



Step 1 | Prepare: Getting ready to decide – 10 questions

- 01. Where does the power to make this decision come from and what are its legal limits?
- 02. For what purposes can the power be exercised?
- 03. What factors should I consider when making the decision?
- 04. Is there a policy on the exercise of the power?
- 05. Does anyone have a legitimate expectation as to how the power will be exercised?
- 06. Can I make this decision or does someone else need to make it?
- 07. Have devolution and the Scotland Act affected the power?
- 08. Am I complying with human rights and European law?
- 09. How has equal opportunities legislation affected the power?
- 10. Am I handling data in line with Data Protection or Freedom of Information obligations?



Step 2 | Investigate: Investigation/evidence gathering process

- 11. Does the power have to be exercised in a particular way, e.g. does legislation impose procedural conditions or requirements on its use?
- 12. Have I consulted properly?
- 13. Will I be acting with procedural fairness towards the persons who will be affected?
- 14. Could I be, or appear to be, biased?



Step 3 | Decide: Taking the decision

- 15. Have I taken necessary considerations into account, and is my decision reasonable?
- 16. Does the decision need to be, and is it, proportionate?
- 17. Are there decisions where the Court is less likely to intervene?



Step 4 | Notify: Notifying others of the decision

- 18. To what extent should I give reasons for the decision?