the CLD Standards Council

Corporate governance

4.1 Corporate governance is concerned with the strategic direction and effective stewardship of the organisation. It is the way in which organisations are directed, controlled and led. It defines relationships and the distribution of rights and responsibilities among those who work with, and in, the organisation, determines the rules and procedures through which objectives are set, and provides the means of attaining those objectives and monitoring performance. Importantly, it defines where accountability lies throughout the organisation.

Current status of the Standards Council and direction of development

4.2 At this stage in its development the Standards Council is not formally constituted as a legal entity nor as a “public body”. Nonetheless it is recognised as having a distinct identity with ownership of its own strategic areas of responsibility; the Chair of the Standards Council is a Ministerial appointee; and its direction of travel is to become a legally constituted body as part of the new workforce council.

4.3 In line with this direction of travel, and to ensure that the Standards Council fulfils its purpose effectively, the Council needs to establish corporate governance arrangements based on those required of a formally constituted public body; in other words, it needs to organise itself in line with its purpose and functions rather than its current status.

Responsibilities of Standards Council Executive members

4.4 Board members of Public Bodies have a responsibility to ensure the effective governance and financial management of their Public Body¹; Executive members of the Standards Council are expected to take on similar responsibilities. Public bodies are “required to demonstrate their commitment to public service delivery and reform”² and members of the Standards Council Executive and functional committees should take this into consideration..

¹ On Board – A Guide for members of Statutory Boards, p.7

<http://www.gov.scot/Publications/2017/03/9182>

² On Board, – A Guide for members of Statutory Boards, p.7

Core Principles of Corporate Governance for members of the Standards Council Executive and functional Committees

- 4.5 The Scottish Parliament passed the Ethical Standards in Public Life etc. (Scotland) Act 2000 as one of its earliest statutes, building on the 1995 report of the Committee on Standards in Public Life³. As required by the Act, the Model Code for Members of Devolved Public Bodies was introduced, A revised code was introduced in 2014 after a public consultation.
- 4.6 The Code includes a set of general principles that act as a guide for members of the CLD Standards Council Executive and functional Committees. They are as follows:

Duty

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the public body of which you are a member and in accordance with the core functions and duties of that body.

Selflessness

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

Integrity

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity

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

Accountability and Stewardship

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

³ This report set out the “Nolan Principles”: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

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

Leadership

You 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 public body and its members in conducting public business.

Respect

You must respect fellow members of your public body and employees of the body and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of your public body

5. Roles and Responsibilities

Values and Ethics

- 5.1 In their role in the Standards Council, all members of the Executive and functional committees, and of the staff team, should support, be informed by, and where appropriate be directly guided by the Code of Ethics for CLD and the values that form an integral part of the CLD Competence Framework <http://cldstandardscouncil.org.uk/resources/>

Fundamental Principles of Committee Life

- 5.2 The Scottish Government's Guide for Members of Statutory Boards sets out "three fundamental principles of Board life", which can be adapted to provide guidance for members of the Standards Council Executive and functional Committees:

Principle 1 – Corporate Responsibility

- 5.3 While Executive/functional Committee members should be ready to offer constructive challenge, they must also share collective responsibility for

decisions taken by the Committee as a whole. If they fundamentally disagree with the decision taken by the Committee, they have the option of recording their concerns in the minutes. However, ultimately, they must either accept and support the collective decision of the Committee – or resign.

5.4 Similarly if members of a functional committee fundamentally disagree with a collective decision made by the Executive Committee, they have the option of recording their concerns in the minutes. However, ultimately, they must either accept and support the collective decision of the Executive Committee – or resign.

5.5 Committee decisions should always comply with statute, and take account of the objectives of the Scottish Government as appropriate (noting that the CLD Standards Council is required to demonstrate independence in order to maintain credibility).

Principle 2 – Confidentiality

5.6 All Committee members must respect the confidentiality of sensitive information held by the CLD Standards Council. This includes commercially sensitive information, personal information and information received in confidence by the organisation. It is also essential that debate of a confidential nature inside the Committee room is not reported outside it.

Principle 3 – Conduct

5.7 Committee members have a responsibility to set an example by demonstrating the highest standards of behaviour. It is important that nothing they do or say in their role as committee members tarnishes in any way the reputation of the CLD Standards Council or their Committee. If any Committee member has specific concerns about the manner in which the CLD Standards Council is being run, these should be raised with the Chair in the first instance. If the concerns are not resolved with the Chair, it is open to a Committee member to take them to the relevant senior civil servant in the Scottish Government (usually a Director or Director-General) – while being aware that this is a significant step.

The Role of the Executive Committee

5.8 The three main functions of the Executive Committee of the CLD Standards Council are to:

- Provide *strategic leadership*, ensuring that the organisation delivers on its responsibilities, as set out in Section 3 above;

- Ensure that the Standards Council *manages the resources* available to it effectively; and
- Hold the Head of the Standards Council and staff team *to account* for their role in relation to the first two points.

5.9 In its strategic leadership role, the Executive Committee:

- Oversees the development of, agrees and keeps under review, the Standards Council's corporate strategy and plans for effective implementation of it.
- Ensures that the strategy and plans align with the purpose, remit and functions of the CLD Standards Council.
- Ensures that any issues in which more than one of the functional committees has an interest, or that one of the functional committees refers to it, is dealt with in an appropriate way.
- Seeks continuing improvement in the governance of the Standards Council, through development of statements of values, codes of conduct, systems for management of finances and risk as required and appropriate.
- Focuses on the positive impact that the organisation is making in the outside world, i.e. the effects on Members and citizens.

5.10 In ensuring effective management of resources, the Executive Committee:

- Oversees the development of, agrees and keeps under review, the Standards Council's budget planning and expenditure.
- Ensures that budget planning aligns with the purpose, remit and functions of the CLD Standards Council.

5.11 In securing accountability, the Executive Committee:

- Ensures that the work programmes of the Head of the Standards Council and staff team align with the purpose, remit and functions of the CLD Standards Council;
- Recognises that it has no authority to instruct the Chief Executive or any member of staff on operational matters.

5.12 Individual Executive Committee members should contribute fully to Executive Committee deliberations and exercise a healthy challenge function. The Chair will ensure that all Board members have an opportunity to contribute to Executive Committee discussions. More information on the Role of the Chair is provided below.

The Role of the functional Committees

- 5.13 The Standards Council currently has 3 functional committees, each with responsibility for one of the 3 core areas of the Council's remit:
- Approvals;
 - Registration; and
 - Professional Learning.
- 5.14 Each functional committee oversees and directs the work of the Standards Council in its area of responsibility. It works closely with the Development Officer within the staff team with the remit corresponding with its own, and with other members of the staff team as appropriate.
- 5.15 The functional Committees should keep the Executive informed of the progress and development of the work it directs, highlight any issues of note or concern and refer any decisions with implications for the Council as a whole to it. Each functional Committee should liaise with the others on issues of shared interest.
- 5.16 Each functional Committee should appoint a Chair and a Vice-chair. The Executive Committee co-opts the Chairs of the Functional Committees as members of the Executive and they are responsible for reporting and communication. If the Chair of one of the Committees is unable to attend a meeting of the Executive, the Vice-chair may attend and participate in their place, but not as a full voting member of the Executive.
- 5.17 Individual members of functional Committees should contribute fully to Committee deliberations and exercise a healthy challenge function. The Committee Chair will ensure that all Committee members have an opportunity to contribute to Committee discussions.
- 5.18 The Executive Committee may establish additional committees or working groups to direct or develop particular areas of work. If it does so the Executive will determine the way in which the committee or working group will relate and report to it.

The Role of the Chair of the Standards Council

- 5.19 The Chair of the Standards Council is a ministerial appointee, appointed through a process determined by Scottish Government in a similar way to the Chair of a Public Body.

- 5.20 The key role of the Chair is to provide strategic direction for the Standards Council, representing and promoting the Council effectively within the sector and to partners and policy makers at senior and strategic levels across Scotland.
- 5.21 The Chair's specific responsibilities are to:
- Establish and articulate a clear, well evidenced strategic direction for the Standards Council.
 - Lead the Executive and functional committees in monitoring and reviewing the delivery, quality and impact of the Standards Council's work programme and achievements.
 - Ensure that the organisation acts in accordance with the Civil Service Code, the Code of Ethics for CLD, its Vision and Mission Statement, its role and responsibilities as set out in the Framework Agreement with Education Scotland and relevant legislation.
 - Liaise and build relationships with Scottish Government and Education Scotland officials and other key stakeholders as required in the context of CLD Standards Council business.
 - Report annually to the Scottish Government, Education Scotland (or other host organisation) and the sector on the impact of the Standards Council's work.

The Role of the Head of the Standards Council and the staff team

- 5.22 The Head of the CLD Standards Council and other members of the Standards Council staff team are Scottish Government employees.
- 5.23 The Head of the CLD Standards Council is responsible for operational delivery of the Council's Strategic Objectives, liaises with the Chair and is the principal adviser to the Board on all matters.
- 5.24 Members of the staff team have responsibility for working with the functional committees and the Executive to develop and deliver specific aspects of the Standards Council's remit, including approvals of course and qualifications, registration of practitioners, professional learning, members services and policy input and awareness.
- 5.25 Executive Committee members have no authority to instruct the Chief Executive or other members of staff who are Scottish Government employee on operational matters.

6. Recruitment to Executive and Functional Committees

- 6.1 The Standards Council aims to secure a broad and balanced membership of its Executive and functional committees, from across the CLD profession. Alongside this consideration needs to be given to the range of knowledge, experience and skills required.
- 6.2 When the Executive and functional committees were first established, applications for membership of these were sought and these were considered by a panel of well-known and credible practitioners, who selected the initial appointees. Since then recruitment drives have taken place as required.
- 6.3 The Standards Council aspires to be a member-led body. While co-options to the Executive and functional committees may be considered to bring in people with particular specialist or technical expertise, with this exception recruitment to the Committees is from the registered members of the Standards Council.
- 6.4 The Executive Committee is considering introducing a more formalised process for recruitment to itself and to the functional committees.

7. Planning and Management of Business

Business Planning

- 7.1 The Standards Council's Business Planning is underpinned by the Council's Vision, Mission and Strategic Objectives <http://cldstandardscouncil.org.uk/the-standards-council/purpose-and-objectives/>. The Standards Council has set out its longer term plan in a five year Strategy (2017-22).
- 7.2 The joint meeting of the Executive and functional committees in May each year (see below) reviews progress in relation to the previous year's Business Plans and identifies priorities for the current year.
- 7.3 The staff team then develops the Business Plan for each of the committees. Once approved by committees, these then provide the basis for the year's work. The review of progress at the joint meeting in May also feeds into the Annual Report.

Meetings

Annual cycle of meetings

- 7.4 The Executive Committee and the 3 functional committees all meet 4 times a year.
- 7.5 In or about May each year the Executive and the 3 functional committees meet together for an annual review and planning session.
- 7.6 At the other three points in the meeting cycle (in or about August, November and February):
- The three functional committees meet on the same day, spending the bulk of the day meeting separately to each progress their own business, with plenary sessions normally at the beginning and end of the day for shared briefing and discussion of common issues.
 - The Executive Committee meets two weeks after the meetings of the functional committees. This allows it to address any issues referred to it by the functional committees promptly, in addition to its own agenda items.
- 7.7 Meetings of the chairs of the committees are arranged periodically to assist in planning and progressing business.
- 7.8 Working groups to progress particular issues or projects are established when required. Sometimes these relate to business that cuts across the remits of two or more committees, with membership that reflects this. Membership of working groups is formed from volunteers from the relevant committees.

Availability of papers

- 7.9 Papers for meetings are made available at least a week in advance by means of an e-mail notification to all committee members containing a link to a page on i-develop that provides access to the relevant papers.
- 7.10 Any papers that it is not possible to make available a week in advance are communicated to committee members by the best means possible.

Expectations/attendance

- 7.11 The Standards Council is enormously grateful to committee members for the time and expertise they contribute to the Council's work.

- 7.12 Having committed to becoming a member of the Executive or one of the functional committees, members should bear in mind that this represents a significant responsibility for the standards, reputation and future development of the CLD profession.
- 7.13 Members are expected to make every effort to attend meetings on a regular basis and to participate actively and constructively in these. If this becomes difficult for reasons such as workload pressures in a committee member's own workplace, change in job or remit, the member should discuss this with their committee chair and/or the staff team member linked with their committee.

8. Communications

- 8.1 All members of the Executive and functional committees have taken on a leadership role in the Standards Council and so on behalf of the CLD profession. A part of this responsibility is to communicate the role, values, aims and priorities of the Standards Council effectively and consistently.
- 8.2 The following key messages identified in the Standards Council's Communications Strategy should be used to assist in this:
- The Standards Council is the professional body for people working in CLD across Scotland
 - Our members include youth, adult education, and community development workers and volunteers working in the CLD sector, across all stages of their careers
 - Members also include students, academics, managers and workplace assessors
 - We are a peer-led organisation, representing the views, ethos and ambitions of our members, to influence policy and practice, both locally and nationally
 - We administer and maintain the membership register for Community Learning and Development professionals in Scotland
 - As an organisation, the Standards Council supports, promotes and develop career-wide professional learning for people working or volunteering in CLD settings
 - The Standards Council provides members with professional recognition in the sector, and a range of member benefits

- We set and support CLD standards of practice by providing quality assurance and formal approval of CLD qualifications and learning
- As an organisation, the Standards Council encourages and advocates the setting of high and ever-improving standards for CLD practice across Scotland's diverse communities
- As an organisation, the Standards Council plays a lobbying role, actively promoting and seeking recognition for the important work being done by members for those diverse communities

9. Equality and Diversity

CLD Values and Code of Ethics

9.1 Among the values of the CLD profession is:

Inclusion – valuing equality of both opportunity and outcome, and challenging discriminatory practice.

9.2 The Code of Ethics for CLD includes a similar statement under the heading of "Equity":

Our work promotes equality of opportunity and outcome. Our practice is equitable and inclusive.

9.3 All Standards Council activities, programmes and materials, and all members of the Standards Council Executive and functional committees, should be guided by these statements.

Equality Legislation

9.4 The Standards Council is also required to adhere to Equality legislation, specifically the UK Equality Act 2010, which brought previous equality legislation into one place. using this as the basis for its commitment to equality and diversity.

9.5 The characteristics covered by The Equality Act 2010 are:

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;

- Race;
- Religion or belief;
- Sex;
- Sexual orientation.

9.6 People are protected from discrimination on the basis of these characteristics in areas such as employment, education, access to goods and services and the exercise of public functions.

9.7 The “public sector equality duty” (section 149 The Equality Act 2010), which places an obligation on public authorities and all bodies carrying out a public function to take action to eradicate discrimination and to pro-actively promote equality of opportunity, is particularly significant for the Standards Council.

9.8 The Equality and Human Rights Commission, Scotland, states that:

“The purpose of the public sector equality duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a more equal society through advancing equality and good relations in their day-to-day business, to:

- take effective action on equality
- make the right decisions, first time around
- develop better policies and practices, based on evidence
- be more transparent, accessible and accountable
- deliver improved outcomes for all.”⁴

10. Learning and Development

10.1 Among the values of CLD is “Promotion of learning as a lifelong activity – ensuring that individuals are aware of a range of learning opportunities and are able to access relevant options at any stage of their life”. Applying this as a commitment to professional learning for CLD practitioners is the basis for the professional learning strategy for CLD, *Growing the Learning Culture in CLD*.

10.2 The Standards Council aims to ensure that membership of the Executive or functional committees is an opportunity for professional learning and supports the growth of the learning culture.

⁴ *Essential Guide to the Public Sector Equality Duty*, Equality and Human Rights Commission, Scotland <https://www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty-guide-public-authorities-scotland>

- 10.3 Many of the learning opportunities for member of Standards Council committees arise directly from involvement in activities such as approvals panels and from professional dialogue at meetings. There are also some more formalised learning opportunities.
- 10.4 The Standards Council is committed to further developing the professional learning opportunities for members of the Executive and functional committees in the context of growing challenges and opportunities for the Standards Council and the CLD profession. All committee members should consider their own needs and aspirations and raise any questions or ideas with their committee chair or a member of the staff team.

Standing Orders and Operational Guidance as approved by the Executive Committee of the CLD Standards Council Scotland, 24 November 2017