Disclosure and Barring Service Scheme of Delegation

# Introduction

## Context

* 1. This document should be read in conjunction with other Disclosure and Barring Service (DBS) documents in the Governance Framework and itsfounding legislation**.**

## Purpose

* 1. The purpose of this scheme of delegation is to ensure that:
* DBS powers are delegated appropriately
* the functions of the DBS board and its committees are clear
* the responsibilities of board members and staff are clear and are carried out.

## Terminology

* 1. All references in this document to ‘DBS’ refer to the Disclosure and Barring Service as a body corporate established by the Protection of Freedoms Act (PoFA) 2012. DBS consists of people appointed by the Secretary of State who are either:
* a person who has the function of chairing the DBS, or
* such number of members as the Secretary of State decides.
  1. The formation of the DBS board is addressed in the standing orders.

# Responsibilities and accountability

## The DBS Board

* 1. The DBS board is the ultimate source of authority for the actions of DBS and is responsible for its functions and performance. It has agreed terms of reference for itself and for its committees. The DBS board aims to fulfil the Principles of Good Corporate Governance[[1]](#endnote-2).
  2. In order to direct strategy, ensure that this is implemented and that the organisation achieves its goals, the delegation table later in this document clarifies how the board:
* allocates resources and monitors organisational and executive performance
* delegates to management
* oversees the appointment and contractual arrangements for senior staff
* understands and manages risk.
  1. The DBS board achieves these primary functions through:
* constructively challenging and scrutinising DBS’ Strategic Leadership Team (SLT)
* reflecting the voice of the public in decision-making
* forging strategic partnerships with other organisations.
  1. The DBS board has agreed a governance framework comprising this scheme of delegation, Framework Document, standing orders, terms of reference and a code of conduct. Matters reserved to the board and those delegated to the Chief Executive must be addressed in a way that is consistent with that governance framework.

## The Chief Executive

* 1. The Chief Executive has two lines of accountability. As an employee of DBS he/she is directly accountable to the board for DBS’ performance and for implementation of their policies and will advise them on the matters that they reserve to themselves.
  2. In this capacity, the Chief Executive is delegated by the board to identify senior executives who are responsible, with the Chief Executive, for ensuring:
* that appropriate advice is given to the board on all financial matters, and
* that board procedures are followed and that all applicable statutes, regulations and other relevant statements of best practice are complied with.
  1. The Chairman will:
* agree objectives with the Chief Executive at the start of each financial year
* complete an annual appraisal of the Chief Executive consistent with a framework agreed by the Remuneration Committee
* provide a copy of the appraisal to that committee for their review.
  1. The Chief Executive will also normally be designated by the Home Office’s Principal Accounting Officer as DBS’ Accounting Officer. This means that he/she is accountable to Parliament for the stewardship of DBS resources and is expected to ensure the DBS operates effectively and to a high standard of probity in compliance with *Managing Public Money.*
  2. Exceptionally, if the Chief Executive considers that he/she is being instructed by the board to work in a way that is inconsistent with his/her Accounting Officer function, the Chief Executive should follow the procedure outlined in *Managing Public Money*.

## Matters reserved for the DBS Board/delegation to the Chief Executive

* 1. The table of delegations below describes the roles and powers reserved for the DBS board in relation to the activities and statutory functions of DBS, and those delegated to the Chief Executive. The DBS board may choose on occasion to delegate to the Chief Executive, or indeed (subject to constraints in the Protection of Freedoms Act 2012 regarding delegation) any other individual, matters which would otherwise be reserved to the board under this scheme.
  2. The DBS board delegates to the Chief Executive all responsibility for the day-to-day management of DBS. Where a matter is not explicitly reserved to the DBS board in this scheme of delegation or delegated by the board to one its committees, the Chief Executive has authority to act. In addition, the board authorises the Chief Executive to appoint other members of DBS staff to act on his or her behalf. References in these arrangements to the Chief Executive include any person to whom the Chief Executive has delegated his/her authority.

# Board Committees / Vice Chairman

* 1. The DBS board may from time to time appoint committees with such terms of reference as the DBS board deems appropriate. The purpose of such committees is to increase DBS’ ability to meet strategic objectives and discharge statutory duties through the added value of DBS board members’ skills and knowledge, and help the DBS board fulfil its functions as a governing body.
  2. There will be an Audit and Risk Committee and a Remuneration Committee. This is following recommended best practice. The need for other committees, and committee terms of reference, will be reviewed annually by the DBS board, as part of its annual review of effectiveness.
  3. Terms of reference for DBS board committees will be drafted on a standard template.
  4. The Chairman may appoint a vice chairman who they authorise to act on their behalf in the event of their unavailability.
  5. The appointment of committee chairmen, committee members and the vice chairman shall be a matter for the Chairman of the DBS board and (other than for the Barring Appeals Panel where it is effective immediately) will be effective following consideration by the DBS board.
  6. The Chief Executive will agree with the Chairman of the DBS board an Executive Lead to liaise with the committee chairmen and represent the Chief Executive on all matters relating to that committee’s business.
  7. Other matters relating to proceedings of DBS board and committee meetings are set out in DBS’ standing orders.

# Table of delegations

* 1. The table of delegations below is part of DBS’ Scheme of Delegation. It describes the roles and powers reserved for the DBS board in relation to the activities and functions of DBS, and those delegated to the Chief Executive.
  2. The board expects all proposals and transactions to be completed in a way that achieves optimum value for money. No proposal or transaction should be disaggregated to facilitate seeking approval for it at a different level than would otherwise be required.
  3. The board has retained all matters that are novel, contentious or repercussive[[2]](#footnote-2) irrespective of any delegation that might otherwise be in place.

| Subject | Reserved to the DBS Board | Delegated to the Chief Executive | Matters on which the Board expect to be kept informed inter alia |
| --- | --- | --- | --- |
| Annual Report and Accounts | * Approval of Annual Report and Accounts | * Preparation of Annual Report and Accounts for consideration by the Board. As Accounting Officer, Chief Executive signs the accounts |  |
| Anti-Fraud | * Approve the Fraud and Corruption Policy | * Operate within the board-approved Fraud and Corruption Policy * Approve changes to the Fraud and Corruption Policy which, in the Board Secretary’s opinion, do not alter the board’s intention. |  |
| Complaints | * Approve the Complaints Policy | * Operate within the board-approved Complaints Policy * Approve changes to the Complaints Policy which, in the Board Secretary’s opinion, do not alter the board’s intention. | * Complaints made against the Chief Executive or staff reporting directly to the Chief Executive |
| Corporate governance | * Approval of the board corporate governance framework, including this scheme of delegation, standing orders, board terms of reference and framework document * Conduct of board and board committee meetings including adherence to its standing orders and relevant terms of reference * Annual review of board effectiveness * Approving the Internal Audit Charter and the annual audit plan (delegated by board to ARC) | * Day-to-day management of DBS including the forming and management of executive groups which support the Chief Executive’s management * Advising the board on its fulfilment of all functions the board has reserved to itself in this scheme of delegation * Preparation, maintenance and compliance with a scheme of delegation to DBS staff/contractors for Chief Executive functions which the Chief Executive chooses to delegate * Consultation with the Chairman about any significant strategy, policy or plan that may need consideration by the DBS board * Qualified Person decisions under s.36 of Freedom of Information Act 2000. This delegation is only to the CEO and any deputy in the CEO’s absence, it may not be sub-delegated further | * Reports received from internal and external audit * Significant changes to the executive governance arrangements such as changes to the role or membership of groups * The Chief Executive’s scheme of delegation for matters delegated by him or her |
| Financial management  (see also ‘Strategy, policy & plans’ below) | * Approval of budget setting out financial plans for the next financial year and a summary of financial plans for the following two financial years. * Material variation[[3]](#endnote-3) to approved budget * Approval of proposed fees for DBS services * Commitments from the Strategic Investment Fund[[4]](#footnote-3) of £1m or more | * Preparation of budget and other significant financial plans for DBS board approval * Monitoring and management of budgets * Compliance with Accounting Officer delegation | * Performance against budget and forecast outturn |
| Health and Safety | * Approval of the Health and Safety Policy | * Operate within the policy approved by the board and ensure compliance with Health and Safety law * Ensure effective policies are maintained and set out to staff and contractors * Approve changes to the Health and Safety Policy which, in the Board Secretary’s opinion, do not alter the board’s intention. | * Annually to be provided with a Health and Safety report including an update on accidents and near misses * To be updated at the earliest opportunity of all accidents reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) |
| Legal issues | * Approval of decisions concerning litigation that could have a material impact on DBS’ reputation, finances or operation * Decisions to execute deeds other than the e-Bulk deeds as explicitly delegated to the Chief Executive or to apply the DBS Seal to any document * Deciding whether to pursue an appeal or defend an appeal against an Upper Tier Tribunal or Care Tribunal decision (delegated by board to BAP) | * DBS compliance with its legal obligations * Implementing board decisions to execute deeds or to apply the DBS Seal in accordance with standing orders * Decision whether the Barring Appeals Panel should meet * Executing e-Bulk deeds with new counterparties on terms already agreed by the Board. | * Commencement of proceedings by or against DBS and significant legal notices * Successful legal claims against the DBS including: claims of unfair dismissal or discrimination; and, claims settled out of court |
| Procurement | * Approval of business case for procurements:   + that are expected to have a total value of £10m or higher, or   + that are assessed to have a high or very high likelihood of being of interest to ministers, the public or press, or   + that the board has identified that it wants to approve (identifying such procurement business cases is delegated by board to CMC) | * Preparation of business cases consistent with HM Treasury Guidance (Guide to developing the Project Business Case and The Green Book) * Approval of all procurement business cases that do not require board approval, procurement business cases with an expected total value of £1m or higher must only be approved by the Strategic Leadership Team * Contract Management of all DBS contracts | * Significant developments in respect to DBS contracts |
| Risk management | * Approval of a DBS Risk Management Strategy including a statement of DBS’ risk appetite * In collaboration with the Chief Executive, the identification and oversight of strategic risks to DBS which will be recorded on the strategic risk register * Approve the Business Continuity Plan | * Identification and management of risks in accordance with the board approved Risk Management Strategy, ensuring that staff at all levels are managing risks within their area of accountability * Management of strategic risks identified by the board * Apply the Business Continuity Plan in the event of a business continuity incident * Approve changes to the Risk Management Strategy and Business Continuity Plan which, in the Board Secretary’s opinion, do not alter the board’s intention. | * Management of strategic risks identified by the board * Any developments which may suggest the board should add, adapt or remove risks from the strategic risk register |
| Staff matters | * Appointment of the Chief Executive on a recommendation from the Chairman in accordance with the process considered by the Remuneration Committee and subject to their oversight and in accordance with PoFA 2012 * Procedure for remuneration of Very Senior Posts (delegated by the board to Remco) * Remuneration of the Chief Executive. * Remuneration of Very Senior Posts (delegated by the board to Remco) other than the temporary agreements explicitly delegated to the Chief Executive. * Approval of the structure, roles and responsibilities of all posts reporting to the Chief Executive other than the temporary adjustments explicitly delegated to the Chief Executive. * Approval of pay remit and pay flexibility business cases * Framework for appraisal of the CEO by the Chairman (delegated by the board to Remco) * Framework for appraisal of all other SCS graded posts or other posts reporting to the CEO (delegated by the board to Remco) * Process for the removal and/or special severance of the CEO if necessary (delegated by the board to Remco) | * Compliance with employment law * Ensure effective personnel management policies are in place and followed * In consultation with the board (Remco), the appointment of all SCS graded posts or other posts reporting to the Chief Executive * Temporary agreement for a period not exceeding four months of the remuneration (not one-off bonus payments) of Very Senior Posts other than the Chief Executive post. All remuneration must be in accordance with the board’s procedure for remuneration. * Temporary adjustment for a period not exceeding four months to the structure, roles and responsibilities of all posts reporting to the Chief Executive. * Decide individual cases of retirement and redundancy * Recruitment of staff in accordance with pay remit and staffing complement set by Chief Executive and on which the board approved budget is set * Code of Conduct for DBS Staff consistent with Cabinet Office, Public Bodies Guide for Departments Chapter 5[[5]](#endnote-4) | * Pay policy * Potential significant industrial unrest * Temporary agreements for the remuneration of Very Senior Posts should be reported promptly to the DBS Chairman and the Remuneration Committee Chairman. * Temporary adjustments to the structure, roles and responsibilities of all posts report to the Chief Executive should be reported to the Board. |
| Strategy and delivery | * Approval of the Strategic Plan and Business Plan * Approval of the form in which performance is reported to the board (eg, the integrated performance report (IPR)) (delegated by the board to QF&P) * Approval of policies that significantly affect the work of the DBS | * Delivery of the Strategic and Business Plan * Implementation of DBS policies and advice to the board on changes to them in the light of learning, including learning from appeals to the tribunal. * Approve changes to board approved policies which, in the Board Secretary’s opinion, do not alter the board’s intention. | * Management’s assessment of performance (eg the IPR) * Communications with Ministers or Departments expressing views on potential policy changes related to the disclosure and barring regime. |
| Whistleblowing | * Approval of a Whistleblowing policy consistent with the Public Interest Disclosure Act 1998 | * Adherence to Whistleblowing policy * Approve changes to the Whistleblowing Policy which, in the Board Secretary’s opinion, do not alter the board’s intention. |  |

1. Annex C https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/802961/Tailored\_Review\_Guidance\_on\_public\_bodies\_-May-2019.pdf [↑](#endnote-ref-2)
2. Novel: something completely new for the DBS or done in a different way. Contentious: something likely to cause debate, whether in parliament, media, or elsewhere. Repercussive: could have an effect on costs for either the DBS beyond the board agreed budget or within the wider public sector. [↑](#footnote-ref-2)
3. >10% change to a budget line or any circumstance where the variation includes a virement between Resource and Capital expenditure [↑](#endnote-ref-3)
4. Fund the board can set in its budget to fund change activity (continuous improvement, business enhancement and business transformation activity) identified in the Business Plan. [↑](#footnote-ref-3)
5. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/690948/Public\_Bodies\_-\_a\_guide\_for\_departments\_-\_chapter\_5.pdf [↑](#endnote-ref-4)