



The Scottish Parliament
Pàrlamaid na h-Alba

Rt Hon Alison Johnstone MSP
Presiding Officer

Public Audit Committee
Room T3.60
The Scottish Parliament
EDINBURGH
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By email only

Email:

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21 October 2022

Dear Presiding Officer,

The 2020/21 audit of the Commissioner for Ethical Standards in Public Life in Scotland

The Public Audit Committee thanks the Scottish Parliamentary Corporate Body (SPCB) for giving evidence arising from the abovementioned report at its meeting on 28 September 2022.

The Committee recognises that the SPCB has taken the findings raised in this highly critical report seriously, and that action is being progressed to respond to the recommendations that apply directly to the functions and powers of the corporate body. We are also aware that wider work is being undertaken by the SPCB to enhance the governance arrangements that are in place for officeholders it supports.

While this is welcome, the Committee notes that much of this work is currently in development. It therefore seeks further reassurances about the implementation of plans it heard about during the oral evidence session.

For example, in response to the question of committee scrutiny of officeholders, reference was made to correspondence you recently issued to the Conveners Group. This sought support in principle to a written agreement setting out the role of the corporate body and the role of committees and what functions they could take, in their scrutiny of officeholders. During the evidence session, the Committee asked to

be kept updated on the outcome and looks forward to hearing from you on this point in due course.

We note that the Clerk/Chief Executive accepted that in session 5, the SPCB did not routinely seek confirmation that committee scrutiny of all officeholders was taking place. We also note that Maggie Chapman MSP stated that the SPCB wanted to have–

“a stronger relationship between the corporate body and the committees that scrutinise the functions of officeholders. I would welcome the continuation of that process”.

The Committee therefore asks what steps, beyond the written agreement referred to above, the SPCB is undertaking to address this practice in session 6, including how it is seeking to build stronger relationships with committees.

We also asked the SPCB about the annual independent evaluation process for officeholders, including what this process involved and how timely action can be taken if issues are highlighted before the review is scheduled to take place. A commitment was made during the meeting to ensure that governance arrangements are part of the review process, as well as the suggestion that more regular advisory audit board engagement could be applied. The Committee would be grateful if further detail could be provided on how this will be taken forward.

As you will be aware, one of the findings of the report was that staff were not fully equipped to fulfil the Office’s statutory functions and that a formal training programme for all staff, as well as workforce planning arrangements should be introduced. The Committee understands that the SPCB had plans to consider a business case from the Commissioner for Ethical Standards in Public Life in Scotland imminently, which included a detailed workforce plan and a request for additional resources. The Committee would welcome an update on the outcome of these considerations.

Recognising that much of the SPCB’s work to enhance governance structures and arrangements is ongoing, the Committee also wishes to reinforce the point made during the evidence session, in that an independent review of this work should be undertaken at the appropriate juncture.

We have now closed our scrutiny of this report. We await with interest your response, which we may then consider drawing to relevant parliamentary committees’ attention who hold within their remit the ability to undertake scrutiny of SPCB supported officeholders, if we consider this to be appropriate.

Yours sincerely,

Richard Leonard MSP
Convener