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## **SPCB Supported Bodies Landscape Review Committee**

# **SPCB Supported Bodies Landscape Review**



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# SPCB Supported Bodies Landscape Review Committee

To consider, review and report on the SPCB supported bodies landscape in accordance with the Parliament's resolution of 31 October 2024 and develop a clear strategic framework to underpin and provide coherence and structure to the SPCB supported bodies landscape by the end of June 2025, including—

- a. creating effective accountability and scrutiny mechanisms,
- b. formalising strengthened criteria for creating new supported bodies; and
- c. identifying and addressing any barriers to sharing services and offices.



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# Committee Membership



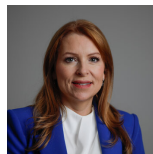
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# Introduction

1. The SPCB Supported Bodies Landscape Review Committee was established in response to a recommendation in the Finance and Public Administration Committee's (FPAC) report on [Scotland's Commissioner Landscape: A Strategic Approach](#). The FPAC called for a review of SPCB supported bodies to be undertaken by a dedicated Parliamentary Committee, and that it should build on the evidence and conclusions set out in its report.
2. The FPAC report was debated on 31 October 2024, and motion [S6M-15086](#) as amended was agreed. In this motion, the Parliament agreed:
  - to the creation of a dedicated committee,
  - that it should complete its work by June 2025, and
  - that there should be a moratorium on creating any new SPCB supported bodies, or expanding the remit of existing bodies whilst the review is undertaken.
3. As agreed by subsequent motion [S6M-15753](#), this Committee's remit is:

To consider, review and report on the SPCB supported bodies landscape in accordance with the Parliament's resolution of 31 October 2024 and develop a clear strategic framework to underpin and provide coherence and structure to the SPCB supported bodies landscape by the end of June 2025, including:

  - creating effective accountability and scrutiny mechanisms,
  - formalising strengthened criteria for creating new supported bodies; and
  - identifying and addressing any barriers to sharing services and offices.
4. At the time of writing, there are seven officeholders who are directly responsible to the Scottish Parliament, with their terms and conditions of appointment and annual budget set by the SPCB. They are as follows—
  - [Commissioner for Ethical Standards in Public Life in Scotland](#),
  - [Standards Commission for Scotland](#),
  - [Scottish Biometrics Commissioner](#),
  - [Scottish Information Commissioner](#),
  - [Scottish Commissioner for Children and Young People](#),
  - [Scottish Human Rights Commission](#), and
  - [Scottish Public Services Ombudsman](#).
5. There are proposals for a further five additional SPCB supported bodies to be created before the end of Session in 2026, as follows—

- **A Patient Safety Commissioner for Scotland.** This post was filled on the third attempt in May 2025 and the successful candidate is expected to take up post in September 2025.
  - **A Victims and Witnesses Commissioner**, being proposed as part of the Scottish Government's Victims, Witnesses and Justice Reform Bill, which is currently at Stage 3.
  - **A Members Bill proposing a Disability Commissioner**, which is currently at Stage 1. The Equalities, Human Rights and Civil Justice Committee has reported, but the Stage 1 debate is still to be held.
  - **A Members Bill proposing an Commissioner for Older People**, currently at Stage 1.
  - **A Members Bill proposing a Future Generations Commissioner**, currently at Stage 1.
6. Further information on the budgets for each of these bodies is provided in Annexe A.
  7. The Committee was formed in December 2024 and took evidence over six months from the existing SPCB supported bodies, academics and researchers, Audit Scotland, MSPs proposing new SPCB supported bodies, New Zealand Officers of Parliament, Scottish Government public bodies, the Minister for Public Finance and the Scottish Parliamentary Corporate Body. The Committee also received [13 submissions](#) to its call for views.
  8. The Committee thanks all those that contributed to its work, helping to inform its conclusions and recommendations, which taken as a package would create a strategic and coherent SPCB supported body model that is fit for the future.

# A clear strategic framework for SPCB supported bodies

9. The Finance and Public Administration Committee (FPAC) concluded:

” “In the absence of a clear and coherent framework underpinning how the overall landscape should operate, it has developed in an ‘ad hoc’ way with individual proposals being agreed on a case-by-case basis. This approach has led to a disjointed landscape comprised of a collection of individual bodies, with varying functions and powers.”

10. In light of this conclusion, we examined the distinct purpose of SPCB supported bodies, particularly in comparison to other positions such as Members of the Scottish Parliament (MSPs), Scottish Government ministers, and other public bodies.

## Definition of an SPCB supported body

11. We heard that a range of terms are used when referring to the functions of SPCB supported bodies, such as advocacy, investigatory, regulatory, specialist, and integrity. This complexity is further compounded by the lack of a consistent definition for the terms commission or commissioner, with the existing SPCB supported body landscape comprising four commissioners, two commissions, and one ombudsman. Referring to the wider public body landscape, Dr Ian Elliott, University of Glasgow, highlighted the difficulty in finding a “definitive list” of the number of bodies, that many had the word “commission” or “commissioner” in their titles, and that it was unclear what their remits were. <sup>1</sup>

12. David Hamilton, the Scottish Information Commissioner noted that internationally the term “commissioner” is well recognised, citing the International Conference of Information Commissioners. However, he observed that within the Scottish landscape the term had been adopted for a range of functions, notably those of an advocacy nature saying:

” “Perhaps the problem is that, because we have been in existence for so long—20 years—other, particularly advocacy, functions have come along that use the title “commissioner”. Although I can understand why that has been done, I think that it has confused matters.” <sup>2</sup>

13. In written evidence, The ALLIANCE provide a view on categorising the definitions of commissioners, saying that “we felt that regulatory” and “rights based” best fit the remit and purpose of Commissioners, whereas “investigatory” and “policy-focussed” were more about the powers they may have.” Furthermore, their submission suggests:

- ” “The remit of “regulatory” Commissioners should be to monitor and enforce compliance with domestic legislative frameworks, standards and codes of conduct. “Rights based” Commissioners on the other hand should monitor and enforce compliance with human rights and equalities frameworks, including international treaty obligations.”<sup>3</sup>
14. When the SPCB supported bodies were invited to categorise themselves according to these classifications, there was a mixed response, with some describing their functions as a blend of regulatory and advocacy or having no classification at all. Ian Bruce, Ethical Standards Commissioner, clearly defined his role as regulatory saying:
- ” “I am a regulator, pure and simple. The complaint-handling function is purely regulatory.”<sup>4</sup>
15. By comparison, Professor Angela O’Hagan, Chair, Scottish Human Rights Commission said:
- ” “We are neither a regulator nor an advocacy body. We advocate for the realisation of rights in general, and we conduct our activities within our current mandate.”<sup>5</sup>
16. The Committee also explored the extent to which the functions of SPCB supported bodies are predominantly reactive—responding to complaints or issues raised by others—or proactive—initiating investigations and promoting awareness to prevent issues arising in the first place. However, we found that this distinction was once again not applied consistently across the landscape. We heard how different bodies exhibited varying balances between proactive and reactive work, reflecting the specific statutory duties and powers conferred upon them. Some bodies also indicated that their ability to adjust this balance was limited by their existing mandates or available resources.

## The importance of independence

17. Evidence received from SPCB supported bodies and written submissions consistently emphasised that independence from Government, both in practice and in perception, is fundamental to enabling officeholders to command public trust and confidence.
18. Ian Bruce, the Ethical Standards Commissioner, underscored the critical role of independence in functions concerned with upholding ethical conduct and safeguarding public confidence in political institutions. He stated:
- ” “It is very important that someone who is, and is seen to be, entirely politically neutral is the individual who makes decisions about whether the respective codes of conduct have been followed. If there was not that independence or neutrality, the public could, quite rightly, have concerns that things were not being looked at through an apolitical lens.”<sup>6</sup>
19. This sentiment was also emphasised by Rosemary Agnew, the outgoing Scottish

Public Services Ombudsman, who highlighted the integrity of her decision-making processes:

” “...my decision making on complaints and complaints handling is completely independent. Obviously, I do not operate in a vacuum, but the decisions that are taken are mine or are taken under my delegated authority.” <sup>7</sup>

20. Dr Matthew Gill, Institute for Government, highlighted that for some bodies, it was important to be clearly independent from the “the machinery of government” <sup>8</sup>, and that “one of the values of the parliamentary commissioner function, [...] is the fact that they are sponsored by the Parliament as opposed to Government. That gives that independence and the commissioners are apolitical in that sense.” <sup>9</sup>

21. However, the Committee also heard from other public bodies that, while funded by the Scottish Government, are widely perceived to operate independently. This included the Scottish Fiscal Commission (SFC), the Mental Welfare Commission for Scotland (MWCS), and HM Inspectorate of Constabulary in Scotland (HMICS). The SPSO also cited the Scottish Legal Complaints Commission (SLCC) as an example saying:

” “I do not think that level of independence is necessarily always required to be through a parliamentary office-holder. For example, the Scottish Legal Complaints Commission is a non-departmental public body, but it is independent of Government in the way that it operates in its decision making”. <sup>10</sup>

22. John Ireland, Chief Executive of the SFC, referred to the statutory protections afforded under the Scottish Fiscal Commission Act 2016, including a provision which states:

” “In performing its functions, the Commission is not subject to the direction or control of any member of the Scottish Government.” <sup>11</sup>

23. While not all Government funded bodies benefit from such explicit statutory protections, those who gave evidence suggested that the SPCB supported model is not the sole route to securing independence. Instead, they pointed to the strength of their operational governance, with Julie Paterson, MWCS, noting that their public body classification as a health body was “not entirely helpful,” adding that, “What is helpful is the framework agreement that we have in place which is very clear about what we do and the role of the Government in relation to that”. <sup>12</sup> When asked whether there would be any advantages to the Scottish Fiscal Commission becoming an SPCB supported body rather than remaining funded by the Scottish Government, John Ireland stated that he could not see “any significant advantages”. <sup>13</sup>

24. The Committee explored the issue of independence with MSPs who have recently brought forward Bills to create new SPCB supported bodies. Colin Smyth MSP advocated for the importance of “a strong independent voice” <sup>14</sup> from Government that the SPCB model provides. In contrast, Jeremy Balfour MSP stated “I am not wedded to that [SPCB supported] model at all”. <sup>15</sup> He went on to say “It could be done through the Scottish Government or perhaps with one central bloc that had an

HR team that looked after all the commissioners and had all the backroom resources behind it [...] For me, that is not the issue; it is about establishing an independent disability commissioner who can advocate on behalf of disabled people in Scotland.”<sup>16</sup>

25. Dr Ruth Lamont, UK Parliament, provided a slightly different perspective by saying that understanding independence is “quite complicated” and “not necessarily about trust”. She went on to point out that for most people, the key concern is not how a body is appointed or funded, but whether it delivers outcomes and acts effectively in their interest.<sup>17</sup>

26. The importance of the separation between SPCB supported bodies and Government was also acknowledged by the Minister for Public Finance, Ivan McKee MSP, who stated:

” “It is worth saying at the outset that the Parliament-supported bodies are clearly in that space for good reasons[...] There is a limit to how appropriate it would be for the Government to influence or be seen to be influencing that, because such bodies are not in the Government’s space for good reasons.”<sup>18</sup>

## Drivers for a growing landscape

27. A key part of the FPAC’s inquiry was establishing the drivers for the growing SPCB supported body landscape. It gathered extensive evidence to support the following conclusion:

” “The Committee notes that the SPCB supported body landscape was relatively stable until 2020, when an additional body was created, followed by another in 2024. Proposals for a further six new advocacy-type SPCB supported bodies are currently being considered. This proliferation appears to have been primarily driven by calls to respond to perceived systemic failures in the delivery of public services, to bring prominence to a specific issue or policy area, seeing similar high-profile Commissioners in Wales and England, and more awareness of, and expectations, around individuals’ rights.”

28. Our evidence highlighted similar themes to that of the FPAC on the reasons why new SPCB supported bodies were being proposed, strongly suggesting that the failure in public service delivery was a key driver. Jeremy Balfour MSP told us that during his public consultation for the Disability Commissioner Bill, “people’s responses were that they felt that they had been left behind.”<sup>16</sup> The ALLIANCE also reflected this opinion in their written response, stating:

” “...calls for Commissioners were clearly arising from a pattern of service failure. For example, the proposal for the Disability Commissioner must be understood in the context of long-established inequalities experienced by disabled people and people living with long term conditions, which have been greatly exacerbated both by the COVID-19 pandemic and the cost of living crisis.”<sup>3</sup>

29. The Committee also heard that some of the drivers behind the proposals related to perceptions that existing public bodies were not adequately fulfilling their functions.

Both Colin Smyth MSP and Jeremy Balfour MSP referenced the Scottish Human Rights Commission in this regard. Mr Balfour stated:

” “To be honest, if the Scottish Human Rights Commission and other bodies were doing their jobs at the moment, perhaps we would not need a disability commissioner. However, the evidence is that, although those bodies are pursuing other very important issues, they are not dealing with disability issues.”<sup>19</sup>

30. However, during evidence, Jan Savage, SHRC referred to its 2023 publication, [At a Crossroads. Which way now for the human rights system in Scotland?](#), suggesting that with an appropriate legislative mandate and sufficient resources, it could potentially do more to address the systemic failings leading to the “emergent trend of advocacy for new public bodies to uphold the human rights of particular groups of people”.<sup>20</sup> This could include adopting alternative structures, such as rapporteurships or thematic portfolios, to ensure more coherent coverage across different population groups.

31. When asked to clarify what changes would be required to enable such a model, Jan Savage stated:

” “We do not necessarily need mandate change for more resource, but if we want the commission to have more teeth and more members, both of those would require legislative change.”<sup>21</sup>

### Addressing the root cause of failure

32. We also heard that an SPCB supported body should address a genuine need that cannot be achieved elsewhere in the public sector, and that they should not be created if the root cause of the failures remains. Alison Payne, Reform Scotland, now known as Enlighten, said:

” “We can see how that might fit with the idea of having an advocacy body for young people, because their voices are not part of the broader electorate. However, if, say, there has been a policy failure that affects older people whose voices are not being heard, that failure needs to be addressed elsewhere. It is about going back to the root cause, and not developing what we might call a sticking plaster.”<sup>22</sup>

33. She went on to argue that there are difficulties in creating an SPCB supported body for one group in society but not another, saying:

” ““What group doesn’t get a commissioner?” It is very easy to argue why a group should get one, but that basically opens the floodgates.”<sup>23</sup>

34. This view was also presented in written evidence by the ALLIANCE who argued that creating new bodies, rather than addressing the underlying problem “can create a powerful incentive to legislate for Commissioners, even where the fundamental issue is one of inadequate funding and resource. For both the Scottish Government and MSPs considering member’s bills, a Commissioner can be seen as a quick or “easy” win, allowing them to be seen to take action in support of a particular group or idea, even if it would not address the root problems.”<sup>3</sup>

35. We were told that a key concern with continued expansion of the SPCB supported body landscape is that the existing confusion about the roles and functions of these bodies may be exacerbated, leading to diminished public confidence in the system.
36. Dr Ian Elliott cautioned:
- ” “The more commissioners that you create, the more you can dilute the sense of them being trusted organisations.” <sup>24</sup>
37. Dr Ruth Lamont also told us:
- ” “the risk of creating a body that purports to represent, advocate and have a stake, but is not well known, has very few powers and does not have a stake in Government or other conversations is that, actually, it is a chimera and will undermine trust in the process.” <sup>25</sup>
38. The Scottish Public Services Ombudsman also expressed concern that the growing landscape seems to stem from the default assumption that independence from Government requires the creation of an SPCB supported body. She observed:
- ” “I can reflect on my experience of being part of the consultation for the patient safety commissioner. It was a good example of people wanting a commissioner and wanting them to be independent. I completely understand that, but there could be other criteria in that regard, because creating parliamentary office-holders is not the only way of creating independence. Independence can also be created through non-departmental public bodies.” <sup>26</sup>
39. The SPSO further suggested that, the first course of action should be to consider extending the remit of existing bodies, rather than creating entirely new institutions. She stated:
- ” “Do we need to amend existing organisations’ remits slightly? If we do that, we do not create a whole administration or corporate entity. Is there genuinely a gap that does not fit with existing organisations? If so, it is that gap that should be filled.” <sup>27</sup>

### **The wider Scottish public body landscape**

40. The idea that a gap analysis should be undertaken prior to the creation of any new public body was a recurring theme in our evidence. We asked multiple witnesses whether there was a clear and consistent understanding of the number, roles and responsibilities of public bodies operating in Scotland.
41. Views were mixed, but it was clear that a consistent and comprehensive overview was lacking, raising concerns about the extent to which duplication, overlap or inefficiency is being considered in deciding whether to create a new public body.
42. The absence of a single, definitive mapping exercise was also confirmed by the Minister for Public Finance who told us:
- ” “Nobody knows everything about all the 130-odd public bodies and what they are all doing, or what different people in different bits of those bodies are doing.” <sup>28</sup>

43. For those gaps that are identified, a suggestion proposed by Maggie Chapman MSP giving evidence as a Member of the SPCB, was that rather than stand-alone commissioners either within the SHRC, or the wider SPCB supported body landscape, there could be focused periods of work. She said:
- ” “If we ask whether a dedicated piece of work should be done in the next five years by a body within the Scottish Human Rights Commission, that essentially creates a sunset clause.” <sup>29</sup>

## Role of MSPs

44. Related to the drivers for a growing landscape, Dr Ian Elliott, also posed the question as to why the Scottish Parliament and MSPs have not adequately represented certain groups, such as children, older people, disabled people, and victims. He argued that the creation of separate commissioners for these groups could be seen as a response to the Parliament’s own failings. He went on to say that:
- ” “We need to ask serious questions about where the failure comes from and solve the problem at source, rather than outsource it to another body, which would not be the solution to the issues that have been identified.” <sup>30</sup>
45. Alison Payne from Reform Scotland, now known as Enlighten, reinforced this point by emphasising that the public already has multiple layers of political representation, including MSPs, councillors, and MPs. She suggested that, rather than asking for new commissioners, most people would likely ask “Why are you not fixing the problem?”. <sup>31</sup>
46. Commenting on the model itself, Jackson Carlaw, MSP, giving evidence as a Member of the SPCB, suggested that:
- ” “...we have created a whole new level of government in Scotland that did not exist when this Parliament was established, that is unelected and which has, in our view, probably not been properly held to account or scrutinised.” <sup>32</sup>
47. However, the SPSO provided a distinction between the role of an MSP and a SPCB supported body saying:
- ” “You could feasibly say that there is some overlap with the role of MSPs, because I am aware from my contact with them that MSPs are also asked to look into things for constituents. The big difference is that I have the power to require information, and I can go all the way to the Court of Session for such information. That means that we can look at things in detail and get all the information that we need, which might not be possible for MSPs if they have more of an advocacy role.” <sup>7</sup>
48. Dr Ian Elliott, University of Glasgow, highlighted the value of the long-term perspective provided by SPCB supported bodies:

” “A key purpose of the bodies is to support the Parliament with scrutiny in particular policy areas and to provide a long-term perspective and significant expertise in areas that might be fairly technical or legalistic.”<sup>33</sup>

49. A view shared by Sarah Boyack MSP, giving evidence as a MSP proposing a SPCB supported body, who said:

” “I come back to the point about a long-term impact. Politics tends to be much more focused on short-term impacts.”<sup>34</sup>

## Duplication and overlap

50. This section of the report builds on the evidence and conclusions of the FPAC inquiry which stated:

” “There is evidence of duplication and overlap between existing SPCB supported bodies and other public bodies in Scotland, which appears to be currently managed through collaboration and co-ordination of activities.”

51. A concern raised by some SPCB supported bodies was difficulty in fulfilling their functions due to limitations in their powers and resources. While most officeholders considered their powers and remits to be broadly adequate for discharging their statutory functions, several identified modest but meaningful changes that they suggested could enhance their effectiveness and efficiency. These proposed adjustments, such as the ability to address loopholes in the deletion of data<sup>i</sup>, or having the ability to dispose of cases without a full hearing<sup>ii</sup>, would not alter the fundamental nature of the roles but could improve operational impact.

52. The SPSO expressed frustration at not having the legislative remit to undertake proactive investigations. While the SPSO can respond to individual complaints, we were told it lacks the authority to initiate inquiries into wider, systemic issues, such as those that might be seen across multiple health boards or local authorities. This limitation can restrict its capacity to address root causes of public service failures and instead confines it to reactive measures.

53. Similarly, there was acknowledgement from the Scottish Human Rights Commission that rights failures persist across Scotland, and part of the reason more commissioners are proposed is the perception that current bodies are not addressing these issues effectively.<sup>20</sup> The Scottish Human Rights Commission itself attributed part of this to constraints in its statutory mandate and resources, making it difficult to comprehensively monitor and enforce human rights across all relevant areas.

54. The Committee sought during evidence to explore in more detail the respective roles and potential for duplication and overlap of each of the existing SPCB supported bodies. The evidence we gathered is below.

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i Scottish Information Commissioner  
ii Standards Commission

## Ethical Standards Commissioner and the Standards Commission

55. **Ethical Standards Commissioner:** The Commissioner encourages fairness, good conduct and transparency in public life in Scotland. It investigates complaints about the behaviour of MSPs, local authority councillors, and board members of public bodies and about lobbyists, and looks into how people are appointed to the boards of public bodies in Scotland.
56. **The Standards Commission:** The Commission is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies.
57. Both the Standards Commission for Scotland and the Ethical Standards Commissioner ensure standards are maintained in public life in Scotland, with the investigatory and adjudicatory functions divided between the two bodies.
58. Ian Bruce, Ethical Standards Commissioner, described how his office operates within a system of checks and balances. His investigatory powers are counterbalanced by adjudicatory functions held by other bodies, such as the Standards Commission for Scotland, or, in the case of MSPs, the Standards, Procedures and Public Appointments Committee of the Scottish Parliament. He likened his role to that of the Crown Office and Procurator Fiscal Service in criminal proceedings, with the Commission and Parliament serving the equivalent of a judiciary function.
59. This distinction between the Standards Commission for Scotland and the Ethical Standards Commissioner was explored further during the session with academics and researchers. Dr Ruth Lamont provided additional evidence seeking to clarify the differences in the respective roles of the two bodies which stated:

” “I have taken some time to look more closely at the relationship between the Commission/Commissioner and [...], I have never come across this particular structure or divisions of responsibility elsewhere. It is, as far as I am aware, idiosyncratic.

This is a very complicated complaints framework. I think this is in part because of the legislative history, but also because there is a difference in treatment between MSPs (accountable to the Parliament) and councillors (accountable to the Standards Commission). It is unusual to split the advice-giving and standard setting role from the investigatory role. However, it does make a good procedural structure in terms of enforcement: the Ethical Standards Commissioner investigates against standards they did not set, and then refers the final enforcement either to a Committee of the Parliament (MSPs), or to the Standards Commissioner (councillors). From a procedural justice perspective, it has a strong element of fairness in procedure, since no one body is standard-setter, advice giver, investigator and enforcer.”<sup>35</sup>

## The Scottish Information Commissioner and the Scottish Biometrics Commissioner

60. **Scottish Information Commissioner:** The Commissioner told us that his office plays a crucial role in upholding transparency and accountability within Scotland’s public sector. As an independent, quasi-judicial authority, the Commissioner ensures that members of the public can exercise their statutory right to access

information held by Scottish public bodies under the Freedom of Information (Scotland) Act 2002.

61. The Commissioner went on to tell us that unlike some other SPCB supported bodies that focus on advocacy or standards, the Information Commissioner combines investigatory and regulatory functions.<sup>36</sup> It stands apart in the landscape by fulfilling a highly specific legal and constitutional role centred on the fundamental democratic principle of the public's right to know.
62. **Biometrics commissioner:** The Scottish Biometrics Commissioner (SBC) was established to promote the ethical and lawful use of biometric data in policing and criminal justice in Scotland. This includes oversight of how the police collect, retain, use, and dispose of biometric identifiers such as fingerprints, DNA, and facial images.
63. The SBC told us that he provides a specialist oversight role on the use of biometric data.<sup>37</sup>
64. We explored whether there were any synergies between the two bodies, but both the Information and Biometrics Commissioners stated that there were none, with Dr Brian Plastow SBC confirming "There are no legislative overlaps, in terms of our primary mandate."<sup>38</sup>

### **Scottish Human Rights Commission and the Children and Young People's Commissioner Scotland**

65. **Scottish Human Rights Commission:** The Scottish Human Rights Commission told us it exists to promote and protect the human rights of everyone in Scotland. Its purpose is to advance understanding, awareness, and implementation of human rights law, particularly in the context of economic, social, and cultural rights.
66. Unlike bodies that handle individual complaints or offer legal redress, the Commission focuses on systemic change. It monitors public policy and legislation, advises the Scottish Government and Scottish Parliament, engages with international human rights mechanisms, and raises public awareness.
67. **Children and Young People's Commissioner Scotland:** The Children and Young People's Commissioner Scotland (CYPCS) is unique amongst other SPCB supported bodies as it was established by a Committee Bill of the Scottish Parliament. The Commissioner's remit is to promote and safeguard the rights of children and young people in Scotland, defined as those under 18 years of age, or up to 21 in the case of care-experienced young people.
68. In understanding the difference between the two bodies, the Children's Commissioner made clear that within the SPCB supported body landscape, the CYPCS is distinct in having a direct, statutory responsibility to represent children's voices, particularly those least likely to be heard. This view was also shared by Together (Scottish Alliance for Children's Rights) who said that "The UNCRC and UN Committee are clear that upholding children's rights requires a specific children's NHRI with an independent mandate to monitor the implementation of the UNCRC".<sup>39</sup>
69. The Commissioner also told, and showed us during a visit to their office, how it is

distinct from other SPCB supported bodies, using a welcoming and participatory approach, ensuring that children influence its priorities and are meaningfully involved in its work.

70. We also heard that although the remits of the SHRC and CYPCS are designed to avoid duplication with complaint-handling bodies such as the Scottish Public Services Ombudsman, there are frustrations within the existing landscape in dealing with individual cases. Jan Savage, SHRC said:

“I will use the example of the SPSO and the frustrations of the SHRC. The SPSO can take on individual cases, but it cannot necessarily share information about individual cases with us, as a commission. Our mandate prevents us from providing advice to individuals: that is an explicit “must not and cannot do”. We can look at issues using a systemic research basis, but our outputs do not have any standing. We do not have legal powers of investigation, we cannot compel evidence from public bodies when we are doing our research and, when we issue recommendations, they are not binding. There are frustrations at all levels.”<sup>40</sup>

71. Similarly, Nick Hobbs, CYPCS, highlighted constraints on the Commissioner’s investigatory powers. Although the CYPCS does have the ability to conduct individual investigations, it is legally prohibited from doing so where this would duplicate the functions of another public body:

“We have an individual investigation power, but it is constrained by law. We are obliged not to use it in a way that duplicates the function of another organisation. The obvious example is that, if something falls within the SPSO’s remit, we would, as a matter of law, not be able to investigate it.”<sup>41</sup>

### Scottish Public Services Ombudsman

72. We were told how the Scottish Public Services Ombudsman has “an unusual collection of duties”,<sup>7</sup> including being the final stage for complaints about public service organisations in Scotland, independent reviewer of the Scottish Welfare Fund and the independent National Whistleblowing officer for NHS workers.

73. While the SPSO has a broad remit, it has raised concerns that current powers are insufficient to meet the demands of the role, particularly in relation to proactive investigations. Rosemary Agnew, the outgoing Ombudsman, explained that she is often aware of systemic issues across multiple complaints, but lacks the statutory power to proactively launch investigations in the public interest. She gave the following example:

“I can follow a complaint to the extent that, if it brings up something else, I can follow that up. However, at the moment, if I make a finding against a local authority about a significant issue in relation to children’s services and I think that the issue might exist across all local authorities, I cannot go and look into that.”<sup>42</sup>

74. She also told us that such powers would align the SPSO more closely with ombudsman models elsewhere in Europe. While she wouldn’t want to lose the individual complaint handling element of the Ombudsman, own-initiative powers

“can achieve wide impact with one investigation.”<sup>42</sup>

75. In examining issues of duplication and overlap across the SPCB supported body landscape, we also explored how the own-initiative powers of the SPSO might provide additional benefits to the future SPCB landscape. In 2006, the Parliament agreed a set of criteria that should be used when considering future SPCB supported bodies (covered in a later section of this report), that states “any future bodies should not duplicate a role already being carried out”. The FPAC suggested that if the existing criteria for establishing an SPCB supported body had been properly followed, a patient safety commissioner would not, in fact, have been established. It suggested that such a commissioner could have sat with the SPSO. This position was supported by Rosemary Agnew, who acknowledged the alignment between the functions of the proposed commissioner and aspects of the SPSO’s work. She said:

” “Fundamentally, when we started to look at what a patient safety commissioner would do, we found that, in many areas, there would be slight overlap, or their work would abut right up to that of other NDPBs and office-holders. My personal conclusion was that, if the ombudsman had been given own-initiative powers to investigate issues in the public interest rather than having to wait for complaints, the gap would have been plugged.”<sup>26</sup>

## Working in collaboration

76. We also heard positive examples of both SPCB supported, and Scottish Government funded public bodies working collaboratively across the wider public body landscape to deliver shared outcomes. Two are set out below. While individual organisations are bound by their statutory remit, these examples demonstrate that it does not prevent them from engaging constructively with others.
77. Craig Naylor, HM Inspectorate of Constabulary in Scotland, told us how he has a collaborative relationship with Audit Scotland in carrying out a best-value review of the Scottish Police Authority and Police Scotland. He said:

” “We have a memorandum of understanding. However, looking into the history, my reading of what has gone before is that the legislation enables rather than requires us to work together. We both have a duty to ensure the best value of policing in Scotland, and we have done that in different ways over the years. This is the first time that we have done it jointly, which is a very positive step, because it will give greater scrutiny and greater understanding across both organisations.

Audit Scotland knows best value far better than we do, but we know policing far better than it does. Bringing the two organisations together to work collaboratively will be greater than the sum of the parts, as we see in relation to other bodies that we work together with.”<sup>43</sup>

78. The SPSO provided an example of working with the Care Inspectorate:

” “We talk to everybody, particularly where our functions may abut on one another’s or slightly overlap. The Care Inspectorate is a good example: private care homes come within its jurisdiction, but local authority-owned care homes are in our jurisdiction. We have to talk to one another because we want to make the landscape work.”<sup>44</sup>

## Public awareness

79. The Committee also considered how public awareness and accessibility of SPCB supported bodies could be improved, recognising the conclusion of the FPAC that the current landscape can appear fragmented and therefore, in our view, potentially difficult to navigate.
80. Witnesses were asked during evidence whether they favour a “one-stop shop” or “office of public trust”, a unified digital front-end that would help members of the public identify which body is best placed to assist them. Such a mechanism would serve as a central signposting tool, aimed at reducing confusion and enhancing accessibility by providing clear, user-friendly guidance on the roles and functions of each officeholder.
81. Several of the existing SPCB supported bodies supported this idea when questioned during evidence sessions. However, after further reflection, the Commissioner for Ethical Standards, [writing on behalf of all SPCB supported bodies](#), has since recommended that it would be more appropriate for the SPCB to update the Scottish Parliament’s webpages along these lines.
82. The SPCB, when giving evidence to the Committee, confirmed that this work is progressing.

## Governance and accountability

83. This section of our report focuses on the governance and accountability arrangements of the SPCB supported bodies. Once again, our findings build on the work of the FPAC that concluded:
- ” “Overall accountability, budget-setting, and scrutiny mechanisms, as set out in legislation and procedures, require an overhaul to ensure they are clearer, more robust, joined-up, and transparent.”
84. At present, the governance and accountability framework for SPCB supported bodies operates in two broad streams:
- **The Scottish Parliamentary Corporate Body (SPCB):** Responsible for governance and resourcing, including oversight of budgets, staffing and accommodation. This is comprised of MSPs who are Members of the SPCB, supported by officials within the Officeholder services team.
  - **Parliamentary Committees:** Responsible for holding SPCB supported bodies to account, in the exercise of their functions.
85. The FPAC report provides greater detail on how these two streams work in practice. For the purposes of our report, we have focused on the key findings from our evidence.

## Governance by the SPCB

86. The existing SPCB supported bodies generally reported positive working relationships with the SPCB and the supporting Officeholder Services team. They acknowledged the supportive role played by the SPCB in providing administrative and financial oversight, while respecting the operational independence of each officeholder.
87. However, the existing officeholders did highlight some areas where they felt improvements could be made. While each body has quarterly meetings with Officeholder Services, the SBC suggested the frequency of discussions with Members of the SPCB could be increased from once a year to every 6 months, with one of the sessions being aligned to the budget bid. He said:
- ” “I would like to appear before the corporate body twice a year. Roughly about the first week in August every year, we are asked to make our budget submission for the following year[...] I think that it would be better practice for the corporate body to look officeholders in the eye, particularly when they are making growth bids for staffing and so on, and to absolutely satisfy itself that those resources are absolutely required.”<sup>45</sup>
88. In response, SPCB Member Maggie Chapman MSP acknowledged the validity of the suggestion and confirmed that moves were already underway to introduce a more regularised engagement framework with officeholders:

” “We are trying to establish a move to twice-yearly meetings and the focus of one of those meetings would be on budgets. I see no reason why we would not align that timing to be the most appropriate for budget cycles. It is something that we are trying to do; we just have not got there yet with everyone.”<sup>46</sup>

89. However, practical considerations were also raised. Allan Campbell, Head of Operations in the Chief Executive’s Group, noted the challenge of managing scheduling pressures during key budget periods, particularly in September and October:

” “It might be difficult because of the peak time in September and October, when the corporate body is considering the wider budget. I have a slight concern about that tight period of capacity, but it is definitely something that we are looking at.”<sup>47</sup>

90. While moving to bi-annual meetings appears to be a positive move that is supported by both the SPCB supported bodies and the SPCB, there are potential concerns around the capacity of the SPCB to undertake this work. The FPAC, in its own inquiry, expressed concern that the SPCB was already under significant strain within the current structure. We heard similar evidence from the existing SPCB supported bodies, and Maggie Chapman MSP acknowledged that the potential for a growing landscape has “been a concern of ours for some years now”.<sup>48</sup>

91. Despite these pressures, Members of the SPCB were also keen to emphasise that they remain open to adapting their structures and responsibilities to meet the demands of a growing landscape. When questioned directly about the sustainability of current arrangements and the feasibility of adapting to further expansion, Maggie Chapman MSP told us:

” “Is it insurmountable? Absolutely not. Of course, we could adapt the roles and arrange things differently, although that would change the nature of what it means to be a corporate body member, and in particular the one with the responsibility for office-holders. That would change the nature of that role. Could we do that? Of course we could. We could find a way to make it work.”<sup>49</sup>

## **Committee scrutiny of performance of SPCB supported bodies**

92. SPCB supported bodies were generally positive about the relationships they had with parliamentary committees when they appeared before them. However, both the FPAC and evidence gathered through this review raise concerns about the consistency, timing, and effectiveness of parliamentary scrutiny. In particular, there are inconsistencies in how frequently different officeholders appear before committees, with some engaging on a regular basis while others seem to have significantly fewer opportunities for scrutiny.

93. The SBC highlighted that in the four years he has been in post, he has laid 11

reports, yet only given evidence to the Criminal Justice Committee twice.<sup>50</sup> The Committee also noted that while each SPCB supported body produces an annual report and strategic plan, there is no consistency in how these are presented, reflecting the unique role that each of the bodies has.

94. There were also questions around the effectiveness of such scrutiny sessions, with Dr Matthew Gill, Institute for Government, highlighting the importance of ongoing scrutiny, rather than having one-off sessions, usually on the annual reports. He said:

” It is also important to make sure that you keep coming back to the same on-going questions about performance and strategic direction, because some of the committee meetings tend to be a bit of a set piece or a one-off.”<sup>51</sup>

95. The Scottish Information Commissioner also described a significant “time lag” between the reporting period and the scheduling of the scrutiny session. In doing so, he highlighted how a delay can create a disconnect between operational activity and parliamentary oversight, potentially reducing the capacity of committees to intervene in a timely manner when issues arise. He said:

” ... when I give evidence at the SPPA Committee, the report on which I am giving evidence is for the previous year. I gave evidence to the committee earlier this month on a report that was laid in Parliament in September or October, which was for the year before—that is, for the events that happened up until April last year. However, the reality is that, in the meeting, we end up talking about the here and now. That is great— actually, it is more useful—but I would just flag up the point that events that happened in 2023-24 were not looked at until 2025, so there is a time lag. That does not cause me a problem, but I think that it is slightly curious, because, if there were problems, the committee would not be aware of them until quite a long time after the event.”<sup>52</sup>

96. Similarly, the Scottish Human Rights Commission reflected on the fragmented nature of committee scrutiny, observing that different aspects of a SPCB supported body’s work can be considered by different parliamentary committees, often in isolation. Jan Savage, SHRC noted:

” The Equalities, Human Rights and Civil Justice Committee absolutely holds us to account on how we deliver against a strategic plan on outcomes, but that does not necessarily cross over with finance and budget scrutiny. Therefore, the Finance and Public Administration Committee, the Equality, Human Rights and Civil Justice Committee and the SPCB could perhaps interact better when it comes to mandate issues.”<sup>53</sup>

97. While some committees were highlighted as examples of more thorough scrutiny of SPCB supported bodies, it was unclear whether this additional level of engagement results in tangible outcomes. For example, we heard how the Local Government, Housing and Planning Committee (LGHPC) recently undertook an in-depth inquiry into the performance of the SPSO as part of its consideration of the Ombudsman’s annual report. However, while the Ombudsman described her experience with the LGHPC as positive in terms of the level of attention given, she expressed reservations about the added value of evidence-gathering from external experts and organisations. She said:

” “I feel that the scrutiny through that committee was appropriate, although I am not sure that, by the time that everything got translated into questions, it necessarily added a huge amount.” <sup>54</sup>

98. The evidence we heard also questioned the level of impact some SPCB supported bodies were having, in some part due to the challenges in measuring outcomes. We also explored whether reports produced by a SPCB supported body carried greater influence with the Government than those issued by parliamentary committees, or a statement made by individual MSPs. The Minister for Public Finance did not express a clear view on the matter, instead noting that “A commissioner is one voice among several” <sup>55</sup> and highlighted the importance of visibility in the media saying, “the ability to gain traction in the media, which is, at the end of the day, where that pressure would be felt.” <sup>56</sup>

## Capacity constraints

99. Capacity constraints within parliamentary committees emerged as a key theme in the FPAC inquiry and in our own review. The Ethical Standards Commissioner summarised the situation by saying “What more could be done? The truth is that committee resources are stretched.” <sup>57</sup>

100. In the FPAC inquiry, Conveners of several parliamentary committees reported challenges in accommodating scrutiny of SPCB supported bodies within already full work programmes. Jackson Carlaw MSP, speaking to us in his capacity as an SPCB member, but also being the Convener of the Citizen Participation and Public Petitions Committee, highlighted this difficulty, telling us:

” “On accountability, it is tricky for committees of the Parliament that are charged with holding commissioners to account—sometimes several of them are charged with that responsibility—to accommodate that within a potentially heavy legislative workload that they also have to consider.” <sup>58</sup>

101. This concern was also raised by the Scottish Biometrics Commissioner, who acknowledged that it would be unrealistic to expect committees to respond to every report laid before Parliament. However, he suggested that a structured approach, whereby each relevant committee holds a dedicated session once per year could strike a more manageable balance. He said:

” “The Criminal Justice Committee just would not have time to see us every time we published a report[...] but once a year would be good, if that is achievable. That would allow all the business to be swept up in one session.” <sup>59</sup>

102. Alison Payne, Reform Scotland, now known as Enlighten, further told us that the inconsistencies and constraints in scrutiny should not be attributed to the SPCB supported bodies themselves but rather “it is the fault of the committee system.” <sup>60</sup>

## Budgeting and audit

103. The existing SPCB supported bodies told us how the current budget setting process

presents a number of challenges, particularly in relation to the annual budget cycle and the extent to which they can engage in meaningful forward planning. Professor Angela O’Hagan, SHRC, told us that their “budget cycle is annual, so it is rather at odds with that four-year planning cycle, but that also means that we need to be agile and responsive in our resourcing.”<sup>61</sup>

104. The Scottish Public Services Ombudsman also highlighted a sense of misalignment between the delivery of statutory obligations and the financial planning process, commenting that:

” “...with regard to some of the budget negotiations and discussions, there is often a bit of a disconnect between the delivery and performance of our statutory functions.”<sup>10</sup>

105. The Information Commissioner went further saying that he is “financially hamstrung” with the current arrangements:

” “If I am given a budget, I cannot just spend it; I can spend only what the authorised expenditure is. Any savings are just lost. If I cannot spend money by the end of the financial year, I will lose it; it does not roll over. I can buy something on 27 March, because I have money, but I cannot buy it on 2 April, because I do not. That is the frustration, and it is something that the auditors themselves have picked up on, saying that it is crazy and results in our not being able to do medium-term financial planning.”<sup>62</sup>

106. However, in response to the concerns around annual budget cycles, the Auditor General for Scotland took a significantly different view saying:

” “Not uncommonly, such bodies receive an annual funding settlement through the Parliament. To be frank, I am somewhat less sympathetic to that—I do not think that having an annual funding settlement negates the need for a public body to undertake medium-term, or even long-term, financial planning.

Many public bodies—not necessarily commissioners—are very likely to be discharging a public service function, as they have been asked to do, beyond a 12-month period. They will be employing staff for many years to come and may well be managing assets that could have a life of sometimes 30, 50 or even 60 years. All that has to be planned for beyond a 12-month period. I would, therefore, take a different view: it is very important that medium-term and long-term financial planning is embedded across all public bodies.”<sup>63</sup>

## Audit

107. While there was widespread recognition among SPCB supported bodies of the importance of audit in maintaining public confidence and ensuring value for money, several raised concerns about the proportionality of current audit arrangements. Particular concern was expressed by smaller bodies, which, when accounting for both external and internal audit requirements, felt subject to what the Information Commissioner described as a “never-ending cycle of constant audit”.<sup>62</sup>
108. The Committee heard that the combined total audit cost for all the SPCB supported bodies is greater than the SPCB’s total audit cost. Suggestions for possible

improvements included changing the level of audit undertaken by Audit Scotland or being included in the wider SPCB audit.

109. The Auditor General for Scotland, Stephen Boyle, confirmed that all SPCB supported bodies are subject to full external audits compliant with international standards, regardless of their size. While this ensures consistent assurance, he acknowledged concerns about proportionality and stated that Audit Scotland is exploring whether a more tailored audit model might be appropriate in future, saying:
- ” “We recognise the importance of proportionateness and, over the next 12 months, as we move into the next cycle and the next code of audit practice, we will consider whether having a defined procedures-based audit rather than an ISA-based audit<sup>iii</sup> is the right thing.”
110. However he went on to say:
- ” “I am not particularly enthusiastic about stepping back on the level of assurance that we offer on public spending”.<sup>64</sup>
111. He also suggested for internal audits that “sharing internal audit services is a good avenue to explore”<sup>65</sup> as a possible way to reduce the audit burden on SPCB supported bodies.
112. Additional concerns were also raised by SPCB supported bodies about whether Audit Scotland recommendations are always appropriate or sufficiently tailored. The Auditor General clarified saying:
- ” “Recommendations really matter to us; recommendations need to be specific, measurable, achievable, relevant, and time-bound, —SMART—in their appropriateness for public bodies. That is a way for us to evidence impact and support improvement in how a public body operates.”<sup>63</sup>
113. While the SPCB did not express a view on the appropriateness of the current audit model in principle, it said it would be open to considering opportunities to streamline the overall audit process should it be required.

## Alternative governance models

114. At the outset of the review, we committed to learning from alternative governance models in light of the findings of the FPAC inquiry. We identified the New Zealand Officers of Parliament Committee (OPC) as a model worthy of further exploration and therefore heard from Dr David Wilson, Clerk of the New Zealand House of Representatives.
115. The Committee heard that the New Zealand OPC was established in 1989 following an inquiry by the Finance and Expenditure Committee into the oversight of

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iii ISA: International Standards on Auditing (ISAs) are a set of globally recognised, principles-based, performance standards used when auditing the financial statements of all types of entities, including businesses and public sector organisations.

independent bodies. Like the 2024 FPAC inquiry, the 1989 inquiry concluded that the establishment of Officers of Parliament in New Zealand had occurred on an ad hoc basis, without coherent principles. Since its establishment, the New Zealand OPC has established only three Officers of Parliament, with further proposals to increase the number of Officers of Parliament all being rejected. Although, proposals are often taken forward as Crown Entities which are generally responsible to Government and so not seen to require the same level of constitutional independence.<sup>66</sup>

116. While the New Zealand and SPCB models are not identical, the Committee was struck by the consistency between the rationale presented in our evidence and that given by Dr David Willson regarding the motivations for proposing new bodies, with Dr Wilson saying that often it's because "Here is an important new role. Let's make it an officer of Parliament, because that gives it quite a bit of gravitas."<sup>67</sup>
117. The Committee was particularly interested to learn that the New Zealand OPC is responsible for approving the budgets of Officers of Parliament. These discussions are conducted in private, with the rationale that open sessions might hinder candid discussion regarding budgetary needs. This approach closely reflects current practices between the SPCB and the bodies it supports.
118. We also discussed the practicalities around how they established the Committee, and Dr David Wilson informed us that "At first that was done on an ad hoc basis, but a few years later it was made into a regular standing committee, which, under our standing orders, has to be established in each Parliament." He also informed us that unlike most New Zealand parliamentary committees, "the Officers of Parliament Committee does not meet every week, because it does not have enough business to warrant doing so. However, during some periods it is quite busy."<sup>68</sup>
119. Gathering wider evidence on the proposal for a dedicated committee, Dr Matthew Gill told us that in Westminster, "for some of the parliamentary bodies, having a committee that enables them to report directly to Parliament, rather than through the Government, is quite important. It is likely that such a committee will be necessary here."<sup>69</sup>
120. However Dr Ian Elliott cautioned that the establishment of an additional committee could result in disproportionate scrutiny for SPCB supported bodies relative to other bodies within the wider public body landscape. He said:
  - ” “It is already such a messy landscape. If we are creating a two-tier system in which some commissioners have all this scrutiny and parliamentary activity around whether they are performing their duties, while a separate group of commissioners do not have the same level of oversight, I would raise questions about how those other bodies are scrutinised.”<sup>70</sup>

# Criteria for creating new SPCB supported bodies

121. As set out in the FPAC report (and earlier in our report), the Parliament’s 2006 Finance Committee proposed tests for the creation of future SPCB supported bodies; firstly, that any future bodies should not duplicate a role already being carried out, and secondly, for bodies to be designated as parliamentary commissioners, the following criteria or guiding principles should be met—
- **Clarity of Remit** : a clear understanding of the officeholder’s specific remit,
  - **Distinction between functions**: a clear distinction between different functions, roles and responsibilities including audit, inspection, regulation, complaint handling, advocacy,
  - **Complementarity** : a dovetailing of jurisdictions creating a coherent system with appropriate linkages with no gaps, overlaps or duplication,
  - **Simplicity and Accessibility**: simplicity and access for the public to maximise the “single gateway/one-stop shop” approach,
  - **Shared Services** : shared services and organisational efficiencies built in from the outset; and
  - **Accountability**: the establishment of clear, simple, robust, and transparent lines of accountability appropriate to the nature of the office.
122. The FPAC considered how this criteria was being applied when considering new proposals for SPCB supported bodies and concluded:
- ” “The Committee is disappointed that the Session 2 Finance Committee’s criteria in developing and considering new proposals to create new SPCB supported bodies, does not, however, appear to be being used in the way intended when they were agreed by Parliament. We question whether some of the bodies that have been created, or are now being proposed, would meet the tests in these criteria, including clarity of remit, distinction between functions, and complementarity. We believe that these criteria must now be strengthened and consolidated into the Parliament’s formal practices. We also ask that proposals for new public bodies will be robustly assessed against the tests in the Scottish Government’s Ministerial Control Framework agreed last year, to limit further cluttering of the broader public sector landscape.”
123. We therefore asked for views on the existing criteria and whether improvements could be made to it as part of our call for views. While some respondents felt that the existing criteria was useful, others were clear that the criteria need to be updated and improved. The Human Rights Consortium Scotland indicated in written evidence that this was in a large part due to the changing and increasing expectations of the public sector over the past two decades since the criteria were originally created.<sup>71</sup> Suggestions from submissions included criterion on: independence, impact assessments, value for money and appropriate powers.

124. Our oral evidence focused on two main themes, how the criteria is currently being applied and how could it be improved. In evidence with Members that are proposing SPCB supported bodies, we asked how they considered the existing Session 2 Finance Committee criteria when considering their proposals. While all three Members responded to say it was part of the consideration and referred to analysis being included in their Bill consultation documents, we were unable to determine the level of importance that was applied. A key focus in bringing forward their proposal was the importance of having someone to have an independent voice, with Colin Smyth MSP telling us:

” “My starting point was that we needed somebody with an independent voice to stand up for older people, but I was conscious of the criteria. I went through each of the six principles in quite a lot of detail—they are set out in the consultation document.” <sup>72</sup>

125. Dr Matthew Gill told us that while the existing criteria is useful, it could be divided into two sections, the first focusing on the “why question” to determine if a commissioner is needed, and the second set of criteria would then focus on how to ensure the new body is efficient and fits within the existing landscape. He said:

” “when I first read the criteria I thought that they were helpful, but they potentially conflate two questions: whether to set up a new body and how to do that well. For instance, the criteria on shared services or clarity of remit are aspects that should be considered when setting up a new body, but they are not necessarily relevant at the moment of deciding whether to do so. I suggest trying to split those two questions and thinking specifically about what determines the initial use case.” <sup>73</sup>

126. Dr Ian Elliott highlighted the importance of looking at the existing SPCB and wider public body landscape first to see if an existing body could perform or absorb this function.

” “...the first question should be: is there an existing body or commissioner that could perform or absorb this function, perhaps with more resource and perhaps with more powers? We should be strengthening the existing system rather than diluting it by creating lots of different bodies with potentially conflicting remits.”  
<sup>24</sup>

127. We also heard how the Scottish Government is developing a draft Ministerial Control Framework designed to ensure that decisions around the creation of new public bodies are made based on evidence and value for money against the backdrop of significant pressure on public spending. Within the framework is a set of criteria which should be met, one of them being that a new public body (including SPCB bodies) is only created as a last resort.

128. In Dr Matthew Gill’s written submission, he made reference to the use of a last resort criterion, and when asked to expand in oral evidence, he said:

” “We talked a little about the last-resort criterion, which we argued against applying to public bodies in general. However, the SPCB bodies are very much a subset of those bodies. They are established because it has not been possible to do something through other means in the public sector. Therefore, a last-resort criterion, or a very high bar to show that alternatives have been seriously looked at, seems more appropriate in this case than in the public bodies landscape as a whole.”<sup>74</sup>

129. We also considered if it would be useful for new bodies to be required to have a sunset clause added to their enabling legislation, however the academics highlighted several risks with such a proposal, with Dr Ian Elliott summarising by saying:

” “I agree with what Dr Gill said about sunset clauses and the risk of creating a hostage to fortune. If you create a new body and say, “We will only give you three or five years,” that is a real challenge. Who will want to take that on if the idea is that it is something that will potentially not exist after five years? That is a very good point, and it is worth noting.”<sup>75</sup>

130. The Minister for Public Finance told us how the draft Ministerial Control Framework is being applied, and that it was an “effective approach” but that he was “willing to hear other suggestions of how we can make the process even more robust.”<sup>76</sup>

## Sharing services

131. One of the FPAC’s inquiry recommendations to the SPCB was to “continue to work with SPCB supported bodies to identify opportunities for sharing services, premises and achieving efficiencies”.
132. We heard from the existing SPCB supported bodies and the SPCB about some of the arrangements already in place. The Scottish Public Services Ombudsman currently provides a range of corporate services, such as human resources and finance, to the Scottish Human Rights Commission, the Children and Young People’s Commissioner Scotland, and the Scottish Biometrics Commissioner. This sharing of services was seen as a positive relationship that did not impact on the independence of the individual bodies.
133. The SBC proposed a more structured approach for the future of SPCB supported bodies, advocating for a “hub and spoke” model. Under such an arrangement, core administrative functions would be centralised, potentially under a lead body or managed directly by the SPCB, while each supported body retained full independence to carry out their statutory functions. The Commissioner suggested that this model could be refined and expanded over time to accommodate changes to the SPCB supported body landscape, but maintained that the core administrative base would remain consolidated.
134. The SBC also provided an example of how a small SPCB supported body can draw on resources from outside of the SPCB model:
- ” “There are also opportunities for further shared services and/or collaboration. For example, because we have a small budget, we do not have our own media function—we use the media person from His Majesty’s Inspectorate of Constabulary in Scotland.”<sup>38</sup>
135. The Committee in addition considered the accommodation needs of SPCB supported bodies. After hearing about the SPCB’s shared service agenda, members of the Committee visited Bridgeside House in Edinburgh, where the SPSO, SHRC, CYPCS and SBC are currently co-located. Evidence indicated that these shared arrangements were working effectively, both in terms of operational cost and practical collaboration. The Committee was also advised that the new Patient Safety Commissioner will join the shared estate once established and up and running.
136. We further wanted to consider the future accommodation needs of SPCB supported bodies, exploring the potential of using the wider public estate. John Ireland, Chief Executive of the Scottish Fiscal Commission, explained that although the Commission is funded by the Scottish Government and located in Scottish Government premises, it maintains strict physical and operational separation from ministerial departments. He stated clearly that the Commission “will not share an office with Government civil servants”<sup>77</sup> in order to preserve the perception and reality of independence.
137. Some existing SPCB supported bodies had reservations about using the Scottish Government estate and how that could impact their perceived independence. The

Scottish Information Commissioner expressed strong reservations about relocation, emphasising the risk of losing key personnel and the operational disruption such a move could entail. However, he acknowledged the opportunities that could be presented by using the local public estate such as that owned by Fife Council. <sup>78</sup>

138. The Auditor General for Scotland, Stephen Boyle, summarised the case for a pragmatic and forward-looking approach stating:

” I heard the evidence that the committee took about sharing human resources services and, in some cases, premises. Public bodies should satisfy themselves with regard to why they would not do that, rather than why they would. For some bodies, there might be good reasons not to share services, such as the confidentiality of the materials that they consider or any perceptions of threats to independence. In general, however, public bodies should embrace the sharing of services and I hope that they will do that more than they have done to date.” <sup>65</sup>

139. The SPCB told us that:

” The corporate body will always be open to seeking to identify ways to reduce costs while maintaining effectiveness.” <sup>79</sup>

# Conclusions and recommendations

140. The conclusions and recommendations in this report are a culmination of over six months of detailed scrutiny by this Committee, building on the comprehensive inquiry by the Finance and Public Administration Committee (FPAC) into Scotland's Commissioner Landscape. Taken together as a package, the series of conclusions and recommendations below create a clear strategic framework including much strengthened accountability and scrutiny mechanisms, an enhanced shared services approach and a new formal process for considering future proposals to create new such bodies. The measures are also designed to encourage all existing and future Scottish Parliamentary Corporate Body (SPCB) supported bodies to adopt a more preventative approach with a view to avoiding the failures in public services, which appear to be the primary driver for seeking to create new such bodies.
141. While the Committee was tasked with reviewing the SPCB supported landscape only, this small fraction of the public sector should not be seen in isolation from the wider public sector. The evidence is clear that many of the measures we are recommending in this report could also apply more widely.
142. In particular, while we welcome the Scottish Government's public service reform programme, we were surprised to learn about a lack of understanding of the functions and potential overlaps and duplication among the public bodies it funds. We therefore recommend that the Scottish Government urgently undertakes a strategic mapping exercise to identify the functions of all Scottish public bodies and where they overlap, to inform decisions on future size, structure, and coherence across the public sector.
143. Consistent with the conclusion reached by the FPAC, we agree that the bodies currently supported by the Scottish Parliamentary Corporate Body (SPCB) fulfil a vital function in safeguarding public trust, institutional integrity and democratic accountability in relation to our public institutions and elected representatives. The Scottish Parliament has chosen to create each of these bodies on the basis of a perceived need at the time and, collectively, they contribute significantly to the robustness and health of Scotland's democratic landscape.
144. We realise that the original inquiry and our review may have been unsettling for current post-holders and we wish to give assurances that our conclusions and recommendations are designed to uphold and enhance their roles in a manner that is responsive to current and future demands.

## **New SPCB supported bodies**

145. We share the view of FPAC that the existing landscape has developed in an 'ad hoc' manner, with individual bodies having varying functions and powers. This has resulted in a collection of bodies with distinct and, at times, overlapping functions operating under different legislative frameworks.
146. With the potential for up to five additional SPCB supported bodies<sup>iv</sup> with advocacy functions by the end of the current Parliamentary session, we are

concerned that such expansion risks further fragmenting the existing landscape, increasing complexity for service users, and placing additional strain on the SPCB and committee resources.

147. The evidence is clear that this proliferation of proposed advocacy type SPCB supported bodies this parliamentary session is being largely driven by a failure or perceived failure in public service delivery. Rather than addressing the root causes of these systemic shortcomings, the creation of a new commissioner is, in some instances, perceived as a quick win for the Government, or a vehicle for an individual MSP to promote a cause they champion. There are other effective ways of addressing such issues, such as through MSPs, Parliament or Government. We believe that the tendency to seek to create an SPCB body to address such concerns is not sustainable and should not continue.
148. The Committee is therefore of the view that the SPCB supported body landscape should not be expanded to include new advocacy type SPCB supported bodies. In making this recommendation, we ask Parliament when considering Bills proposing new SPCB supported bodies to take account of the findings and recommendations in this report.
149. We heard evidence from SPCB supported bodies and MSPs who are proposing the creation of new advocacy bodies that the SPCB model provides a level of independence that is not achieved by other public bodies. However, public bodies responsible to Government told us that they can operate entirely independently and effectively without the need to come under the umbrella of SPCB supported body landscape. Therefore, while we understand the benefit in organisations with a public trust element, such as the Ethical Standards Commissioner or Scottish Information Commissioner, being SPCB supported bodies, we believe that advocacy bodies can just as easily sit within the wider public sector landscape.
150. To ensure that new SPCB supported bodies are only established where a clear need can be demonstrated, we recommend the implementation of the following two-tier criteria, comprising justification and effectiveness tests, that must be satisfied before any new proposal can be brought forward:
  1. **Justification criteria:**
    - **Last resort:** Alternative models, such as enhanced powers to existing public sector bodies, or statutory duties on ministers must be exhausted and deemed insufficient to address the issue.
    - **Functional gap:** There must be clear, evidenced and persistent absence of the proposed body's functional gap across the full Scottish public sector landscape, not just within SPCB supported bodies.
    - **Permanent:** The proposed body must address an issue in perpetuity. It cannot be created to deal with an issue that might have arisen due to a

short-term failure or perceived failure in public service, or which could be resolved with a fixed-term dedicated piece of work by an existing body.

- **Independence:** The proposed body must require a high degree of operational and perceived independence from the Scottish Government.

## 2. Effective criteria

- **Remit:** The proposed body must have a clear remit, strategic objectives, and be able to demonstrate how it will deliver measurable public value and impact.
- **Shared services:** The proposed body must adhere to the SPCB shared services model, understanding that core services such as HR, Finance and IT are centralised under a hub and spoke arrangement.
- **Simplicity and Accessibility:** The body's purpose must be easily understandable to the public. If it has a public-facing role, it must also be designed to ensure accessibility, both in terms of physical and digital access, so that individuals who require its services or support can engage with it promptly, effectively, and without unnecessary barriers.

151. We recommend that these essential criteria are included in Parliamentary Guidance on Bills for the next parliamentary session. This would enable any MSP wishing to propose a new SPCB supported body to be clear on the circumstances in which it would be appropriate to bring forward such proposals, and for committees and individual MSPs to assess the extent to which proposals meet the criteria during Parliamentary consideration of future such Bills.
152. We have given much consideration to how the criteria might be formalised as requested by the FPAC. It is our view that a Standing Order determination should be sought to enable a specific mandatory committee to have ownership of the criteria and to assess whether it has been met in future proposals contained in Bills.
153. We also request that the Scottish Government takes into account these criteria as it continues to develop its own Ministerial Control Framework for establishing new public bodies.

### The existing SPCB supported bodies

154. Our review also considered how each of the seven existing SPCB supported bodies sits within the existing landscape, focusing on their unique functions and how any duplication and overlap could be minimised. While some overlap in functions was noted, the evidence clearly supports the view that each of the existing SPCB supported bodies provides a unique and necessary contribution.
155. We therefore recommend that no changes are made to where the existing SPCB supported bodies sit within the landscape. However, in reaching this conclusion, we recognise there are targeted improvements that could be made to improve

how the SPCB supported body landscape and indeed the wider public sector operates. We therefore propose the following:

- **SPSO own-initiative investigations:** Based on overwhelming evidence gathered, the Committee recommends that the SPSO is given enhanced powers to enable them to conduct own-initiative investigations in the public interest. We believe this change could identify and report on potential failures in the public sector more efficiently, and in doing so, deliver greater value for public money by helping to prevent systemic failures arising in future. We ask the Scottish Government to work with the SPCB to identify an appropriate legislative vehicle to make this change in early course. While we recognise that some additional resources will be required to ensure successful delivery, our expectation is that this will save money in the longer term.
- **A more strategic SHRC:** The Committee has considered extensively how the role of the SHRC can be developed to provide a more effective, rights-based approach to addressing structural inequalities in Scotland. However, we are not convinced that expanding the functions of the SHRC to include specialist departments, rapporteurs or sub-commissioners to protect specific groups of society would achieve the best outcomes. We believe instead, that the SHRC should emulate the Auditor General for Scotland in annually seeking views from Parliamentary Committees and MSPs on its work programme. This would ensure the SHRC can carry out long-term inquiry work on the specific rights-based issues, e.g. disabilities, women, or older people, that are most relevant to the people of Scotland and that its work is linked to all Committees of the Parliament. The Committee believes there is a case for a wider review of the remit and powers of the SHRC.
- **All SPCB supported bodies:** We note proposals to make changes to other SPCB supported bodies' powers with a view to enabling them to function more effectively and efficiently (detailed on pages 10-14). While we make no recommendation in relation to these changes in this report, we consider there is merit in the conversations around those proposals continuing between SPCB supported bodies, the SPCB and Scottish Government.
- **Standardising functions:** On the basis of the evidence we received, we do not recommend that the functions of the SPCB supported bodies should be standardised. The existing bodies were established in response to diverse policy needs, at different times, resulting in their core functions being a blend of regulatory, complaint-handling, investigatory, specialist, and advocacy roles. Our view is that while standardisation does have merits, being overly prescriptive in the definition of an SPCB supported body's function would risk constraining the flexibility required for these bodies to fulfil their wide-ranging democratic functions.
- **A proactive approach:** The Committee believes that SPCB supported bodies could do more to adopt a more proactive/preventative approach. We therefore encourage each to put in place measures that would allow them to address systemic issues at an early stage. This shift towards a more

proactive/preventative approach would not only enhance the effectiveness of these bodies, but it would also help avoid issues such as complaints or service delivery failures arising in the first place. Where such a shift would require a change to legislation, then we believe Parliament should consider this.

- **Public awareness:** We welcome the outcome arising from our evidence in relation to improving digital signposting for service users. The SPCB, on the direction of the existing bodies, has committed to update the relevant pages on the Parliament's website and we look forward to seeing the benefits this brings.
- **MSP awareness:** The Committee also considers it essential that Members of the Scottish Parliament, often the first point of contact for individuals seeking redress or support, are well-informed about the roles and remits of SPCB supported bodies. We recommend this is embedded into continuing professional development (CPD) opportunities for all MSPs.
- Furthermore, this content should be included within the induction and training programme for new Members at the outset of the next parliamentary session, to ensure early and consistent understanding of these important bodies and MSPs' role in supporting democratic accountability and individual rights.

### **Governance and accountability**

156. We consider the deficiencies identified by both the FPAC and our review in the governance and accountability of SPCB supported bodies to be primarily the result of the overstretched capacity of the SPCB and parliamentary committees.
157. Therefore, our view is that solely recommending that the SPCB or parliamentary committees "do more" would not, in itself, bring about the improvements that are required. While we acknowledge the adaptability of SPCB Members to give effect to the will of the Parliament and put in place oversight mechanisms, we do not believe this can be sustained without diminishing other core functions of the SPCB.
158. We therefore recommend that a parliamentary committee is given the specific responsibility for the accountability and scrutiny of SPCB supported bodies for a fixed period as a pilot exercise. This could involve including these functions within a remit of another committee, creating a dedicated committee, or asking a relevant committee to consider setting up a sub-committee.
159. The Committee does not make this recommendation lightly. We understand the existing capacity issues for MSPs and Parliamentary Committees. However, we firmly believe that a single committee with accountability and scrutiny functions for all the SPCB supported bodies is absolutely necessary to enhance effectiveness and delivery of outcomes. We also hope that the current Standards, Procedures and Public Appointments Committee inquiry into Committee Effectiveness will consider the need to create smaller Committees in future to

free up MSP time to enable more effective scrutiny.

160. We recommend that the committee referred to at paragraph 158 should:

- **Collaborate with the SPCB** to understand what key functions could be delegated, including scrutiny of officeholder budget submissions and review of the structure and content of annual reports. We acknowledge this might require a legislative change to implement.
- **Act as a conduit for transparency**, offering an early warning mechanism for any concerns around the performance or effectiveness of officeholders to be shared with the SPCB and vice versa.
- **Follow the Public Audit Committee model**, with SPCB supported bodies being accountable to this committee, while retaining the ability to provide evidence to relevant subject committees where appropriate.
- **Provide scrutiny of reports and strategic plans** laid before the Parliament by any SPCB supported body and any other issue relating to performance, effectiveness and delivery of outcomes.

161. We recommend that this new governance structure be introduced on a time-limited basis, specifically for the duration of the next parliamentary session. This trial period will allow for evaluation of its effectiveness.

### **Budget and audit**

162. While we note views of some SPCB supported bodies that the existing model of audit can be burdensome, on the balance of evidence, we do not believe this outweighs the importance of individual audits in providing a robust level of assurance.

163. We are also of the view that medium to long-term financial planning is not hindered by an annual budget and funding cycle and is currently achieved by many public bodies.

164. We therefore recommend:

- **External audit:** No change. Each SPCB supported body should continue to be subject to an individual annual external audit.
- **Internal audit:** Supported bodies should collaborate to identify shared internal audit solutions, where practicable.
- **Budget cycles:** No change. However, we encourage all SPCB supported bodies to carry out routine medium-term financial planning.

### **Shared services**

165. The Committee notes the improvements that have already been made with the shared service agenda within the SPCB supported bodies structure and in the wider public sector landscape and welcomes a commitment to continue this work.

In doing so, we recommend:

- **Hub and spoke model:** Similar to the existing arrangements with four of the officeholders, we recommend a transition towards a formal hub and spoke model for SPCB supported bodies. This will see all core services such as HR, Finance and IT being centralised, while maintaining resourcing for the specific statutory functions of each officeholder separately.
- **Public sector estate:** While we recognise concerns raised regarding locating some SPCB supported bodies within Scottish Government owned properties and the potential impact on perceived independence, we recommend that greater use could be made of the wider public sector estate wherever possible and prudent when leases for existing offices expire.

166. In making these recommendations, we do not take a view on the geographic location of offices in Scotland. However, as with all decisions regarding the public sector, we ask that decisions are driven by principles of best value, regional distribution, long-term cost efficiency, and operational performance and sustainability.
167. Finally, we seek the continued support of the SPCB and wider Scottish Parliament, the Scottish Government, and SPCB supported bodies to help implement these important recommendations. In doing so, we believe that together we can deliver meaningful reform and strengthen the effectiveness of Scotland's public sector landscape.
168. We will seek to hold a parliamentary debate in September 2025 to enable members to discuss our findings and recommendations in more detail.

# Annexe A: Overview of the SPCB supported body landscape

169. At the time of writing, there are seven officeholders who are directly responsible to the Scottish Parliament, with their terms and conditions of appointment and annual budget set by the SPCB. They are as follows—

- [Commissioner for Ethical Standards in Public Life in Scotland](#),
- [Standards Commission for Scotland](#),
- [Scottish Biometrics Commissioner](#),
- [Scottish Information Commissioner](#),
- [Scottish Commissioner for Children and Young People](#),
- [Scottish Human Rights Commission](#), and
- [Scottish Public Services Ombudsman](#).

170. These supported bodies’ budgets form part of the SPCB’s own budget which is “top-sliced” from the Scottish Consolidated Fund.

171. The SPCB’s Budget bid for 2025-26 included a total cost for officeholders of £16.6 million, with individual officeholder budgets that year ranging from the smallest at £373,000 (Standards Commission) to £7,893,000 (Scottish Public Services Ombudsman).<sup>v</sup>

**Table 1: SPCB supported bodies 2025-26 budget bid and estimated costs as set out in Finance Memorandums**

Supported Body	Created	Estimated annual cost as set out in the relevant FM*	2025-26 Budget Bid
Standards Commission for Scotland	2000	£400,000 - £450,000	£373,000
Scottish Information Commissioner	2002	£700,000	£2,564,000
Scottish Public Services Ombudsman	2002	£990,000	£7,893,000
Children and Young People’s Commissioner Scotland	2003	£1,216,875	£1,763,000
Scottish Human Rights Commission	2006	£1,000,000	£1,557,000
Commissioner for Ethical Standards in Public Life in Scotland (various iterations of the Commissioner from 2000)	2013	No FM as post was established by Order	£1,913,000
Scottish Biometrics Commissioner	2020	£333,000	£529,000
<b>Total</b>			<b>£16,592,000</b>

172. There are proposals for a further five additional SPCB supported bodies to be created before the end of Session in 2026, as follows—

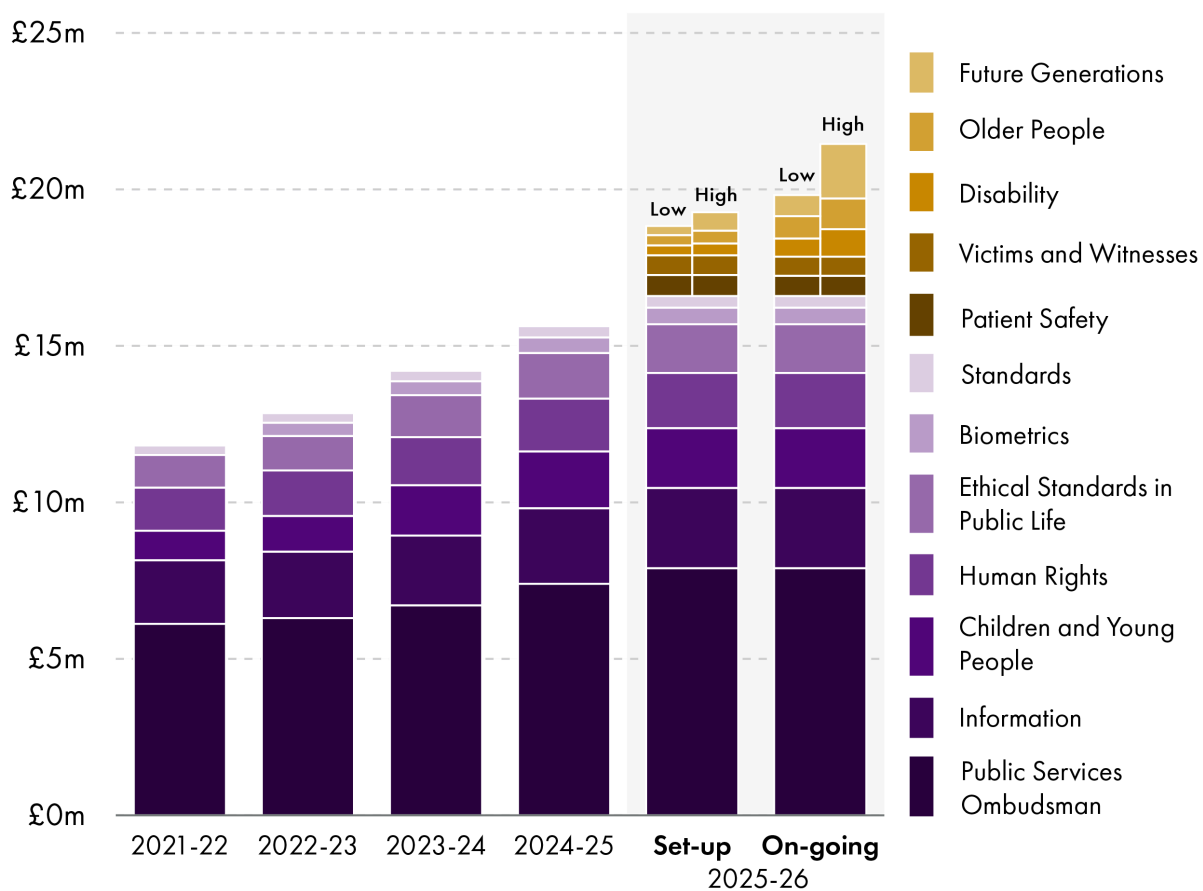
- **A Patient Safety Commissioner for Scotland.** This post was filled on the third attempt in May 2025 and the successful candidate is expected to take up

<sup>v</sup> The SPCB also funds the Electoral Commission’s devolved Scottish activities. Like the FPAC inquiry, the Electoral Commission was not included in this review.

post in September 2025.

- **A Victims and Witnesses Commissioner**, being proposed as part of the Scottish Government's Victims, Witnesses and Justice Reform Bill, which is currently at Stage 3.
  - **A Members Bill proposing a Disability Commissioner**, which is currently at Stage 1. The Equalities, Human Rights and Civil Justice Committee has reported, but the Stage 1 debate is still to be held.
  - **A Members Bill proposing an Commissioner for Older People**, currently at Stage 1.
  - **A Members Bill proposing a Future Generations Commissioner**, currently at Stage 1.
173. Based on the figures set out in the Financial Memorandums accompanying each of the above proposals, the estimated additional ongoing cost of all current proposals is between £3.2 million and £4.9 million per annum. When compared to the 2025–26 budget for the existing seven SPCB supported bodies, this represents an increase of between 19% and 29%. In terms of the wider SPCB budget, the proportion allocated to SPCB supported bodies would rise from the current 12% per cent to between 13% and 14%.
174. The projected changes are set out in the table below. For each of the proposed SPCB supported bodies, indicated in orange, estimates have been provided in the relevant Financial Memorandums. There are two bars for the 2025-26 financial year:
- the first bar presents the 2025-26 budgets for current SPCB supported bodies and the estimates for the set-up costs for proposed bodies.
  - the second bar presents the 2025-26 budgets for current SPCB supported bodies and the estimates for ongoing costs for proposed bodies.
175. Where applicable, these estimates include both the lower and upper ends of the range presented in the associated Financial Memorandums. It is important to note these figures are projections only based on currently available information. They do not represent confirmed budget allocation for those bodies displayed in orange.

**Figure 1: Budgets for SPCB supported bodies from 2021-22 to 2025-26**



Source:

# Annexe B: Extracts from the minutes of meetings

**1st Meeting 2024, Thursday 12 December 2024:** The Committee considered and agreed its working practices and work programme.

**1st Meeting 2025, Thursday 23 January 2025:** The Committee considered its work programme.

**2nd Meeting, Thursday 30 January 2025:** The Committee took evidence from:

- Ian Bruce, Commissioner for Ethical Standards in Public Life in Scotland,
- Suzanne Vestri, Convener, Standards Commission for Scotland.

The Committee considered the evidence it heard earlier.

**3rd Meeting, Thursday 6 February 2025:** The Committee took evidence from:

- Rosemary Agnew, Ombudsman, Scottish Public Services Ombudsman.

The Committee considered the evidence it heard earlier.

**4th Meeting, Thursday 20 February 2025:** The Committee took evidence from:

- David Hamilton, Scottish Information Commissioner,
- Dr Brian Plastow, Scottish Biometrics Commissioner and Ross MacDonald, Director, Scottish Biometrics Commissioner office.

The Committee considered the evidence it heard earlier.

**5th Meeting, Thursday 27 February 2025:** The Committee took evidence from:

- Professor Angela O'Hagan, Chair and Jan Savage, Executive Director, Scottish Human Rights Commission,
- Nicola Killean, Commissioner, Gina Wilson, Head of Strategy and Nick Hobbs, Head of Advice and Investigations, Children and Young People's Commissioner Scotland.

The Committee considered the evidence it heard earlier.

**6th Meeting, Thursday 13 March 2025:** The Committee took evidence from:

- Stephen Boyle, Auditor General for Scotland.

and then from:

- Sarah Boyack MSP,
- Jeremy Balfour MSP,
- Colin Smyth MSP,

- accompanied by Roz Thomson, Head of Non-Government Bills Unit, Scottish Parliament.

The Committee considered the evidence it heard earlier.

**7th Meeting, Thursday 20 March 2025:** The Committee took evidence from:

- Dr Ian Elliott, Senior Lecturer in Public Administration, University of Glasgow,
- Dr Matthew Gill, Programme Director, Institute for Government,
- Dr Ruth Lamont, Reader in Child and Family Law, University of Manchester; UKRI Thematic Research Lead, UK Parliament,
- Alison Payne, Research Director, Reform Scotland (Enlighten).

The Committee considered correspondence from the Standards, Procedures and Public Appointments Committee.

The Committee considered the evidence it heard earlier.

**8th Meeting, Thursday 27 March 2025:** The Committee considered its approach to developing its work programme.

**9th Meeting, Thursday 3 April 2025:** The Committee took evidence from:

- Dr David Wilson, Clerk of the House of Representatives, New Zealand Parliament.

The Committee considered the evidence it heard earlier.

**10th Meeting, Thursday 1 May 2025:** The Committee took evidence from:

- John Ireland, Chief Executive, Scottish Fiscal Commission,
- Craig Naylor, HM Chief Inspector of Constabulary in Scotland, HM Inspectorate of Constabulary in Scotland,
- Julie Paterson, Chief Executive Officer, Mental Welfare Commission Scotland.

The Committee considered the evidence it heard earlier and also agreed to write to the Minister for Parliamentary Business and the Convener of the Equalities, Human Rights and Civil Justice Committee regarding the Committee's remaining scrutiny timetable.

**11th Meeting, Thursday 8 May 2025:** The Committee took evidence from:

- Ivan McKee, Minister for Public Finance,
- Angus Macleod, Head of Public Bodies Support Unit,
- Aileen Wright, Deputy Director in Finance - Risk, Control and Assurance, Scottish Government.

The Committee considered the evidence it heard earlier.

**12th Meeting, Thursday 15 May 2025:** The Committee took evidence from:

- Jackson Carlaw MSP,
- Maggie Chapman MSP, Members of the Scottish Parliamentary Corporate Body,
- Allan Campbell, Head of Operations , Chief Executive Group, Scottish Parliament.

The Committee considered the evidence it heard earlier.

[13th Meeting](#), **Thursday 29 May 2025**: The Committee considered the approach to its draft report.

[14th Meeting](#), **Thursday 12 June 2025**: The Committee considered a draft report and agreed to approve final changes by correspondence.

# Annexe C: Evidence

## Official Reports (substantially verbatim transcripts) of meetings of the SPCB Supported Bodies Landscape Review Committee

- [30 January 2025 – Evidence from Commissioner for Ethical Standards in Public Life in Scotland and Standards Commission Scotland](#)
- [6 February 2025 – Evidence from the Scottish Public Services Ombudsman](#)
- [20 February 2025 – Evidence from the Scottish Information Commissioner and the Scottish Biometrics Commissioner](#)
- [27 February 2025 – Evidence from the Scottish Human Rights Commission and the Children and Young People’s Commissioner Scotland](#)
- [13 March 2025 – Evidence from the Auditor General for Scotland and MSPs proposing new SPCB supported bodies](#)
- [20 March 2025 – Evidence from academics and researchers](#)
- [3 April 2025 – Evidence from the New Zealand Parliament](#)
- [1 May 2025 – Evidence from public bodies funded by the Scottish Government](#)
- [8 May 2025 – Evidence from the Minister for Public Finance](#)
- [15 May 2025 – Evidence from SPCB Members and supporting officials](#)

## Written submissions

The Committee received the following 13 written submissions to its call for views as part of its inquiry. They are available on [Citizen Space](#):

- Age Scotland
- Equality and Human Rights Commission
- Health and Social Care Alliance Scotland (the ALLIANCE)
- Human Rights Consortium Scotland
- Independent Age
- Institute for Government
- Reform Scotland
- Scotland's international development alliance
- Scottish Autism
- The Donaldson Trust

- Together (Scottish Alliance for Children's Rights)
- UNICEF UK

The Committee also received the following written submissions and supplementary evidence from witnesses:

#### **Auditor General for Scotland**

- [Written submission](#)

#### **Children and Young People's Commissioner for Scotland**

- [Written submission](#)
- [Supplementary written submission](#)

#### **Commissioner for Ethical Standards in Public Life Scotland**

- [Written submission](#)
- [Supplementary written submission](#)
- [Letter to the Chief Executive of the Scottish Parliamentary Corporate Body](#)

#### **Dr Ruth Lamont**

- [Written submission](#)
- [Supplementary written submission](#)

#### **Scottish Biometrics Commissioner**

- [Written submission](#)

#### **Scottish Human Rights Commission**

- [Written submission](#)
- [Supplementary written submission](#)

#### **Scottish Information Commissioner**

- [Written submission](#)
- [Supplementary written submission](#)

#### **Standards Commission for Scotland**

- [Written submission](#)
- [Supplementary written submission](#)

#### **Scottish Government Public Bodies Support Unit**

- [Written submission](#)

- [Supplementary written submission](#)

### **Scottish Public Services Ombudsman**

- [Written submission](#)
- [Supplementary written submission](#)

### **SPICe briefings**

[Call for views - summary of responses to the SPCB Supported Bodies Landscape Review Committee's consultation](#)

[30 January 2025 – Commissioner for Ethical Standards in Public Life in Scotland and Standards Commission Scotland](#)

[6 February 2025 - Scottish Public Services Ombudsman](#)

[20 February 2025 - Scottish Information Commissioner and Scottish Biometrics Commissioner.](#)

[27 February 2025 - Scottish Human Rights Commission and Children and Young People's Commissioner Scotland](#)

[13 March 2025 - Auditor General for Scotland and MSPs proposing new SPCB Supported Bodies](#)

[20 March 2025 - Academics and researchers](#)

[3 April 2025 - New Zealand Parliament](#)

[1 May 2025 - Scottish Government funded public bodies](#)

[8 May 2025- Minister for Public Finance](#)

[15 May 2025- Scottish Parliamentary Corporate Body](#)

### **Relevant inquiries and reports by other committees and SPICe**

[Finance and Public Administration Committee inquiry into Scotland's commissioner landscape](#)

[SPICe - Scotland's Commissioner Landscape - A Strategic Approach \(April 2024\)](#)

- [1] Dr Ian Elliott, University of Glasgow. (2025). Scottish Parliament Official Report. Retrieved from [https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-20-03-2025?meeting=16340&iob=139586#orscontributions\\_C2672442](https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-20-03-2025?meeting=16340&iob=139586#orscontributions_C2672442)
- [2] David Hamilton, Scottish Information Commissioner. (2025, February). Scottish Parliament Official Report. Retrieved from [https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-20-02-2025?meeting=16276&iob=139033#orscontributions\\_C2660675](https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-20-02-2025?meeting=16276&iob=139033#orscontributions_C2660675)
- [3] Health and Social Care Alliance Scotland (the ALLIANCE). (2025, February). Written submission. Retrieved from [https://yourviews.parliament.scot/ssblr/spcb-supported-bodies-landscape-review-cfv/consultation/view\\_respondent?uuld=560021433](https://yourviews.parliament.scot/ssblr/spcb-supported-bodies-landscape-review-cfv/consultation/view_respondent?uuld=560021433)
- [4] Ian Bruce, Ethical Standards Commissioner. (2025, January). Scottish Parliament Official Report. Retrieved from [https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-30-01-2025?meeting=16240&iob=138723#orscontributions\\_C2654096](https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-30-01-2025?meeting=16240&iob=138723#orscontributions_C2654096)
- [5] Professor Angela O'Hagan, Scottish Human Rights Commission. (2025, February). Scottish Parliament Official Report. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-27-02-2025?meeting=16290&iob=139149>
- [6] Ian Bruce, Ethical Standards Commissioner. (2025, January). Scottish Parliament Official Report. Retrieved from [https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-30-01-2025?meeting=16240&iob=138723#orscontributions\\_C2654085](https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-30-01-2025?meeting=16240&iob=138723#orscontributions_C2654085)
- [7] Rosemary Agnew, Scottish Public Services Ombudsman. (2025, February 6). Scottish Parliament Official Report. Retrieved from [https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-06-02-2025?meeting=16274&iob=139017#orscontributions\\_C2660555](https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-06-02-2025?meeting=16274&iob=139017#orscontributions_C2660555)
- [8] Dr Matthew Gill, Institute for Government. (2025, March 20). Scottish Parliament Official Report. Retrieved from [https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-20-03-2025?meeting=16340&iob=139586#orscontributions\\_C2672391](https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-20-03-2025?meeting=16340&iob=139586#orscontributions_C2672391)
- [9] Dr Matthew Gill, Institute for Government. (2025, March 20). Scottish Parliament Official Report. Retrieved from [https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-20-03-2025?meeting=16340&iob=139586#orscontributions\\_C2672430](https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/SSBLRC-20-03-2025?meeting=16340&iob=139586#orscontributions_C2672430)
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