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Collette Stevenson MSP
Convener
Social Justice and Social Security Committee

By email: sjss.committee@parliament.scot

20th September 2023

Dear Convener,

POVERTY AND INEQUALITY COMMISSION – RE-APPOINTMENT OF COMMISSIONERS

Thank you for your letter of 14 September 2023 asking about the interactions the Scottish Government's Sponsor Team for the Poverty and Inequality Commission (the Commission), has had with the three resigning Commissioners. I appreciate the interest of the Committee in this issue, which has been difficult for all parties involved and therefore the wellbeing of all has been central to the approach which has been taken.

The Sponsor Team is comprised of a small team of officials within the Tackling Child Poverty and Financial Wellbeing Division of Scottish Government which is headed by a Deputy Director. The relationship between the Sponsor team and the Secretariat to the Commission and Chair is set out in the Framework Agreement you refer to in your letter. The Sponsor Team on the whole communicate with the Commission via their Secretariat team. The Deputy Director has quarterly one-to-one meetings with the Chair, as do I, and she has, on occasion, joined meetings involving Commissioners at their request. Given the role which the Secretariat play there is no direct contact between individual Commissioners and the Sponsor team other than to issue appointment or reappointment letters as per the Public Appointments Process.

You asked whether any issues had been raised previously in relation to the effectiveness and operation of the Commission. Prior to the Secretariat advising the Sponsor Team on 25 July 2023 that the three Commissioners were seeking a meeting with the Chair in relation to concerns about the re-appointments process, no concerns had ever been raised with either the Chair directly, the Secretariat, the Sponsor Team, or anyone else in government including myself, in relation to the effectiveness or operation of the Commission by any of the 8 Commissioners who make up the Commission. Additionally, the Sponsor Team had

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identified no specific concerns around the operation of the Commission, or the Chair, before this point.

In relation specifically to the re-appointments process, the Sponsor Team communicated with the Chair. The Framework document sets out the roles and responsibilities of all parties and states that it is the responsibility of the Chair to ensure that “Members are fully briefed on terms of appointment, duties, right and responsibilities”. The Chair was asked, in line with SG Guidance on Succession Planning for Public Bodies, to identify Commissioners he recommended for re-appointment. He met with Commissioners to discuss their interest in re-appointment and then completed the necessary paperwork for the relevant Commissioners he was recommending. During the consideration of the Chair’s recommendations by Ministers the Sponsor Team advised the Chair and the Secretariat that the Commissioners could be informally advised that they were being considered for re-appointment, subject to the necessary approvals.

Following concerns being raised by the three Commissioners, members of the Sponsor Team met with them on several occasions between 27 July and 7 August 2023 to seek to understand the reasons for their proposed resignations. At each meeting, officials offered mediation to allow them to continue in their roles. Officials also offered to attend upcoming Commission meetings as observers to be able to provide support. Similar meetings were held with the Chair, who indicated his willingness to participate in mediation. However, the Commissioners were not minded to take up those offers and were resolute that they could not continue to work with the current Chair in any circumstances, even with support and mediation, and that only his resignation with immediate effect would be acceptable to them. The Chair had offered to resign and was considering an appropriate timescale for this. He subsequently resigned, for ill-health reasons as you are aware, giving 3 months’ notice as per the conditions of his appointment.

At all times officials have been fully aware of the need to consider the wellbeing of all parties involved whilst ensuring the Commission can effectively deliver its statutory duties. I am aware that consideration must be given to whether this situation could have been avoided, therefore officials not involved in the strategic sponsorship role have been asked to undertake a robust review of the circumstances that led to these resignations to determine what action, if any, might have resulted in a more positive outcome. A review of the current Framework document is also underway and the learning from the wider review will inform a new Framework document due to be in place in November.

In taking this action I am confident that any issues that have arisen will not re-occur in the future and any changes to working practices identified will be implemented prior to future appointments to the Commission.

I hope this provides the Committee with the information it needs.

Yours sincerely,

SHIRLEY-ANNE SOMERVILLE

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