

Cabinet Secretary for Rural Affairs, Land Reform
and Islands
Mairi Gougeon MSP



T: 0300-244-4000
E: CABSECRALRI@gov.scot

Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee
Scottish Parliament

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Dear Edward,

Scottish Land Commission – Appointment of Tenant Farming Commissioner and Land Commissioners

As the Cabinet Secretary with responsibility for the Scottish Land Commission (SLC), I am writing to you to provide you with some background to the upcoming appointments process for a new Tenant Farming Commissioner and two new Land Commissioners.

Context

You will be aware that appointments and re-appointments made by Scottish Ministers, under the Land Reform (Scotland) Act 2016 (“the 2016 Act”), require Parliamentary approval, and are now regulated by the Ethical Standards Commissioner.

The current terms of the Tenant Farming Commissioner and two Land Commissioners end on 18 December 2024. The draft appointment plan (Annex A) sets out key dates for the appointment process, which may be subject to change, aims to fill these positions in December 2024 to avoid disrupting the important work of the SLC.

I am keen that we work collectively to ensure proportionate Parliamentary scrutiny in line with the requirements of the 2016 Act and the requirements of the Ethical Standards Commissioner. My officials will continue to liaise with the Committee Clerks throughout the appointments process to ensure we achieve this.

Application Packs and Person Specifications

We are seeking to appoint a Tenant Farming Commissioner and two Land Commissioners, and I have appointed a panel to manage this process. As set out in the Code of Practice for Ministerial Appointments to Public Bodies in Scotland, all requirements on candidates must be set out in the application pack and new requirements cannot be introduced at a later stage. This is to ensure that we are fair and transparent and applicants are aware of the requirements of the role and the assessment process at the outset.

The application pack must also set out what approach the Committee wish to take in considering Parliamentary approval of the candidates recommended for appointment by Scottish Ministers. For the previous appointment round, the Committee agreed to take the same approach as it did with the appointments to the Board of Environmental Standards Scotland, which is –

- Receive information on the proposed candidates from the Scottish Government;
- Consider and come to a view on whether the process followed and the proposed appointments are satisfactory;
- Make this view known to Parliament prior to a Chamber motion on the approval of candidates.

I would be **grateful if the Committee could confirm the approach it would like to take with this appointment round**, so that it can be made clear in the application pack. I would also be grateful if the Committee could indicate to me any information provided or generated about recommended candidates that it would propose to publish or not publish; this is so that the applicant information pack is clear.

The panel will prepare the draft application packs and person specifications for my approval, which I intend to share with the Committee prior to advertising the roles.

Role of the Ethical Standards Commissioner

As mentioned above, the appointments process to the SLC is regulated by the Ethical Standards Commissioner and as such, should be conducted in line with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland.

The Commissioner allocates Public Appointments Advisers to different stages of an appointment round, depending on the level of risk that he identifies. The Commissioner has decided that formal scrutiny of the whole appointment round is required and he has assigned an Adviser as a full panel member to provide oversight and support at every stage.

Next Steps

We hope to advertise the vacancies towards the end of June for around five weeks. Candidates will be shortlisted in August, and interviewed in September. I will consider recommendations from the panel following that process. I will then write to the Committee towards the end of October setting out who Scottish Ministers are recommending for appointment, and seeking the approval of Parliament.

I am grateful to the Committee for their involvement in this process and may I kindly request a response from the Committee by 10 May 2024 setting out their proposed approach so that it can be included in the application pack.

Yours sincerely,



MAIRI GOUGEON

Annex A

DRAFT APPOINTMENT PLAN

Stage in Process	Dates
Planning meeting	w/c 20 May 2024
Panel and Adviser to approve papers	By 4 June 2024
Committee opportunities to consider papers	11/18/25 June 2024
Advertising period	End June 2024
Advertising closes	Early August 2024
Shortlisting meeting	Mid-August 2024
Interviews	End September 2024
Candidate summaries approved	Mid-October 2024
Final submission	Mid-October 2024
Minister's decision	By 22 October 2024
Committee opportunities to consider appointments	29 October 2024/ 5/12 November 2024
Parliamentary vote	w/c 25 November 2024
Appointment date	19 December 2024