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Finance and Public Administration Committee

Supplementary Legislative Consent Memorandum (No.2) on the Public Office (Accountability) Bill (UK Parliament legislation)



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Finance and Public Administration Committee

To consider and report on the following —

- a. any report or other document containing proposals for, or budgets of, public revenue or expenditure or proposals for the making of a Scottish rate resolution, taking into account any report or recommendations concerning such documents made by any other committee with power to consider such documents or any part of them;
- b. any report made by a committee setting out proposals concerning public revenue or expenditure;
- c. Budget Bills;
- d. any other matter relating to or affecting the revenue or expenditure of the Scottish Administration or other monies payable into or expenditure payable out of the Scottish Consolidated Fund;
- e. any other matter falling within the responsibility of the Scottish Administration relating to the National Performance Framework, public inquiries, and public administration; and proposals for the formation and budgets of officeholders established by the Parliament.



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Introduction

1. At its meetings on 30 September and 7 October 2026 ¹, the Finance and Public Administration Committee considered the 2nd Supplementary Legislative Consent Memorandum (2nd Supplementary LCM) LCM-S7-10, in relation to the [UK Public Office \(Accountability\) Bill](#) (the Bill).
2. The 2nd Supplementary LCM was lodged by the Cabinet Secretary for Finance and Local Government Scottish Government on 28 July 2026. It considers the amendments to the Bill which were tabled by the UK Government on 13 July 2026.

The UK Public Office (Accountability) Bill

3. The Bill was introduced in the House of Commons on 16 September 2025. On 27 April 2026, the House of Commons passed a ‘carryover motion’ to allow the Bill to be re-introduced in the House of Commons on 14 May 2026.
4. Report Stage on the Bill took place in the House of Commons on 14 July 2026. The Bill is currently at Committee Stage in the House of Lords.
5. The Bill, containing five Parts, would create a statutory “duty of candour of assistance” (a legal obligation to act transparently) for public authorities and officials when engaging with inquiries, inquests and similar investigations. It would create new criminal offences including failure to uphold this duty of candour and assistance and misleading the public. It also includes provisions relating to ethical standards and parity of representation.

The Scottish Government's 2nd Supplementary LCM

6. The Scottish Government's 2nd Supplementary LCM on the UK Bill recommends that the Scottish Parliament consents to all relevant clauses of the Bill within Parts 1-5. The Scottish Government explains that:
 - ” The Scottish Ministers are supportive of the commendable aims of this Bill and believe it will significantly contribute to improving accountability and full evidence disclosure at relevant inquiries and investigations. The Bill will strengthen accountability across public authorities in Scotland, promoting greater transparency, candour and fairness.
7. The draft motion on legislative consent included in the 2nd Supplementary LCM is as follows:
 - ” That the Parliament, noting that the Public Office (Accountability) Bill, re-introduced in the House of Commons on 14 May 2026 makes provision that falls with the legislative competence of the Parliament and alters the executive competence of the Scottish Ministers, agrees to give consent to such provision as is made by Parts 1 to 5 of the Bill.

Consideration by the Delegated Powers and Law Reform Committee

8. The Delegated Powers and Law Reform Committee (the DPLR Committee) [reported on the 2nd Supplementary LCM on 30 September 2026](#). In its report, the DPLR Committee states that it is “content with the powers in principle”. However, it draws the lead committee’s attention to the following recommendations:

- **Clause 11: Guidance**

The DPLR Committee notes that discussions between the Scottish and UK Governments are ongoing regarding how the Secretary of State's guidance-making power will operate in devolved areas and how Scottish Ministers consent will be obtained. The DPLR Committee invites the lead committee to seek an update on these discussions and asks that any Scottish Government response be copied to the lead committee.

- **Clause 16: Holders of public office**

The DPLR Committee indicates that it is not content that the Secretary of State can exercise the power within devolved competence to amend the list of office holders subject to the new misconduct-in-public-office offences. It considers that neither the UK Government nor the Scottish Government adequately explained why this power should be exercisable by the Secretary of State rather than Scottish Ministers alone. The DPLR Committee invites the lead committee to pursue these points.

Consideration by the Finance and Public Administration Committee

9. At its meeting on 30 September 2026², the Committee took evidence from John Sturrock KC and Carolyn Low, Finance Director at Public Services Delivery Scotland, on the ‘duty of candour’ provisions in the Bill, which the Scottish Government proposes should apply to Scotland.³
10. The Committee heard broad support for the aims of the Bill and the proposed duty of candour of assistance. Both witnesses considered the legislation could promote greater openness, transparency and accountability across public services, helping to address cultures of defensiveness, fear and reluctance to speak up. Carolyn Low described the Bill as “a real opportunity to change culture in the public services”⁴, while John Sturrock said it provided “an opportunity to address”⁵ behaviours such as unwillingness to speak up and a tendency towards defensiveness and self-protection.
11. Witnesses suggested that the Bill could encourage earlier disclosure of information and a more preventative approach to addressing issues. Carolyn Low highlighted the importance of public authorities being “proactive when there is an incident”⁶, while John Sturrock argued that the legislation could help create a culture “where problems are identified and lessons are learned early”.⁷ Both considered that this could strengthen organisational learning and accountability.
12. However, both witnesses emphasised that legislation alone would not deliver the cultural change required to achieve those outcomes. Carolyn Low told the Committee that “you cannot drive culture change with legislation”⁸, while John Sturrock cautioned that “quite deliberate steps...leadership from the top”⁹ would be required. Both highlighted the importance of creating environments in which individuals feel able to speak openly without fear of blame, supported by appropriate systems, processes and guidance.
13. More generally, both witnesses argued that a culture of openness and learning would better meet the needs of those affected by public service failings. Carolyn Low suggested that people often seek “an understanding of what went wrong and a guarantee that it will not happen again”.¹⁰ Similarly, referring to evidence, John Sturrock noted that people affected by adverse events want “acknowledgement that it happened”¹¹, recognition of the impact on those affected, reassurance that the problem has been addressed, and “an explanation of what occurred”.¹²
14. When asked how the Bill's success should be assessed, John Sturrock suggested that “the test will be whether we have fewer inquiries... evidence being produced late”¹³ and fewer occasions where substantial sums are spent on public inquiries. Although both acknowledged that public inquiries would continue to be necessary in some circumstances, they suggested that information being provided “candidly, frankly, openly, early and expeditiously”¹⁴ could help resolve concerns sooner and strengthen public trust.

15. At its meeting on 7 October 2026 ¹⁵, the Committee took evidence on the 2nd Supplementary LCM from the Cabinet Secretary for Finance and Local Government, and Scottish Government officials.
16. In her opening statement the Cabinet Secretary stated that, following engagement with the UK Government and the other devolved administrations, agreement had been reached on amendments to ensure the Bill operates effectively in Scotland. On that basis, the Scottish Government now recommends that Parliament consent to the relevant provisions, while continuing discussions on further amendments and any need for additional legislative consent memorandums.
17. On issues raised by the DPLR Committee in relation to Clauses 11 and 16 of the UK Bill, the Cabinet Secretary confirmed that discussions with the UK Government on the operation of the Secretary of State's guidance-making powers under Clause 11 were ongoing, but that the Scottish Ministers' consent would be "fundamental" ¹⁶ to any guidance affecting devolved matters.
18. In relation to Clause 16, the Cabinet Secretary highlighted that this clause includes statutory safeguards also requiring Scottish Ministers' consent before UK Ministers can amend the list of officeholders covered by the new misconduct in public office offences. Francesca Morton, Legal LCM Support in the Scottish Government, confirmed that any amendments affecting devolved Scottish matters would also be subject to the consent of Scottish Ministers, a safeguard set out in the Bill which also "binds future Governments". ¹⁷ The Cabinet Secretary undertook to provide a further update to the Committee as discussions progress.
19. In response to questions about the Scottish Government's change in position on legislative consent, Jenny Brough, Safer Communities LCM Support and Coordination in the Scottish Government, explained that the Scottish Government had always supported the Bill's principles but had sought amendments to ensure that provisions would operate "effectively and as intended" ¹⁸ in Scotland. Francesca Morton added that discussions had focused on technical issues relating to the definition of public authorities and the application of the duty of candour and assistance within the Scottish context.
20. Turning to the security and intelligence provisions in the Bill, the Cabinet Secretary explained that discussions were focused on how the provisions would interact with Scotland's distinct policing arrangements, particularly the "intersection between the security services and the role of Police Scotland" ¹⁹, and how they would operate across the UK. Francesca Morton confirmed that discussions remained ongoing to ensure the provisions would operate effectively in the Scottish context.
21. The Committee also explored whether legislation could deliver the cultural change envisaged by the Bill. Referring to evidence heard on 30 September, the Cabinet Secretary argued that "in itself, I do not think that it can". ²⁰ She stressed the importance of training and public service reform in supporting wider cultural change, stating:

” If we want to drive a public service reform agenda, there is a need for cultural change...but it will take time, because, ultimately, it is about changing behaviours and improving the culture within our public services. ²¹

22. The Cabinet Secretary highlighted the Hillsborough Law Now campaign's proposed training programme for public officials and said that the Scottish Government would be "supportive of that coming forward" ²² to help inform wider cultural change.
 23. Finally, the Committee considered the Bill's legal aid provisions. The Cabinet Secretary explained that the Bill would make legal aid "free and non-means tested" ²³ for families involved in fatal accident inquiries where a public authority is a participant, taking "a step further than the commitment in the previous parliamentary session" ²⁴ .
 24. Marion McCormack, Justice LCM Support and Coordination in the Scottish Government, confirmed that the LCM has no direct financial implications. However, she stated that extending legal aid provision beyond existing arrangements for deaths-in-custody fatal accident inquiries "would have financial implications" ²⁵ . She also noted that implementation would be considered alongside wider legal aid reform to ensure that the resulting arrangements were appropriate for Scotland.
25. **The Committee agrees with the Scottish Government's recommendation that consent be given to the relevant clauses, within Parts 1-5 of the Public Office (Accountability) Bill covered by LCM-S7-10.**

- 1 Michael Marra MSP and Kim Schmulian MSP submitted their apologies for this meeting.
- 2 Finance and Public Administration Committee. *Official Report*, 30 September 2026.
- 3 John Sturrock KC and NHS National Services Scotland (now Public Service Delivery Scotland) previously gave evidence to the Session 6 Committee's inquiry into the [Cost-effectiveness of Scottish public inquiries](#). A summary of the Committee's recommendations is provided in Annexe B of its *Report on the Cost-effectiveness of Scottish Public Inquiries* (14th Report, 2025 (Session 6), SP Paper 943).
- 4 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 42.
- 5 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 43.
- 6 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 42.
- 7 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 44.
- 8 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 47.
- 9 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 43.
- 10 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 44.
- 11 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 52.
- 12 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 52.
- 13 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 54.
- 14 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 52.
- 15 Finance and Public Administration Committee. *Official Report*, 7 October 2026.
- 16 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 4.
- 17 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 6.
- 18 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 6.

- 19 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 7.
- 20 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 8.
- 21 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 8.
- 22 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 8.
- 23 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 9.
- 24 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 9.
- 25 Finance and Public Administration Committee. *Official Report*, 30 September 2026. Col 10.

