



FRAMEWORK DOCUMENT BETWEEN TRANSPORT SCOTLAND AND THE MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND

Last Updated: April 2021

CONTENTS

1.	INTRODUCTION	3
2.	PURPOSE.....	3
3.	RELATIONSHIP BETWEEN TRANSPORT SCOTLAND AND THE MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND.....	5
4.	GOVERNANCE AND ACCOUNTABILITY	5
5.	THE COMMITTEE'S RESPONSIBILITIES	11
6.	SPECIFIC FINANCIAL PROVISIONS.....	13

1. Introduction

This Framework document has been drawn up by the Transport Scotland Deputy Sponsor in consultation with the Mobility and Access Committee for Scotland. It sets out the broad framework within which the Committee will operate and defines key roles and responsibilities, which underpin the relationship between the Committee and Transport Scotland.

Whilst 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, at least every three years. Any proposals to amend the Framework document either by Transport Scotland or by the Committee will be taken forward in consultation and in line with Transport Scotland priorities and policy aims and the Committee's work plans and objectives.

Any question regarding the interpretation of the document shall be determined by Transport Scotland after consultation with the Committee. Legislative provisions and the provisions of the Scottish Public Finance Manual shall take precedence over any part of the document.

References to the Mobility and Access Committee for Scotland includes the Convener, Leads and members of the Committee.

Copies of the document shall be placed in the Scottish Parliament Information Centre. It shall also be published on the Mobility and Access Committee for Scotland's website.

2. Purpose

The Mobility and Access Committee for Scotland (MACS) is an independent advisory Non-Departmental Public Body ("NDPB"), created in order to support Scottish Ministers and others relating to the needs of disabled persons in connection with transport as the Committee think appropriate. The Convener shall aim to ensure that MACS policies and actions supports the wider strategic policies of the Scottish Ministers, including the National Outcomes mandated in the Community Empowerment (Scotland) Act 2015.

The Committee has two statutory functions:

- to consider such matters relating to the needs of disabled people in connection with transport as the Committee think appropriate; and
- to give such advice to the Scottish Ministers in relation to such matters as the Committee think appropriate.

Additionally, the 2002 regulations state that:

- The Committee must meet at least four times per year,
- The Committee must also meet if five Committee members ask for it to meet.

- The Committee shall, after consulting with such persons as it considers appropriate, prepare and publish, **by no later than 31st March** in each year, a proposed work programme for the next following calendar year detailing such matters relating to the needs of disabled people in connection with transport as it thinks appropriate,
- The Committee, with the support and assistance of the Secretariat, shall prepare and submit to the Scottish Ministers **by 30th June** each year a report for the previous performance year (April –end March). This will be to show progress on priorities and which also provides advice to the Scottish Ministers on such matters relating to the needs of disabled people in connections with transport as the Committee think appropriate.

MACS overarching strategic remits are:

- To give Scottish Ministers advice on aspects of policy, legislation and practice affecting the travel needs have disabled people.
- To take account of the broad views and lived experiences of disabled people when giving advice.
- To encourage awareness amongst disabled people in Scotland of developments which affects their mobility, choices and opportunities.
- To work closely with Transport Scotland and Scottish Government to ensure their respective work programme complements the work being undertaken by the Inclusive Mobility and Transport Committee (IMTAC), the Disabled Persons Transport Advisory Committee (DPTAC), the Equality and Human Rights Commission and other organisations - voluntary and statutory.
- To promote the travel needs of disabled people with designers including transport planners and operators so that these are fully taken into account in the development of vehicles and infrastructure and delivery of services.
- To monitor and evaluate the effectiveness of their work against the above aims and objectives in improving travel opportunities for disabled people in Scotland.

MACS Vision:

"MACS believes in a Scotland without the barriers that isolate and exclude disabled people from making their choice of successful door to door journeys"

The Committee may do the following things, as it considers appropriate for the performance of its functions, including in particular:

- engaging with stakeholders though varying methods;
- gathering evidence;
- carrying out research;
- preparing and publishing reports.

These activities, to deliver on the Committee's strategic function and remits, are detailed within MACS Strategic Plan and annual work plans.

The statutory duties above provide a Framework for the Committee's function; however, the Committee itself has freedom to choose areas of focus within the scope of this broader remit.

The Committee will consider whether their work plan can accommodate ad-hoc requests made by Scottish Ministers.

3. Relationship between Transport Scotland and the Mobility and Access Committee for Scotland

Effective strategic engagement and a strong and close working relationship between Transport Scotland and the Committee is essential in order to maintain and improve public services and deliver improved outcomes for disabled people. Both Transport Scotland and the Committee will take all necessary steps to ensure that their relationship is developed and supported in line with the jointly agreed principles set out in the statement on <https://www.gov.scot/publications/strategic-engagement-between-the-scottish-government-and-ndpbs/>

Requests for advice from Scottish Ministers

Transport Scotland will ensure that all requests for advice are submitted to the Committee in writing. Requests will likely be submitted through the Sponsor Unit and any further clarification that is required should subsequently be relayed through the Sponsor Unit and Secretariat who will coordinate responses as necessary.

Response to advice/scrutiny from Scottish Ministers

Transport Scotland will endeavour to respond to publications, recommendations and advice from the Committee, where appropriate, in a manner and timeframe, which is reasonably practical. The response time will be determined in part by the complexity, current workload, length, practicality and urgency of the information received from the Committee and will not normally exceed eight weeks. Where this timescale will not be met, a holding response will be issued outlining the likely timeframe.

4. Governance and Accountability

Legal origins of powers and duties

The Committee was established in 2002 under Section 72 of the Transport (Scotland) Act 2001¹ and its constitution is set out in the Mobility and Access Committee for Scotland Regulations 2002².

The Committee does not carry out its functions on behalf of the Crown.

¹ <http://www.legislation.gov.uk/asp/2001/2/section/72>

² <http://www.legislation.gov.uk/ssi/2002/69/contents/made>

Ministerial responsibilities

The Scottish Ministers are ultimately accountable to the Scottish Parliament for the activities of the Committee and its use of resources. They are not, however, responsible for day-to-day operational matters. Their responsibilities include:

- agreeing the Committee's strategic aims and objectives as part of their strategic plan;
- providing the Committee with such staff and resources as required to carry out its functions and to pay remuneration and expenses to the Convener and its members, to an amount determined exclusively by the Scottish Ministers;
- carrying out responsibilities specified in the Act, such as appointments to the Committee and approving the terms and conditions of the Convener, Lead Members and General Members of the Committee.

The Convener's responsibilities

The Convener is accountable to the Scottish Ministers and, in common with any individual with responsibility for devolved functions, may be held to account by the Scottish Parliament. Communications between the Committee and the Scottish Ministers should normally be through the Convener. The Convener is responsible for ensuring that the Committee's policies and actions support the Scottish Ministers' wider strategic policies and that its affairs are conducted with probity.

The Convener will report directly to the lead Minister, the Cabinet Secretary for Transport, Infrastructure and Connectivity. In leading the Committee, the Convener must ensure that:

- they, together with Committee Members, receive appropriate induction training with assistance from the Sponsor Team and Public Appointments Team;
- with assistance from the Sponsor Team and Public Appointments Team ensure that members are fully briefed on terms of appointment, duties, rights and responsibilities;
- they, acknowledge and address complaints from Committee members, involving the Sponsor Team when appropriate;
- there is a Code of Conduct for Members in place, approved by Scottish Ministers;
- annual reviews are conducted with members ensuring the ongoing effectiveness of members and that the skills and knowledge represented continue to meet the needs of the Committee;
- the work of the Committee is subject to regular self-assessment, that the Committee is working as effectively as it can be, with clear vision and by working closely with Members to ensure objectives are delivered successfully;
- in discussion with Members, the Committee's work plan is set and tasks are allocated to its work-streams and Members;

- they play a key role in advising Scottish Ministers and ensuring effective scrutiny of Transport Scotland and wider, relevant Scottish Government policy to ensure disabled people can travel with the same dignity, choice, freedom and opportunity as all other citizens, whilst also considering the impacts of actions by others on accessible travel in Scotland, providing constructive challenge as appropriate;
- succession planning takes place to ensure that the Committee is diverse and effective, and the Scottish Ministers are advised of the Committee's needs as and when vacancies arise.

Committee Members responsibilities

Members of the Committee, including the Convener, are non-executives appointed by the Scottish Ministers in line with the Code of Practice for Ministerial Public Appointments in Scotland. The role of Members is to provide direction, support and guidance to ensure the body delivers, and is committed to delivering its functions effectively and efficiently and in accordance with the aims, policies and priorities identified within the Act. Individual Members, under the leadership of the Convener, have the following responsibilities, including, but not limited to:

- taking forward the strategic aims and objectives for the Committee as agreed by the Scottish Ministers;
- align with the Scottish Government's National Performance Framework (NPF).
- demonstrating high standards of corporate governance at all times, including openness and transparency in its decision making;
- complying at all times with the agreed behaviours in the [Code of Conduct](#) and within the rules relating to the use of public funds and conflict of interest.
- working closely with colleagues to reach agreement on the areas of interest and how the Committee may influence the wider discussions on accessible travel;
- bringing their unique experience, perspective and knowledge to Committee discussions;
- Representing the agreed views of the Committee in public forums where appropriate.

Further guidance on how Members should discharge their duties is provided in appointment letters and in [On Board – A Guide for Members of Statutory Boards](#).

Transport Scotland, Bus, Accessible and Active Travel (BAAT) Director responsibilities

The Director for Bus, Accessible and Active Travel has responsibility for overseeing the relationship between Transport Scotland's Sponsor and Secretariat function undertaken by individuals in the accessible travel team and the Committee. They will ensure high performance and an effective relationship, which supports the

alignments of the Committee's business to Transport Scotland's Accessible Travel Policies.

They will work closely with the Committee Convener maintaining and developing positive relationships with the Committee characterised by openness, trust, respect and mutual support. The accessible travel team in discharging these functions will support them.

The Sponsor or Deputy Sponsor shall be responsible for assessing the performance of the Committee's Convener on an annual basis.

Secretariat support staff responsibilities

Scottish Ministers will provide staff resources to assist the Committee to undertake its functions. Specific responsibilities of Secretariat support staff include:

- dealing with the everyday administrative matters relating to the Committee and providing day-to-day support as required.
- monitoring the Committee's mailbox, ensure correspondence is dealt with and shared as necessary, in a timely manner.
- ensuring monthly fees and expenses claims are processed and paid to members on time.
- monitoring the Committee's financial budget, ensuring their spending is tracked and shared with the Convener.
- ensuring, when required, due to unforeseen circumstances, the Committee are supported to facilitate meetings via on-line forums such as video conferencing to hold hybrid meetings as a reasonable adjustment for members and invited guests
- acting as an initial point of contact and ensuring effective relationships with the Transport Scotland Sponsor Unit
- ensuring the Committee adheres, where appropriate to Scottish Government's policies.
- liaising with stakeholders and facilitating relationships across Transport Scotland and wider Scottish Government departments as necessary.
- facilitating the Committee's engagement with Ministers; including arranging for Ministers to attend MACS meetings and producing supporting briefs.
- assisting MACS with the preparation and organisation of their additional milestone meetings including Development and Scoping Days, themed roundtables/webinars as well as supporting work stream meetings.
- assisting in the preparation of board papers, assisting with the drafting, production and publication of MACS Annual Report and assisting with the production and publication of reports and consultations as required.

- securely storing and managing all the Committee's correspondence, papers and data in the Scottish Government's secure data storage system.
- updating and maintaining the Committee's website: www.macs-mobility.org, this includes checking accessibility of the website.

Sponsor Unit responsibilities

Transport Scotland Sponsor Unit for the Committee is the Accessible Travel Policy Unit within Transport Scotland's BAAT Directorate. It is the first point of contact for the Committee.

The unit, under the direction of the Director, is the primary source of advice to the Scottish Ministers on the discharge of their responsibilities in respect of the Committee.

Specific responsibilities include:

- discharging sponsorship responsibilities in line with the principles and framework set out in the document [Strategic Engagement between the Scottish Government and Scotland's NDPBs](#) and ensuring that sponsorship is suitably flexible, proportionate and responsive to the needs of the Scottish Ministers and the Committee;
- liaising with the Scottish Government Public Appointment Team to ensure that appointments to the Committee are made timeously and in accordance with the [Code of Practice for Ministerial Appointments to Public Bodies](#) in Scotland;
- proportionate monitoring of the Committee's activities through an adequate and timely flow of appropriate information, agreed with the Committee, on performance, budgeting, control and risk management with the risk register being developed and held by the Sponsor Team. The Sponsor team will have responsibility for recording risks relating to the Committee's impact on Transport Scotland and will add any risks flagged by the Planning and Strategy Workstream for inclusion on the overarching risk register.
- addressing in a timely manner any significant problems arising in the Committee, alerting the BAAT Director and/or the Chief Executive and the responsible Minister where considered appropriate;
- ensuring that the objectives of the Committee and the risks to them are properly and appropriately taken into account through Transport Scotland's risk assessment and management systems;
- informing the Committee of relevant Transport Scotland and wider Scottish Government policy in a timely manner.

Accessible Travel Policy responsibilities

The Accessible Travel Policy Unit, within Transport Scotland' Bus, Accessible and Active Travel Directorate, will hold the Sponsorship Unit responsible for the Committee, hold the Committee's budget, and have responsibility for the recruitment and line management of the Committee's Secretariat.

The Sponsor, in agreement with the BAAT Director, have responsibility toward the Secretariat is to ensure that:

- HR policies, practices and systems comply with employment and equality legislation, and standards expected of public sector employers;
- the level and structure of the Secretariat, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness (subject to the Scottish Government [Pay Policy for Staff Pay Remits](#));
- the performance of the Secretariat at all levels is satisfactorily appraised and the Committee's performance measurement systems are reviewed from time to time;
- the Secretariat are encouraged to acquire the appropriate learning and development and other expertise necessary to achieve the Committee's objectives;
- proper consultation with Secretariat takes place on key issues affecting them;
- adequate grievance and disciplinary procedures are in place;
- effective whistle-blowing policy and procedures consistent with the Public Interest Disclosure Act 1998 are in place;

Audit requirements

The Committee's Secretariat, in partnership with the Deputy Sponsor is expected to maintain robust records of budget spend in order to facilitate completion of Transport Scotland accounts.

Transport Scotland will require routine access to details of expenditure made by the Committee in line with the budget allocated. More information can be found under the 'Budget Management' heading below.

The Committee will be subject to Scottish Government internal audit.

Legal and other advice

If a need for advice is identified, the Committee should approach the Sponsor Unit in the first instance. The Scottish Government Legal Department (SGLD) will not provide legal advice direct to the Committee.

Where the Sponsor Unit is not able to provide sufficient guidance, or the advice sought conflicts with the needs of Scottish Ministers, the Committee will be required to seek its own independent advice. SGLD may be able to assist in obtaining that advice through the legal services framework.

5. The Committee's Responsibilities

Work Plan

The Committee must ensure that a work plan, agreed between the Convener with input from Members, **is in place annually no later than 30 March**. The plan should highlight the key work streams areas of engagement, focus for the following year, outputs that are expected and how these outputs will be tested. The work plan should reflect the Committee's strategic aims and objectives as agreed with the Scottish Ministers. Where possible, the work plan should demonstrate how the Committee contributes to the Accessible Travel Framework and the National Transport Strategy 2, as well as a wider range of policies, plans and strategies such as, but not limited to, the Strategic Transport Projects Review 2, the Island Plan, and the Islands Connectivity Plan etc.

The work plan, and any subsequent amendments, should be shared with the Sponsor Unit to allow sufficient time for response to any actions or responses that arise from the work of the Committee.

Sufficient flexibility should be built in to the work plan to account for any current events that require a response or requests from Scottish Ministers to be considered.

A longer-term strategic plan, outlining the longer-term aims of the Committee, should be developed to supplement short-term goals and reviewed as necessary.

Annual report

The Committee will publish a policy based **annual report of its activities by 31 June**. The annual report should cover the activities of any Committee or any working groups formed by the Committee.

The Secretariat will assist the Committee in drafting the report by working with the Convener to structure and draft the annual report from an agreed outline and information submitted by the Planning and Strategy Work-stream and the quarterly super reports. The Secretariat will also assist with the formatting, printing, publication and distribution of the report. The Secretariat are not responsible for the content. The Report should be submitted to Transport Scotland for comment and Minister's prior to publication. Any factual inaccuracies should be addressed before publication. In order to remain transparent, the final version should be made available on the Committee's website.

Budget Management

Paragraph five of the Mobility and Access Committee for Scotland Regulations 2002³ sets out a responsibility on the Scottish Ministers to provide the Committee with funds (via the Sponsor Unit). With which to pay members fees and expenses such as travelling and other allowances and to defray such other expenses in connection with its functions, as the Scottish Ministers may determine".

³ <https://www.legislation.gov.uk/ssi/2002/69/regulation/5/made>

The Committee's Secretariat, in partnership with the Sponsorship Unit, will be responsible for managing the Committee's budget. Ensuring there is no over spend and alerting the Convener to any under/overspend.

Level of budget will be set on a yearly basis based on standard budgetary process.

Performance management

The Committee shall operate management information through ensuring that annual appraisals have been conducted, meeting schedules and action points are reviewed and that strategy and work plans are in place together with the production of an annual report.

There will be regular catch up meetings between the Sponsor Unit, Sponsor and Convener and an annual appraisal process. Should any issues arise the Sponsor or Convener can request ad-hoc meeting to discuss issues in relation to performance or support.

Additionally the responsible **Cabinet Secretary, where possible, shall meet the Committee Convener, at least annually.**

Conduct of Members

The Committee is covered by the ethical standards framework by being a listed public body in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The Convener and Committee Members must make sure they are familiar with, and that their actions comply with, the provisions of the [MACS Member Code of Conduct](#) which is based on the '[Model Code for Members of Devolved Public Bodies](#)' and has been adopted by the Committee.

Committee staff management

The Committee is not established in a manner that allows it to directly employ its own staff. Therefore, as per paragraph 5(2) of the [Mobility and Access Committee for Scotland Regulations 2002 regulations](#), Scottish Ministers shall make arrangements for the committee to be provided with such administrative support and office accommodation, as they consider appropriate.

All staff working for the Committee are civil servants and will be bound by the Civil Service Code and other civil service requirements as to their conduct, impartiality and confidentiality, etc. (Section 4 of the Staff Handbook applies.)

Secretariat staff members are embedded within Transport Scotland Sponsorship Unit of the Accessible Travel Policy Team, meaning staff who provide Secretariat support to the Committee also have additional work commitments and responsibilities, separate from their duties to the Committee.

The Convener, should raise any issues in relation to the Secretariat to the Sponsor or Deputy Sponsor, or if need be with the Director of Bus, Accessible and Active Travel Directorate.

Committee Chair and Member Pay

The Convener, Lead Members, and General Members have been appointed to the Committee through a public appointment round regulated and monitored by the Ethical Standards Commissioner. As such, their pay and conditions are the responsibility of the Public Appointments branch of the Directorate for People within the Scottish Government.

Remuneration (daily fees), allowances and expenses paid to the Convener, Leads and General members must comply with the Scottish Government Pay Policy for Senior Appointments and any specific guidance on such matters issued by the Scottish Ministers.

Risk Management

The Sponsor Team shall ensure that the risks that it or the Committee faces are dealt with in an appropriate manner, in accordance with relevant aspects of generally recognised best practice in corporate governance, and develop an approach to risk management consistent with the Risk Management section of the SPFM.

Reporting arrangements should ensure that notifiable and relevant risks are elevated to the Sponsor unit. The Sponsor Unit is also required, at the earliest opportunity, to notify the relevant Transport Scotland Audit and Risk Committee if it considers that it has identified a significant problem, which may have wider implications.

6. Specific Financial Provisions

The Committee as established by the Act is an advisory NDPB established by the Scottish Ministers. The Committee does not enjoy any status, immunity or privilege of the Crown and is therefore unable to enter into contracts in its own name.

This prohibits the Committee from engaging in the following: financial investments; borrowing; lease holding; lending etc. This is not intended to be an exhaustive list, and advice should be sought from the sponsor unit on any financial matters not otherwise covered in this framework.

The BAAT Director will hold the budget allocated to the Committee on its behalf.

The Committee shall also comply with any requirements for prior Transport Scotland/Scottish Government approval included in the SPFM and/or this document. Prior Transport Scotland/Scottish Government 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.

Income generation

The Committee does not hold the ability to generate income. If gifts are offered to it, or its Members then they should consider if there are any associated costs in receiving these or any conflicts of interests arising. The Committee shall keep a written record of any such gifts, etc. and what happened to them.

Tax arrangements

The Committee must comply with all relevant rules on taxation, including VAT. All individuals who would qualify as employees for tax purposes should be paid through the Scottish Government payroll system with tax deducted at source.

Specific Delegated Financial Authorities

The limits outlined below represent the total, which may be agreed by the named party in relation to expenses.

Secretariat Line Manager

The Secretariat Line Manager has authority to authorise any routine expenditure of the Committee, inclusive of remuneration claims, travel expenses, contractor invoices and publication costs, etcetera, to the limit of £3,000. Beyond this level, clearance should be sought from the Sponsor or Deputy Sponsor as appropriate.

In the absence of the Sponsor/Deputy Sponsor the B3 and above is able to authorise routine expenses.