



# **Community Learning and Development Standards Council for Scotland Framework Document**

## Foreword

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The work of Community Learning and Development (CLD) practitioners is increasingly valued for its role in meeting the rapidly evolving challenges for public policy in Scotland, whether in empowering communities, or enabling individuals of all ages to develop the confidence, skills and understanding they need for attainment, achievement, well-being and employment. Above all, it is the scope and range of its impact, working with communities, individuals and families who have most to gain by overcoming exclusion and disadvantage, that gives CLD its importance.

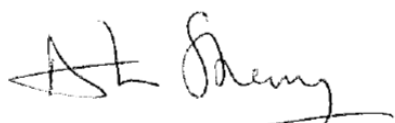
Yet this diversity can make it hard for policy-makers and decision-takers to utilise CLD to its full potential. And it can result in barriers to practitioners themselves joining up their practice and so maximising its impact.

The key to understanding and demonstrating the “coherence in diversity” of CLD practice is the CLD Competence Framework and Code of Ethics. Equally they are the connecting thread through all the aspects of the remit given to the CLD Standards Council by Scottish Ministers. They are at the core of quality assurance of courses and qualifications, they provide the benchmark for professional registration and are the foundation for growing a learning culture in the CLD profession.

The CLD profession continues to develop and evolve. As the skills of CLD practitioners are deployed in an increasingly wide range of settings across the public and third sectors, the role of the CLD Standards Council in providing the common thread of identity and shared standards continues to grow in importance. Membership is growing steadily as the Council embarks on re-registration of members, linking this to commitment to continuing professional learning.

This updated framework document clarifies the partnership between the CLD Standards Council and Education Scotland and arrangements for strategic direction, business planning and management. It details the roles and responsibilities of Scottish Ministers, the Chief Executive of Education Scotland, the Chair of the Council and its Director. It recognises the role of the Council’s Executive Committee.

Releasing the potential of learners and communities is the key to improved opportunities and CLD has a unique role in this. The CLD Standards Council and Education Scotland look forward to working in partnership to ensure that communities across Scotland are served by CLD practitioners who are recognised as competent, confident and committed to equality, empowerment and life-wide learning for all.



Alan Sherry, OBE  
Chair, CLD Standards Council



Gayle Gorman  
HM Chief Inspector of Education/Chief Executive

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## Introduction

1. This Framework Document has been drawn up between Education Scotland and the Community Learning and Development Standards Council for Scotland (the Council). It sets out the broad framework within which the Council will operate and defines key roles and responsibilities which underpin the relationship between the Council and Education Scotland. While this document does not confer any legal powers or responsibilities, it forms a key part of the accountability and governance framework and should be reviewed and updated as necessary, and at least every three years. Any proposals to amend the Framework Document either by Education Scotland or the Council will be taken forward in consultation and in the light of Scottish Government (SG) priorities and policy aims. Any question regarding the interpretation of the document shall be determined by Education Scotland after consultation with the Council.
2. Copies of the Framework Document shall be placed in the Scottish Parliament Information Centre (SPICe). It will also be published on the Education Scotland and the Council websites.

## Role and status of the Council

3. The Council was formally established by the Scottish Cabinet Secretary for Education and Lifelong Learning in 2008, coming into being in 2009. It was directed to support quality and improvement in Community learning and Development (CLD). Having previously sat within Learning and Teaching Scotland (LTS), the Council moved structurally, along with LTS, to Education Scotland when Education Scotland was created in 2011.
4. The Council is the professional body for CLD practitioners in Scotland. It is a peer led organisation which requires the Council to be a step removed from government in order to have a distinct identity and to support ownership of its strategic areas of responsibility.

## Vision

5. The Council's vision is that the communities and people of Scotland are served by CLD practitioners who are recognised as competent, confident and committed to equality, empowerment and life-long learning for all.

## Mission

6. The 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 of the profession.

## Strategic Objectives

7. The Council's strategic aims and objectives, which are set and agreed by the Scottish Ministers, are to:
  - Deliver a professional approvals structure for qualifications, courses and professional learning opportunities for everyone involved in CLD;
  - Maintain and develop a registration system, available to practitioners delivering and active in CLD practice;

- Develop and maintain models of continuing professional learning and training opportunities for CLD practitioners.
8. In November 2015 the Executive Committee identified two further objectives of the Council:
- Improve and develop our organisational capability; and
  - Collaborate and contribute to relevant CLD policy and workforce development information.

## National Policy Context

9. CLD has an impact on a wide range of public policy objectives, contributing towards the revised National Performance Framework (NPF) which sets out the purpose of the Scottish Government and its strategic priorities. The National Performance Framework is based around eleven themes and can be found at Annex B of this document.

## Roles, responsibilities and relationships

### Scottish Ministers

10. Scottish Ministers set the strategic objectives for the education system in Scotland and are responsible for setting the policy and resources framework within which the Council operates and, ultimately, are accountable to the Parliament for its functions and performance. Ministers will not, however, intervene in the day-to-day management of the Council. Ministerial responsibilities include:
- holding both Education Scotland's Chief Executive, as the Accountable Officer for the Council, and the appointed Chair of the Council (see paragraph 14 for information about the Chair) to account for the performance of the Council;
  - liaising with the Chair and Education Scotland about the Council's development;
  - setting the budget for Education Scotland, which incorporates the budget for the Council;
  - agreeing the Council's strategic objectives and related performance targets;
  - receiving the annual report and audited financial accounts for Education Scotland from the Chief Executive; which includes information about Council spend; and
  - approving this Framework Document and any revisions to it.

### Education Scotland Chief Executive, as Accountable Officer

11. The Education Scotland Chief Executive, as Accountable Officer, exercises an oversight role towards the Council. The Chief Executive provides support and constructive challenge to the Chair at a strategic level, working together to ensure that the Council is performing in a manner that delivers good governance standards and appropriate accountability. The Chief Executive is also a key source of external advice for Ministers on the strategic role and direction of role of the Council in the context of the Government's overall policy objectives. Working with the Chair, the responsibilities of the Chief Executive include:

- Supporting Ministers in the discharge of their duties towards the Council, including advising on the Council’s strategic objectives and related performance targets and outcomes; and setting an appropriate budget, in discussion with the Council;
- Advising Ministers in relation to the Council’s performance;
- Supporting the relationship between the Chair and Ministers;
- Collaborating with the Council to ensure that the Council’s objectives and performance contribute to and are aligned to the Government’s Purpose and National Outcomes, while respecting the independent nature of the Council’s role;
- Working together with the Council to ensure there is a clear framework for strategic performance improvement and management of the Council’s work; providing support and constructive challenge to ensure that the Council is high performing and continuously improving; and ensuring that operational accountability is being exercised properly;
- Monitoring the financial, performance, operational effectiveness and risk arrangement arrangements of the Council, seeking clarification on any matter as and when required;
- Approving matters not set out in this Framework Document, including specific requests from the Director of the Council for approval of spending which exceeds authority levels;
- Promoting collaboration, communication and organisational alignment between Education Scotland and the Council, where appropriate, e.g. by holding regular meetings with the Chair; ensuring the Director is aware of SG-wide strategic developments and corporate decisions impacting on the Council; and ensuring that the position of the Council is taken into account in relevant SG policy decisions;
- Representing the interests of the Council within the wider SG, ensuring the SG has due regard for the advice provided by the Council and where necessary, ensuring that appropriate SG-wide corporate services are available to support and facilitate the work of the Council;
- Along with the Chair and the Director of the Council, ensuring that an appropriate Framework Document is in place and maintained.

12. The Chief Executive is also responsible for the appointment and performance appraisal of the Chair. Information about the appointment process is provided in Annex A.

### Chair of the Council

13. The key role for the Chair is to provide strategic direction for the Council as the recognised body in articulating the professional learning and development need of the CLD sector in Scotland, representing and promoting the Council effectively within the sector and to partners and policy makers at senior and strategic levels across Scotland. Specific responsibilities are:

- Establish and articulate a clear, well evidenced strategic direction for the council;
- Lead all the committees of the Council in monitoring and reviewing the delivery, quality and impact of the Council’s work programme and achievements;
- Promote the highest standards of governance, propriety and conduct in Council business and ensure the Council acts in accordance with the Civil Service Code, the Code of Ethics of CLD and its role and responsibilities as defined within this Framework Document;
- Liaise and build relationships with Education Scotland, Scottish Government officials and other key stakeholders as required in the context of Council business; ensuring that the

Council's policies and actions support Scottish Ministers' wider CLD strategic priorities and outcomes;

- Promote positive organisational behaviours which reflect the changing world of work (fair work, diversity, equality) across CLD partners and within the Council;
- Report annually to the profession and Education Scotland on the impact of the work of the Council.
- The Chair may also contribute to the annual review of the performance of, and the setting of objectives for the Director of the Council

14. The Chair works in partnership with the Director of the Council and reports to the Chief Executive of Education Scotland and Scottish Ministers.

### Director of the Council

15. The Director of the Council is a Scottish Government employee responsible for informing the strategic and operational delivery of the Council's strategic objectives. The Director is responsible for ensuring that the Council's aims and objectives are met and the Council's functions are delivered and targets met through effective and properly controlled executive action. The general responsibilities of the Director include the performance, management and staffing of the Council. Specific responsibilities include:

- supporting the Council to develop its strategic priorities and objectives;
- monitoring and reporting routinely progress against the s strategic priorities to the Council;
- advising the Council on the development and delivery of all aspects of the Council's responsibilities;
- ensuring the propriety and regularity of the Council's finances and that there are sound and effective arrangements for internal control and risk management;
- managing the Council's budget and ensuring that the resources of the Council are used economically, efficiently and effectively, and that arrangements are in place to secure Best Value and deliver Value for Money;
- implementing the Council's business advising the Chair, the Executive Committee and Education Scotland on the performance of the Council compared with its objectives;
- developing and maintaining effective relationships with Education Scotland officials and other key stakeholders;
- ensuring that timely forecasts and monitoring information on performance and finance are provided to Education Scotland; notifying Education Scotland promptly if over or under spends are likely and ensuring that corrective action is taken; and that any significant problems whether financial or otherwise, and whether detected by internal audit or by other means, are notified to Education Scotland in a timely fashion.

16. The Director of the Council, as an SG employee, reports directly via the line management structure of Education Scotland.

## Education Scotland Strategic Director

17. The Strategic Director for Professional Learning and Leadership has delegated responsibility for overseeing and ensuring effective relationships between Education Scotland and the Council which support alignment of the Council's business to the SG's Purpose and National Outcomes. The Strategic Director will line manage the Director of the Council and in doing so, will seek the views and input of the Chair of the Council.  
Accountability
18. While Education Scotland is the host organisation for the Council, the Council will remain responsible and accountable for its own programme of work, the management of its budget and its governance arrangements.
19. The Chair of the Council is responsible, and accountable, for seeking the assurances needed from the Council on risk management, governance and internal control.
20. Education Scotland's Chief Executive is the Accountable Officer and has charged Education Scotland's independent Audit and Risk Committee (ARC) with gathering the assurance the Chief Executive needs on risk management, governance and internal control. The Director of the Council may therefore be invited to attend ARC if business of the Council is on the agenda.
21. Finance for the Council is administered as part of the Education Scotland's overall budget. In partnership with Education Scotland, the Council will prepare budget requirements for consideration and approval as part of the wider ES budget planning process. The Council will monitor and manage the approved budget, adopting processes that comply with the Education Scotland financial procedures for control and audit.
22. The Council's assets are held within the assets of Education Scotland and as such are owned by the Scottish Government.
23. All intellectual property generated by the Council is owned by the Scottish Government.

## Accountability

### Business planning and management

24. The Council consists of an Executive Committee with a publicly appointed Chair, an Approvals Committee, a Registration Committee and a Professional Learning Committee with Chairs and participants drawn from the Council's membership.
25. The Council will extend an invitation to Education Scotland to attend and observe its Executive Committee meetings and its other committees.
26. Education Scotland and the Director of the Council will provide advice and information to the Executive Committee to ensure that activities are consistent with wider Scottish Ministers policy objectives. Education Scotland will also:
  - promote the cooperation of senior colleagues in Scottish Government and partner agencies at strategic and operational levels;



- ensure the Council has the opportunity to contribute to Scottish Government policy discussions;
  - meet with the Council regularly to discuss government policy and strategic issues as they relate to the Council.
27. The Executive Committee, in partnership with the Chair, will lead the Council's business planning process to ensure that the objectives of the membership and Scottish Ministers are met. As part of this process, the Council officials will develop, maintain and publish a corporate plan. This will be submitted for approval to the Executive Committee and will set out the strategic management priorities for the Council over a 3 year period, forming the basis for evaluating the performance of the Council. It will also inform a more detailed annual business plan which will form the basis for the operational management of the Council. The Corporate Plan will be formally approved by Scottish Ministers.
  28. At the end of each 3 year corporate plan the Council will produce a report about the organisation's impact and outcomes, providing annual updates on progress in the process. This will link to the next 3 year plan.
  29. The annual business plan will set out the Council's priorities, targets and outputs for the year ahead and will be used as an aid to internal management. A summary of progress will be published.
  30. Exceptionally, if policy or circumstances change significantly in the course of a planning period, the Director of the Council may propose revisions to the corporate and business plan, including changes to targets and financial resources. Any revisions will be subject to the approval by the Executive Committee and the Chair of the Council and where appropriate, Scottish Ministers.

## **Financial provision**

31. The Council will effectively manage its budget and will maintain appropriate financial records in accordance with the financial policies and procedures of Education Scotland.
32. The Council will work in partnership with Education Scotland to secure relevant information for the purposes of planning future budgets and reporting to Education Scotland.
33. The Council and Education Scotland will be committed to the principles of best value, continuous improvement and shared services.
34. The Council will obtain Education Scotland's prior written approval before entering into any undertaking to incur any expenditure that falls outside the agreed budget. Prior approval must always be obtained before incurring expenditure for any purpose that is or might be considered novel, contentious or repercussive or which has or could have significant future cost implications.

## Annual Report and Accounts

35. Finance for the Council is administered as part of the overall Education Scotland budget and the Council is not therefore required to produce a separate annual report and accounts. Information about the Council's finances is included, as necessary, within the Education Scotland's annual report and accounts.

## Audit, risk, organisational security and resilience

36. The Council will adhere to Education Scotland's risk management procedures and ensure that any major risk to the Council, Education Scotland and/or Scottish Government is identified and reported through Education Scotland's Risk Management processes and procedures. The Council will ensure that both a risk register and a business continuity plan, covering all aspects of the Council's operations are maintained. These may be tabled at Audit and Risk Committee as required.
37. As part of the risk management arrangements the Director of the Council will ensure that the Council has a comprehensive understanding of the key risks, threats and hazards the Council may face, including those in the personnel, physical and cyber domains, and take action to ensure appropriate organisational resilience to those risks/threats/hazards. The Council will have particular regard to the following key sources of information to help guide its approach:
- [Having and Promoting Business Resilience \(part of the Preparing Scotland suite of guidance\)](#)
  - [The Scottish Public Sector Action Plan on Cyber Resilience and associated guidance](#)
38. Education Scotland has an independent Audit and Risk Committee with membership and operating procedures determined by the appropriate guidance in the Scottish Public Finance Manual and the Audit Committee Handbook. The remit of the Audit and Risk Committee includes gathering assurance about Education Scotland and the Council's efficient and effective use of expenditure and the associated responsibilities for risk, control, governance and assurance. The Chief Executive, as Accountable Officer, also reserves the right to have appropriate representatives (e.g. Internal Audit) undertake any work required to provide independent assurance about the Council's management and control, if she considers it necessary. While the Chair cannot directly instruct Internal Audit, the Chair will raise with the Chief Executive any issues that require consideration for inclusion in the Internal Audit annual Audit Plan.

## Human resources management

39. The Council's staff are civil servants within the Scottish Government, employed on civil service terms and conditions of service, including the Civil Service Code. The Council staff are covered by the Civil Service pension arrangements.
40. Education Scotland will ensure the efficient and effective application of Human Resource policy and procedures to support the Director of the Council to effectively manage the Council's personnel. The Council's staff will have access to not only Council learning opportunities but also Education Scotland's programme of learning and development opportunities.

41. Education Scotland will provide advice on terms and conditions of service in line with the Council's business needs.
42. The Council has a [Competent Practitioner Framework](#), a professional [Code of Ethics](#) and values and behaviours, which set out the standards expected of staff and which align fully with Education Scotland's core values and the Civil Service Code.
43. The Director of the Council is responsible for ensuring that the Council complies with all statutory duties and relevant Scottish Government and Education Scotland policies to which it is subject; including (but not limited to), procurement, FOISA, GDPR, and equalities legislation.
44. Education Scotland has responsibility for ensuring the health and safety of the Council's staff while the Director of the Council will ensure that staff comply with all relevant guidance. A copy of the Education Scotland Health and Safety Policy will be provided on an annual basis to the Council.

## Information and communications technology

45. Education Scotland will ensure that Council staff have fit for purpose ICT systems and resources.
46. The Council staff will comply with all the ICT policies and procedures of Education Scotland.
47. The Council will develop and implement a communications strategy in line with its overall corporate and business plans and objectives.
48. The Council will maintain a separate identity , including web domain, website and email address.
49. Both Education Scotland and the Council will agree mechanisms to ensure advance notice of all communications, public statements, publications, public relations and social media activity which comment on or refer to the functions of the other party.
50. The Council and Education Scotland will work together to take advantage of opportunities for the cross promotion of initiatives as appropriate.

## External accountability

### The Executive Committee

51. The Executive Committee, as defined by the CLD Charter, will provide advice and support to the Chair to challenge constructively the Council and how it operates. They will also provide the Director of the Council and Education Scotland's Chief Executive with an independent perspective on the Council's work, including evaluating its effectiveness.

### Parliamentary Committee attendance

52. The Director and the Chair of the Council may be called to appear before Committees of the Scottish Parliament to account for the discharge of the Council's responsibilities under the terms of this Framework Document. The Chief Executive of Education Scotland may also be called to appear as Accountable Officer.

53. The Director of the Council is also responsible for putting into effect any relevant recommendations of the Committees of the Scottish Parliament which are accepted by Scottish Ministers.

#### Arrangements for dealing with parliamentary correspondence

54. Scottish Ministers will encourage MSPs to communicate directly with the Director of the Council on operational matters within her authority. The Director will also provide any necessary information to support the answer of Parliamentary Questions and/or deal with any other Parliamentary business for which the Council is responsible.

#### Complaints process and the Ombudsman

55. The Director of the Council is responsible for ensuring that an effective complaints procedure, in line with the statement of principles published by the Scottish Public Services Ombudsman (SPSO), is in place and published. Anyone not satisfied with the way the Council has responded to a complaint may raise their concerns with the SPSO. The Director of the Council will ensure that any actions arising from investigations by the Ombudsman are appropriately and promptly addressed.

#### Freedom of Information

56. The Director Of the Council is responsible for ensuring that the Council publishes its information in accordance with the requirements of the Freedom of Information (Scotland) Act 2000 and for handling Freedom of Information (FOI) requests in accordance with Scottish Government's FOI policy and procedures.

#### GDPR


57. Each party is required to comply with its obligations under the GDPR.

58. In this document, "GDPR" means the General Data Protection Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC'

#### Framework Document - arrangements for review

59. This Framework Document replaces the previous Framework Document signed on 20 April 2016. It will be reviewed by the Director of the Council and the Chief Executive of Education Scotland every 3 years or as required by either party. Changes may be proposed in the light of experience or changed circumstances and will be submitted to Scottish Ministers for approval.

Signed on behalf of the Community Learning and Development Standards Council



Alan Sherry, Chair CLD Standards Council

Signed on behalf of Education Scotland



Gayle Gorman, Chief Executive

10/02/2021

Date .....

05/02/2021

Date .....

## **Annex A - Appointing the Chair of the Council**

The Chief Executive of Education Scotland will appoint the Chair of the Council and will ensure that the procedure for appointment follows good practice:

- Before the vacancy is filled, as a minimum the following information or documents will be complied/prepared:
  - Role description and realistic time commitment;
  - Information about remuneration and travel expenses;
  - Person specification and Council remit;
  - An application form or expression of interest statement; and
  - Where relevant, details of the application and assessment process.
- The selection process will be open, proportionate and ensure appointment on merit.
- Options for appointments include (but are not limited to):
  - Direct approaches to individuals (useful if field is limited due to specialism);
  - Seek expressions of interest;
  - Contact Non-Executives serving on core Scottish Government committees or on the boards of other public bodies;
  - Advertise in the national press;
  - Hold an open evening to generate public interest in the Council and the work of the Chair.

Remuneration (daily fees), allowances and expenses paid to the Chair will comply with the SG [Pay Policy for Senior Appointments](#) and any specific guidance on such matters issued by the Scottish Minister.

## Annex B - Scotland's National Performance Framework: National Outcomes

1. We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
2. We are open, connected and make a positive contribution nationally.
3. We tackle poverty by sharing opportunities, wealth and power more equally.
4. We live in communities that are inclusive, empowered, resilient and safe.
5. We grow up loved, safe and respected so that we realise our full potential.
6. We are well educated, skilled and able to contribute to society.
7. We have thriving and innovative businesses, with quality jobs and fair work for everyone.
8. We are healthy and active.
9. We value, enjoy, protect and enhance our environment.
10. We are creative and our vibrant and diverse cultures are expressed and enjoyed widely.
11. We respect, protect and fulfil human rights and live free from discrimination.



## How to Contact Us

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