REFERENCE: SPCB (2026) - Paper 50

Scottish Parliamentary Corporate Body Thursday 25 June 2026 (Session 7)

Officeholder Recruitment – Victims and Witnesses Commissioner, Terms and Conditions

Executive summary

1. Under the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 ("the Act"), the SPCB has a statutory function to determine the terms and conditions of appointment of the Victims and Witnesses Commissioner for Scotland who will be appointed by His Majesty on the recommendation of the Parliament.

2. Under the Act, the SPCB is also required to designate the Commissioner, or a member of staff, as the accountable officer. The SPCB is invited to appoint the Commissioner as the accountable officer.

Issues and options

3. The Victims, Witnesses, and Justice Reform (Scotland) Act 2025 establishes a new officeholder, whose general function is to promote and support the rights and interests of victims and witnesses in Scotland.

4. The Commissioner will be an independent officeholder who will be supported by the SPCB. The Commissioner will report to the Parliament and must–

   - lay a 3-year Strategic Plan,
   - lay annual and other reports,
   - prepare accounts which will be audited by the Auditor General for Scotland, and
   - submit annual budget proposals to the SPCB for approval.

5. The Commissioner's determinations in relation to staff terms and conditions, the appointment of the advisory group members and their remuneration, the location of their office and the sharing of services, are all subject to SPCB approval.

6. Given this will be a small office, Officeholder Services will work with the Commissioner to look for shared services opportunities including accommodation, staff and other services wherever possible.

Terms and Conditions of Appointment

7. The SPCB is invited to set the new officeholder's terms and conditions of appointment to enable a cross-party selection panel to be established and the recruitment exercise commenced.

Term of office

8. Under the provisions of the Act, the Commissioner can be appointed for a fixed term of up to 8 years. Given this is a new post and the Commissioner will, in

addition to undertaking their statutory duties, also have to set up a new office and establish governance arrangements, we would invite the SPCB to agree that the term to be offered is at least seven or eight years. **Does the SPCB agree, and if so, should the term of office be seven or eight years?**

Time commitment

9. The Financial Memorandum (FM) that accompanied the Bill provided that the Commissioner would be a full-time appointment based on the Commissioner's key duties which include the promotion and support of the rights and interests of victims and witnesses, promotion of best practice and undertaking and commissioning research and that they would be supported by 4 FTE members of staff (1 SPCB Grade 5 post, 2 SPCB Grade 4 posts and 1 SPCB Grade 2 post). **Does the SPCB agree that this should be a full-time appointment?**

Remuneration

10. The FM provided that the Commissioner's salary, based on Point 1 of the Officeholders Salary Scale 1, would be circa £87k (assuming a 2026 start date). Point 1 on the Officeholders Salary Scale 1 is currently £93,094. This will increase once the 2026-27 pay deal is agreed.

11. By way of a comparator, when the Victims Commissioner for England and Wales's post was advertised in 2025, the full-time salary was £108k. **Does the SPCB agree that the starting salary to be offered is Point 1 of the Officeholders Salary Scale 1 – currently £93,094?**

Pension

12. All the full-time SPCB supported officeholders' posts have been admitted to the Civil Service Pension Schemes. This is done through order making powers by the Cabinet Office adding the office (and their staff) to Schedule 1 of the Superannuation Act 1972. Where it has not been possible to admit the office, the SPCB has instead offered equivalent employer pension contributions that would have been payable had the office been admitted. Given this is a '*commissioner*' we do not envisage a problem with getting their office or staff admitted. **Does the SPCB agree that officials should seek to get the Commissioner's post (and their staff) admitted to the Civil Service Pension Schemes and if this is not possible, offer equivalent employer pension contributions that would have been payable had the office been admitted? From 1 April 2024, employers' pay pension contributions at a flat rate of 28.97%.**

Other terms and conditions

13. The other terms and conditions of appointment will be in line with those offered to the other officeholders and are set out in Annex A.

Accountable Officer

14. Under the Act, the SPCB is to designate the Commissioner or a member of staff as the accountable officer. We would recommend that the most senior full-time person in the new organisation is appointed as the accountable officer. **Assuming the commissioner is a full-time appointment, does the SPCB agree that they should be the accountable officer?**

15. If the person appointed as the accountable officer does not have previous experience of the accountable officer role, training will be arranged as part of their induction.

Resources

16. Scottish Government officials liaised with Officeholder Services when drafting the Bill's Financial Memorandum (FM) and the financial assumptions reflect the terms and conditions awarded to other SPCB supported officeholders.

17. The annual cost for this new organisation is circa £615k. As per the agreed convention, the Scottish Government will meet the set-up and year 1 costs. Thereafter, funding will form part of the SPCB's overall budget. It is anticipated that SPCB funding will be required mid-way through 2027-28.

Governance

18. Under the Act, the SPCB has a statutory function to determine the Commissioner's terms and conditions of appointment and the appointment of an accountable officer. All necessary governance issues have been considered.

Publication Scheme

19. This paper should not be published until the post is advertised.

Decision

20. The SPCB to invited to agree the Commissioner's terms and conditions of appointment as follows-

    i. that the length of term in office is 7 or 8 years

    ii. that the post is full-time, 37 hours per week

    iii. that the post is advertised on the Officeholders Salary Scale 1, with a current starting salary of £93,094

    iv. that officials should seek to get the post admitted to the Civil Service Pension Schemes and if this is not possible, for equivalent employer pension scheme contributions (28.97%) to be payable to an approved pension scheme

    v. the other terms and conditions should be in line with those of the other officeholders that the SPCB supports; and

    vi. the Commissioner should be designated as the accountable officer.

Officeholder Services
June 2026

Annexe A: Other Terms and Conditions

The other terms and conditions to be offered are as follows-

1. **Additional office or employment –** the Commissioner may not, without the approval of the SPCB hold any specified office, employment or appointment or engagement in any specified occupation. The SPCB may prohibit the Commissioner from holding any specified office, employment or appointment or engagement in any specified occupation.

2. **Restrictions on subsequent Appointments -** On ceasing to hold office, the Commissioner may not, without the approval of the SPCB be:

   - employed or appointed in any capacity by the Commissioner

   - hold any other office, employment or appointment or engage in any other occupation, which they could not have held by virtue of being the Commissioner.

3. **Removal of Commissioner -** the Commissioner can be removed from office by His Majesty if –

   - the SPCB is satisfied that the Commissioner has breached their terms and conditions of appointment and the Parliament resolves that they should be removed from office for that breach, or

   - the Parliament resolves that it has lost confidence in the Commissioner's willingness, suitability or ability to exercise the Commissioner's functions.

   In either case, the resolution must be voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament.

4. **Code of Conduct** – the Commissioner must abide by their Code of Conduct. Failure to do so could be deemed a breach of their terms and conditions of appointment.

5. **Annual leave -** 30 days with pay and an addition 11½ days paid public and privilege holidays.

6. **Pay during absences on sick leave** - provided that there is a reasonable prospect of eventual recovery and return to duty, sick absence on full pay may be granted for a maximum of 6 months in total during any period of 12 months. Payment of sick absence at half pay is granted subject to a maximum of 12 months' sick absence in any period of 4 years or less

7. **Travel and Expenses** – the Commissioner will be reimbursed for the cost of any travel and other expenses in connection with their official duty that they actually and necessarily, incur. Commuting costs between home and office are not payable.

8. **Annual evaluation** – the Commissioner’s performance will be subject to annual review which will be undertaken by an independent assessor who will prepare a report for the SPCB.

9. **Outside activities** – the Commissioner must 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.

10. **Bankruptcy or Insolvency** – if the Commissioner becomes bankrupt or insolvent they must submit a full statement of the facts to the SPCB.

11. **Political activity** – the Commissioner’s post is a politically sensitive one that means that whilst in office, the Commissioner is completely barred from taking part in either national or local political activities.