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Margaret Mitchell MSP  
Convener  
Justice Committee  
Room T2.60  
Scottish Parliament  
Edinburgh  
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22 July 2020

Dear Margaret,

**Appointment process for the Chair of the Scottish Police Authority.**

Thank you for your letter of 26 June in which you urge me to consider possible routes for Parliamentary involvement in the appointment process of a new Chairing member of the Scottish Police Authority.

As you know, I have spent several months considering options that would ensure that Parliament is closely involved in the appointment of the Chair. In my letter of 23 June I offered an opportunity for enhanced Parliamentary involvement which would give an unprecedented role and a key opportunity for a Committee member to actively participate and influence this important appointment. I am disappointed that you do not feel able to accept this offer.

I recognise that the Committee took a view about potential Parliamentary involvement in the appointment process for the Chair in the report of its post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012. You will recall that, in my response of 23 May 2019, I stated that the Scottish Government was not minded to accept this recommendation and set out clear reasons for this. The 2012 Act states that the Chairing member of the Scottish Police Authority is appointed by Scottish Ministers, a process that is **independently** regulated by the Ethical Standards Commissioner.

I note your observations that the “appointment process should separate out those who appoint the Chair from those whose role it is to scrutinise their work and that of the SPA”. The chair of the Scottish Police Authority and its members are appointed by Scottish Ministers; the chair is accountable to Scottish Ministers in the performance of their duties and may be called to account by the Scottish Parliament, Scottish Parliamentary Committees and MSPs who are not members of the Scottish

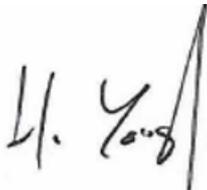
Government scrutinise the Government and Ministers and hold them to account. I hope that you will agree that the current process of appointment does indeed achieve your observation because the appointing person is a Scottish Minister and those who hold Ministers to account and who may call the SPA chair to account are the Scottish Parliamentary committees and MSPs.

While I still would welcome Parliamentary involvement in this appointment process, the imperative is to proceed to fill this important post in Scottish public life as soon as possible.

I am very conscious that seven months have passed since the previous Chair's resignation, and whilst our response to the COVID-19 pandemic has rightly taken priority in recent months, we must now move forward with this appointment to provide continued focus, stability and leadership of the Scottish Police Authority and its important role in holding the Police Service of Scotland to account. I hope you will recognise the importance of this.

Therefore, we will shortly be commencing the formal process, and I again invite you to nominate a member of the Committee to sit as a full member of the selection panel. This is similar to the role played by the Convenor of the Justice Sub-Committee on Policing in the previous Chair appointment. This will need to be confirmed by the point of the first formal part of the process, i.e. the planning meeting. All panel members must fully participate in the planning meeting which is currently scheduled for Monday 3 August. If I do not hear back from you in time for my officials to make the necessary arrangements ahead of the planning meeting, I will assume you are declining this invitation. After that, any change to the panel membership would require the Ethical Standards Commissioner to agree an exception of the Code.

I look forward to hearing from you.

A handwritten signature in black ink, appearing to read 'H. Yousaf', with a long vertical stroke extending upwards from the end of the signature.

**HUMZA YOUSAF**