



The Scottish Parliament
Pàrlamaid na h-Alba

Officeholders – Appointment of Acting Commissioner for Children and Young People in Scotland and Accountable Officer

20 April 2023

Reference: SPCB (2023) Paper 29

Executive summary

1. The Commissioner for Children and Young People in Scotland (the Commissioner) Bruce Adamson demits office on 17 May 2023. Following a successful recruitment exercise, his successor has been identified and will be nominated to the Parliament for appointment by His Majesty later this month. As his successor is not able to take up appointment until mid-August, under the Commissioner for Children and Young People (Scotland) Act 2003, when there is a vacancy in the office of the Commissioner, the SPCB may appoint an acting Commissioner to discharge the Commissioner's functions.
2. The Commissioner is also the Accountable Officer and when there is a vacancy of more than 4 weeks, the SPCB must appoint another Accountable Officer.
3. We have approached the Commissioner to ask if there is an individual on his Senior Management Team who would be willing and able to undertake the role of acting Commissioner and Accountable Officer and the Commissioner has recommended Nick Hobbs. The SPCB is invited to agree that Mr Hobbs' be appointed as the acting Commissioner and Accountable Officer during the vacancy until the new Commissioner takes up office.

Acting Commissioner and Accountable Officer

Acting Commissioner

4. Under Schedule 1 paragraph 12 of the Commissioner for Children and Young People (Scotland) Act 2003, when there is a vacancy in the office of

the Commissioner, the SPCB may appoint an acting Commissioner to discharge the Commissioner's functions.

5. The SPCB has appointed acting commissioners in the past. The individuals have all been recommended by their respective Commissioners and have all been members of the Senior Management Team given their seniority and knowledge of how their organisations run.

Accountable Officer

6. Under Schedule 1 paragraph 10 of the 2003 Act, the SPCB must designate the Commissioner or a member of staff as the Accountable Officer. The current Commissioner is the Accountable Officer. The Accountable Officer is personally responsible for the propriety and regularity of the public finances of their office, must sign the accounts and ensure that the resources of the office are used economically, efficiently and effectively.
7. If the Commissioner is absent for four weeks or more, the SPCB must appoint another Accountable Officer.

Recommendation

8. The Commissioner was invited to recommend a member of his SMT to be the acting Commissioner and Accountable Officer and in discussions with his SMT, he has recommended Nick Hobbs.
9. Mr Hobbs is Head of Advice and Investigations and has extensive experience as a senior leader, including governance and financial oversight. He has a strong understanding of the Commissioner's mandate and commands the respect and support of the SMT and the wider staff team. The other members of the SMT are fully supportive of the recommendation.
10. Does the SPCB agree that Nick Hobbs be appointed as the acting Commissioner and Accountable Officer?

Governance

11. All governance issues have been considered.

Resource implications

12. We would recommend the acting Commissioner be given the same salary as the current Commissioner. The additional cost of doing so would be £6,715 and this can be met from savings in carrying a vacancy in the overall staffing complement for three months. **Does the SPCB agree?**

Publication Scheme

13. This paper can be published after the SPCB has made its decision and the appointment letter issued.

Decision

14. The SPCB is invited to-

(i) appoint Nick Hobbs as the acting Commissioner for Children and Young People in Scotland from 18 May to mid-August 2023

(ii) appoint Nick Hobbs as the Accountable Officer from 18 May to mid-August 2023, and

(iii) agree that his salary as the acting Commissioner and Accountable Officer is the same as the current Commissioner.

Officeholder Services

April 2023