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In 2014 Scotland Welcomes the World



Your ref: PE1481: BLACKLISTING IN SCOTLAND

7 October 2014

Dear Maureen

Thank you for your letter of 20 August regarding the Committee's consideration of public petition PE1481 on blacklisting in Scotland.

The Scottish Government remains completely opposed to blacklisting in any form.

We have taken significant steps already by publishing guidance for public bodies on how to deal with blacklisting in the award of public contracts, and I am pleased that this guidance has been welcomed by the petitioners. Indeed, it was developed in collaboration with interested trade unions. My officials continue to meet with those trade unions on a regular basis to monitor its implementation.

I also recently wrote to representatives of the construction industry in Scotland to make sure that they are in no doubt about the strength of our commitment to ensure that this practice is eradicated once and for all.

We will take a number of further steps over the course of the coming year or so to continue to address this issue.

The Procurement Reform (Scotland) Act 2014 gives Ministers the ability to make statutory guidance about how public bodies can take a range of employment-related issues, including blacklisting, into account when awarding contracts.

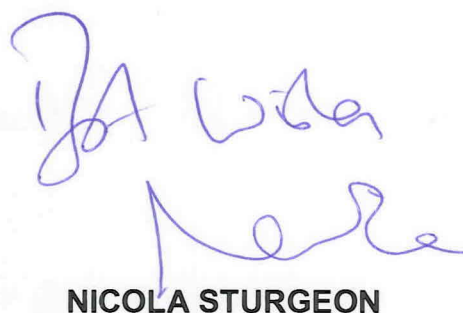
We plan to take that opportunity to place the voluntary guidance which we developed alongside trade unions on a statutory footing, meaning that public bodies must have regard to it. We will also consider the opportunities which the need to transpose the three new European procurement Directives give us to take as robust a stance as is practicable on blacklisting.



Taken together, the development of secondary legislation and statutory guidance arising from the Procurement Reform (Scotland) Act 2014 and the transposition of the three new Directives represents a significant change to the legislative framework for procurement in Scotland. We are therefore co-ordinating all of this work, in order that we can present a clear and structured proposition, and plan to undertake a full public consultation towards the end of this year, with a view to laying regulations and publishing statutory guidance towards the end of next year.

I remain of the view that given the effort which the Scottish Affairs Committee in Westminster has already, and continues, to invest into the issue, there would be limited additional value from a separate public inquiry in Scotland.

I am happy to repeat my earlier commitment to continue to work with trade unions and Members as we develop our approach to this issue.



NICOLA STURGEON