



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

Tuesday 6 December 2011



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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**9<sup>th</sup> Meeting 2011, Session 4**

**CONVENER**

\*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

**DEPUTY CONVENER**

\*Helen Eadie (Cowdenbeath) (Lab)

**COMMITTEE MEMBERS**

\*Margaret Burgess (Cunninghame South) (SNP)

\*Bob Doris (Glasgow) (SNP)

\*Alex Fergusson (Galloway and West Dumfries) (Con)

\*Margaret McDougall (West Scotland) (Lab)

\*Paul Wheelhouse (South Scotland) (SNP)

\*attended

**CLERK TO THE COMMITTEE**

Gillian Baxendine

Alison Walker

**LOCATION**

Committee Room 6



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

*Tuesday 6 December 2011*

[The Convener *opened the meeting at 14:15*]

#### Decision on Taking Business in Private

**The Convener (Dave Thompson):** Good afternoon and welcome to the ninth meeting this year of the Standards, Procedures and Public Appointments Committee. I remind all members to turn off their mobile phones, BlackBerrys and similar gizmos.

Under agenda item 1, I ask the committee to agree to take in private at a future meeting consideration of our approach to phase 2 of our inquiry into reform of parliamentary business. Do we agree to do so?

**Members** *indicated agreement.*

## Cross-party Group

14:16

**The Convener:** Item 2 concerns an application for a cross-party group on men's violence against women and children. The group was active in the previous session of Parliament. From the note on the group's application that you have before you, you will see that all the criteria for registration have been met by the group. There are no questions, so do members agree to accord recognition to the proposed cross-party group on men's violence against women and children?

**Members** *indicated agreement.*

## “Scottish Legal Complaints Commission - Complaint Investigation”

14:17

**The Convener:** Item 3 on the agenda is consideration of a report from the Commissioner for Public Appointments in Scotland, in relation to a complaint about appointments to the Scottish Legal Complaints Commission. You have before you a note by the clerk, the commissioner's report and the response of the Cabinet Secretary for Justice, who was the appointing minister.

The complaint related to a number of aspects of the appointment round. Not all the points have been upheld by the commissioner, but there are some aspects in relation to which the commissioner has found that the code of practice for ministerial appointments to public bodies has not been complied with. Those aspects are: the candidate summary that is provided to the minister; the recording of the minister's appointment decisions; and the lack of an appropriate complaints procedure.

The cabinet secretary has accepted the commissioner's findings on those points. He has indicated that the finding on the candidate summary will be taken on as a learning point and that the officials in the justice department will work to ensure full compliance in the future in relation to recording the minister's decisions.

On the lack of an appropriate complaints procedure, the cabinet secretary indicates that a revised procedure has been put in place. Therefore, the Scottish Government's public appointments centre of expertise will now be responsible for the handling and co-ordination of complaints.

Do members have any comments to make on the commissioner's report?

**Margaret Burgess (Cunninghame South) (SNP):** It is disappointing to learn that this is not the first time that the issue of people failing properly to record things has been raised. I have read the cabinet secretary's response, and I hope that the steps that he outlined will address the situation and prevent it from happening again.

**The Convener:** Yes; it was drawn to his attention a year ago.

**Helen Eadie (Cowdenbeath) (Lab):** I support what Margaret Burgess said. Would it be appropriate for the committee to write to the minister to echo the concerns of the commissioner? As Margaret said, the fact that it has happened before and was not corrected at

that point is disappointing. I feel that it merits stern action.

**The Convener:** I think that it would be in order for the committee to do that, if it were so minded. Do members agree to write to the minister expressing our concern that the matter was brought to his attention and that although, according to the report, discussions were under way to prevent its happening again, it happened again anyway? It looks like the problem has been corrected, but we might want to emphasise that point. Are members happy for me to write on that basis?

**Members indicated agreement.**

**The Convener:** I notice that paragraph 8 of the clerk's note suggests that we might want to note that the commissioner has commented on the clarity of the drafting criteria for selection. The commissioner's comments are not material for the purposes of the report, but we might want to explore the issue further with the commissioner at a later date. Would that be valuable to members?

**Members indicated agreement.**

**The Convener:** Okay. We will do that as well.

There are no other comments, so we will move into private session.

14:21

*Meeting continued in private until 17:45.*

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