



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

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22 January 2020

Appointment process for the Chair of the Scottish Police Authority

I am writing to you to request details of your preferred appointment process and timescale for the Chair of the Scottish Police Authority. The Committee's clerks have requested this information from the Scottish Government on my behalf but, to date, nothing has been provided.

As you are aware the appointment process was considered by the Justice Committee during its post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012. The Committee did not take a definitive view that changes were needed to the Act in relation to the appointment of the SPA's Chair. However, it noted and accepted that there should be wider engagement in the appointment process to address concerns about the influence of Scottish Ministers in the appointment of the Chair and Board members of the Scottish Police Authority.

The Committee requested that you explore all the options to include the Scottish Parliament in the appointment process presented in our Report. The Committee identified two options for you to consider, which are attached to this letter, for reference.

A response by Thursday 30th January, would be appreciated.

Best wishes,

Margaret Mitchell MSP
Convener, Justice Committee

ANNEX

The Committee presented the following two options for consideration:

Option 1: Appointed by the Scottish Parliament:

- This would be a similar approach to the appointment of the Scottish Information Commissioner, who is appointed by Her Majesty the Queen, on the nomination of the Scottish Parliament, to serve for a fixed term.

Option 2: Appointed by Scottish Ministers and approved by the Scottish Parliament:

- The Scottish Fiscal Commission Act 2016 provides that appointments to the Commission will be made by Scottish Ministers, regulated by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS), and subject to the approval of the Scottish Parliament.
- The Finance and Constitution Committee hold a formal preappointment hearing with the candidate nominated for appointment by the Cabinet Secretary for Finance and Constitution.
- The Parliament debates and votes on a report by the Finance and Constitution Committee on the proposed appointment.