



The Scottish Parliament  
Pàrlamaid na h-Alba

# Commissioner for Ethical Standards in Public Life in Scotland

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## Information for applicants

To apply for this appointment, you should read the information below and complete and return your application form by **12 noon on Monday 22 August 2022**.

## Context

The Scottish Parliamentary Corporate Body is to sit as a selection panel to appoint, with the agreement of the Scottish Parliament, a new Commissioner for Ethical Standards in Public Life in Scotland.

## Statutory framework

The Commissioner is an independent officeholder whose role is to promote high ethical standards in public life. The post was created in 2013.

The Commissioner is supported by a team of people and together they undertake the statutory functions set out in the-

- [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#)

- [Scottish Parliamentary Standards Commissioner Act 2002](#),
- [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003](#)
- [Lobbying \(Scotland\) Act 2016](#).

The Commissioner investigates complaints about the behaviour of MSPs, local authority councillors and board members of public bodies and lobbyists and looks into how people are appointed to the boards of public bodies in Scotland.

The Commissioner's findings about the conduct of MSPs, local authority councillors, members of public bodies and lobbyists are reported as follows -

- Findings in relation to an MSP and in relation to lobbyists, to the Standards, Procedures and Public Appointments Committee of the Scottish Parliament
- Findings in relation to a local authority councillor to the Standards Commission for Scotland
- Findings in relation to a member of a public body to the Standards Commission for Scotland.

And, where it appears to the Commissioner that the Code of Practice for Ministerial Appointments to Public Bodies in Scotland has not been complied with in a material regard, this is reported to the Standards, Procedures and Public Appointments Committee.

In the performance of the Commissioner's functions, the Commissioner is not subject to the direction or control of any member of the Parliament, any member of the Scottish Government, or the SPCB.

Further information about the work of the Commissioner can be found at <http://www.ethicalstandards.org.uk>

## **Finance and staffing**

The SPCB sets the Commissioner's terms and conditions of appointment; approves the Commissioner's annual budget; pays the remuneration and allowances of the Commissioner; pays any expenses properly incurred by the Commissioner so far as not met out of sums generated by the Commissioner and indemnifies the Commissioner in respect of any liabilities incurred in the performance of the Commissioner's functions.

The Commissioner's budget for 2022/23 is £1,143,000. The Commissioner is the accountable officer.

The Commissioner post is currently held by Ian Bruce who was appointed Acting Commissioner in April 2021.

The Commissioner is supported by a senior management team (comprising the Senior Investigating Officer, the Head of Corporate Services and the Public Appointments Manager) and 9.6 full-time equivalent members of staff.

In addition, the Commissioner has a panel of public appointments advisers to oversee appointments to public bodies.

The Commissioner is based at Thistle House in Edinburgh.

## **Key responsibilities and duties**

The main responsibilities and duties of the Commissioner are:

- ensuring the requirements of the Ethical Standards in Public Life etc. (Scotland) Act 2000; the Scottish Parliamentary Standards Commissioner Act 2002; the Public Appointments and Public Bodies etc. (Scotland) Act 2003 and the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 are met
- undertaking investigations as provided for by the Scottish Parliamentary Standards Commissioner Act 2002 and by the Lobbying (Scotland) Act 2016 and reporting the findings to the Standards, Procedures and Public Appointments Committee
- undertaking investigations as provided for by the Ethical Standards in Public Life in Scotland Act 2000 and reporting the findings to the Standards Commission for Scotland
- Appearing at Standards Commission for Scotland Hearings
- Reviewing, revising and promoting compliance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland
- examining compliance by Scottish Ministers with the Code and investigating any complaints arising
- informing the Standards, Procedures and Public Appointments Committee if the Code of Practice is breached
- laying before the Scottish Parliament statutory reports including, annual report and accounts and a 4-year Strategic Plan
- leading the office and ensuring effective governance arrangements are in place and meeting all other statutory requirements e.g. FOI, ERI's etc
- Working with the Senior Management Team and staff to ensure Strategic/Operational Plans objectives are met, and

- as the Accountable Officer, being accountable for the organisation's expenditure and submitting annual budget bids to the SPCB for approval.

## **Person specification**

This is a demanding role. You will have a track record of operating at a senior level and delivering results. You will have the ability to make decisions on complex and sensitive matters. You will be resilient and have excellent interpersonal skills to enable you to work with complainants, staff and stakeholders and to work under close parliamentary, media and public scrutiny.

At this time, we have identified priority criteria which must be demonstrated by all applicants as a result of the high volume and complexity of complaints. Essential criteria must also be demonstrated.

### **Priority criteria**

- Experience of successfully leading a busy organisation or team and delivering results
- Demonstrable experience of complaints handling
- Ability to effectively assimilate and develop a clear understanding of complex and sensitive information, and
- evidence of ethical and sound decision making

### **Essential**

- Demonstrable experience of working with a Code of Conduct and interpreting legislation
- Experience of recruitment and selection processes
- Highly developed influencing and diplomatic skills when dealing with stakeholders, and
- A good understanding of local government the Scottish Parliament, the Scottish Government, and devolved Public Bodies.

### **Desirable**

- Awareness of the remit and role of the Commissioner, the Standards, Procedures and Public Appointments Committee and the Standards Commission for Scotland.

## **Disqualification**

A person is disqualified from appointment as the Commissioner if the person:

- (a) is a member of the Parliament or its staff
- (b) was a member of the Parliament at any time within two years before the date when the appointment might otherwise have been made
- (c) is disqualified from being a member of the Parliament

- (d) is a member of the House of Commons
- (e) is a member of the House of Lords entitled to vote there
- (f) is employed, or appointed in any other capacity, by the Commissioner
- (g) is a member, employee or appointee of the Standards Commission for Scotland, a specified authority or a devolved public body
- (h) is a specified authority (where the authority is an individual)
- (i) is, or is an employee or appointee of, the Scottish Public Services Ombudsman
- (j) is a member of a council or any committee of a council
- (k) is disqualified from being a member of a council
- (l) is a member of a joint board or joint committee.

## **Application and selection process**

All applicants must complete an application form.

The application form is split into two sections to ensure anonymity during short-listing. Part A contains personal information, such as your name and address - this is not seen by the selection panel. Part B is the only part of your application the selection panel will see.

Each application is assessed in the same way, against the same agreed criteria for the appointment in question. "Criteria" means the key skills and knowledge we think you need to be able to do the job. The evidence and examples that you provide in Part B of your application form is the only information we will use in deciding whether or not to shortlist you for interview.

**Please do not send us your Curriculum Vitae or supporting documents as they will not be considered.** This is to ensure that all application forms are assessed equally.

Before filling in part B of the application form you should read the information provided above under the headings '*key responsibilities and duties*' and the '*person specification*'. This is to make sure that you know what the appointment involves and the criteria that will be used in assessing the applications.

### **Completing Part B of the Application Form**

Part B of the application form is your chance to demonstrate that you have the skills and knowledge required. Please address each criterion by providing specific examples to support your statements. You must provide evidence of what *you* did, the reasons for your action, what happened, what you took into account and the outcome.

The selection panel will not make any assumptions about your skills and abilities, for instance through a job title.

**You should use no more than 250 words per criterion.**

## **Political Activity Form**

The information provided in the political activity form will remain confidential until the panel has agreed who it wishes to nominate. At this time, the information will be released to panel members to make them aware of any activity.

The information provided by applicants regarding their political activity **is not** a determining factor in the selection process.

## **Additional Information**

Please indicate if you have ever been convicted of any offence (other than minor motoring offences) which are not spent in accordance with the Rehabilitation of Offenders Act 1974 or if any charges are outstanding; been adjudged bankrupt or made a composition or arrangement with your creditors over the past 10 years; been dismissed from any office or employment over the past 10 years; ever been disqualified from acting as a company director or in the conduct of a Company; ever been a director, partner or manager of a company which has gone into liquidation, receivership or administration; any other facts to declare which you feel might be raised in public in future in relation to your suitability to hold appointment for which you are being considered, for example, because they could be presented as a conflict of interest.

## **Equal opportunities**

The Scottish Parliamentary Corporate Body is committed to promoting equality of opportunity and treatment and to eliminating unfair discrimination in its employment/appointment practices.

If you require any of the documentation in an alternative format, or you have any queries about the post or the selection process, please contact Janice Crerar, The Scottish Parliament, Edinburgh EH99 1SP (telephone 07769915863) or at [janice.crerar@parliament.scot](mailto:janice.crerar@parliament.scot)

## **The Panel**

The SPCB panel members are Claire Baker MSP, Maggie Chapman MSP and Christine Grahame MSP.

The SPCB's Independent Assessor, Louise Rose will oversee the process and be present at the sift meeting and the interviews to ensure the appointment process conforms to good practice.

## **Selection Process**

Short listing will take place on 1 September 2022. Those applicants who appear from the evidence and examples provided to have the best skills and knowledge for the post will be invited to interview.

Applicants selected for interview may be required to make an oral presentation to the panel.

Interviews will be held on Monday 12 September 2022 at the Scottish Parliament.

**Please note** we do not reimburse travel or other expenses to attend interview but we would be happy to explore alternative arrangements if this causes you difficulty.

Pre-appointment checks will be undertaken prior to an offer of appointment.

### **Submitting your application**

Please ensure you complete and return all the necessary documentation-

- Parts A and B of the Application Form
- the Equal Opportunities Monitoring Form (this is voluntary)
- the Political Activity Form
- any additional information.

Applications can be e-mailed to:

[officeholder.applications@parliament.scot](mailto:officeholder.applications@parliament.scot)

**If you submit your application via e-mail, please ensure that you receive an e-mail acknowledgement from us.**

Completed application forms can be posted to:

The Scottish Parliament  
Officeholder Services  
Room Q2.03  
Edinburgh  
EH99 1SP

The closing date for applications is **12 noon on Monday 22 August 2022.**

Late applications will not be accepted.

## **Annex A: Terms and conditions of appointment**

### **Status**

The Commissioner is not to be regarded as a servant or agent of the Crown or as having status, immunity or privilege of the Crown; and the Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown.

The Commissioner is, as such, to be regarded as a juristic person distinct from the natural person holding the office.

### **Length of appointment**

The appointment is offered on the basis of a single term of 6 years.

The successful candidate will be expected to take up appointment in Autumn 2022.

### **Salary**

The salary scale for this post is £77,260 - £92,658. The starting salary is £77,260.

### **Leave**

The Commissioner is entitled to 30 days annual leave with pay, and an additional 11.5 days public and privileged holidays.

### **Location**

The Commissioner's office is based in Edinburgh.

### **Evaluation**

The Commissioner is subject to annual evaluation which will be undertaken by the SPCB's Independent Assessor who will prepare a report for the SPCB.

### **Removal from office**

The Commissioner may be relieved of office if the Commissioner so requests by giving six months' notice in writing, or may be removed from office if:

- a) the SPCB is satisfied that the Commissioner has breached the terms and conditions of appointment and the Parliament resolves that the Commissioner should be removed from office for that breach; or
- b) the Parliament resolves that it has lost confidence in the Commissioner's willingness, suitability or ability to perform the functions of the Commissioner,

and, in either case, the resolution is voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament.

### **Restrictions on other appointments**

The Commissioner may not, without the approval of the SPCB, be or hold office in, or be an employee or appointee of another Scottish public authority and may not hold any other office, employment or appointment or engage in any other occupation



which would conflict with their responsibilities to Parliament or inhibit or compromise them in the proper exercise of their statutory functions.

### **Subsequent appointments**

A person who has ceased being the Commissioner may not, without the approval of the SPCB, be employed or appointed in any other capacity by the Commissioner; be a member, employee or appointee of the Standards Commission for Scotland; a specified authority or a devolved public body, be a specified authority (where the authority is an individual); be, or be an employee or appointee of, the Scottish Public Services Ombudsman or hold any other office, employment or appointment or engage in any other occupation being an office, employment, appointment, or occupation which that person could not have held, or, as the case may be, engaged in when Commissioner, due to his/her terms and conditions of appointment.

The requirement to seek approval from the SPCB starts when the person ceases to be the Commissioner and ends on the expiry of the financial year following the one in which it started.

### **Political and outside activities**

The post is a politically sensitive one which means that the successful candidate is completely barred from taking part in either national or local political activities.

The successful candidate may not take part in any activity which would in any way conflict with their responsibilities to the Parliament or be inconsistent with their official position as the Commissioner.

The successful candidate must not provide professional advice in a private capacity.

### **Hours of work**

This is a full-time appointment based on 37 hours per week excluding lunch breaks. It may require occasional work outside normal office hours in evenings and weekends and may also entail travel within Scotland and occasionally within the UK.

### **Pension**

The post is pensionable. The current arrangements are with the Civil Service Pension Schemes.