



The Scottish Parliament
Pàrlamaid na h-Alba

**Standards, Procedures and Public Appointments Committee and the Public
Audit Committee**

The Scottish Parliament
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Dear Presiding Officer,

Following evidence sessions relating to the Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner) before the PAC and SPPA Committees relating to the 2020/21 audit of the Commissioner for Ethical Standards in Public Life in Scotland section 22 report, published by the Auditor General for Scotland, and the Commissioner's own Annual Report and Accounts, we the Conveners of the two Committees feel it necessary to write to the SPCB regarding a number of matters.

We do not feel it necessary to discuss how the current situation has arisen nor how it should be resolved with regard to the current Commissioner. This is for others to consider.

It has however become apparent that there appears to be a complexity not only in the support available to independent Commissioners appointed by the SPCB, but also in the oversight of them.

One of the areas examined by the Public Audit Committee (and raised in evidence with the Auditor General) was the issue of governance and transparency.

The Annual Audit Report published by Deloitte sets out (at paragraphs 5.1 to 5.3) the concerns identified. The Commissioner's response to the recommendations set out in the Deloitte report, together with evidence heard, suggests that little can be achieved by the Commissioner to change governance, support and lines of communication other than by engagement of the Commissioner with the SPCB. The Auditor General further highlights the collaborative input required from the SPCB on these matters in his section 22 report. This is therefore an area of ongoing risk.

As Conveners we have concerns over the risk that, without clear lines of governance, support and communication, further warning signs of problems will be missed.

Given the fundamental importance of the independence of Commissioners in their role in both investigation and decision-making, it is essential that there are clear lines of governance, support and reporting.

We would invite the SPCB to consider how support, inter alia, the HR function, Internal Audit and the noting of concerns by staff can be facilitated given the size and nature of the Independent Commissioners' offices. We invite the SPCB to set out their responsibility regarding these matters. We also invite the SPCB to consider the extent of its governance role over the independent Commissioner and how this is understood by the people of Scotland, the staff of the Commissioners and of course the independent Commissioner themselves.

Yours sincerely,

<p>Martin Whitfield MSP Convener Standards, Procedures and Public Appointments Committee</p>	<p>Richard Leonard MSP Convener Public Audit Committee</p>
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