

## **Note from SPCB Officeholder Services on the Appointment of Scottish Parliamentary Corporate Body Supported Officeholders.**

### **OFFICEHOLDERS – GENERAL BACKGROUND**

The Scottish Parliamentary Corporate Body (SPCB) currently supports 6 officeholders–

- the Scottish Public Services Ombudsman;
- the Scottish Information Commissioner;
- the Commissioner for Children and Young People;
- the Scottish Human Rights Commission;
- the Commissioner for Ethical Standards in Public Life in Scotland; and
- the Standards Commission for Scotland.

This note provides background information on the support role undertaken by the SPCB which includes; setting an officeholder's terms and conditions of appointment, providing and agreeing funding requirements, indemnifying the officeholder in respect of any liabilities incurred in the exercise of their functions, and appointing an Accountable Officer.

The officeholders' budgets form part of the SPCB's overall budget.

#### Officeholder's Term and Conditions of Appointment

The legislation establishing the officeholders provides that the SPCB will determine the terms and conditions of their appointment. This includes determining the length of appointment (up to a maximum of 8 years); the salary to be offered, pension arrangements, and the other terms and conditions (which are based on the terms and conditions the SPCB offers to its staff).

The SPCB will look to the Bill and Accompanying Documents to be guided on whether it is a full or part-time appointment and the legislation will provide the appointment method.

#### Appointment Method

There are 3 different appointment methods-

(i) **Appointment by Her Majesty the Queen on the nomination of the Parliament.** This process is provided for under Standing Orders and involves a cross-party selection panel chaired by the Presiding Officer, with membership of the Convener of the subject committee that scrutinised the legislation establishing the post and between 4 and 7 MSPs having regards to the balance of political parties in the Parliament. Following an open recruitment process, a member of the selection panel will put forward a motion inviting the Parliament to agree the nomination of the recommended candidate.

Appointments made under this process include the Auditor General for Scotland, the Ombudsman, Information Commissioner, Commissioner for

Children and Young People, and the Chair of the Scottish Human Rights Commission. These are all full-time appointments

(ii) **Appointment made by the SPCB with the agreement of the Parliament.** This process involves the SPCB sitting as the selection panel. Following an open recruitment process, a Member of the SPCB selection panel will put forward a motion inviting the Parliament to agree the appointment of the recommended candidate.

Appointments made under this process include the Commissioner for Ethical Standards and the part-time members of the Standards Commission.

(iii) **Appointments made by the SPCB.** This process involves the SPCB sitting as the selection panel and following an open recruitment process appointing the successful candidate.

Appointments made under this process include the part-time members of the Scottish Human Rights Commission.

#### Establishing an office

Once appointed the new officeholder must determine where to establish his/her office to enable him/her to recruit staff. In practice, wherever possible SPCB officials will provide support to the officeholder in locating an office. To ensure value for money we will look at whether there is scope to co-locate a new officeholder with an existing officeholder or with another public sector body.

The location of the office is determined by the officeholder but is subject to the SPCB's approval. Apart from the Information Commissioner who is located in St Andrews, the other SPCB supported officeholders are based in Edinburgh.

Matters that officeholders have considered when determining the location of their office have included; attracting and retaining skilled staff, being located near a transport hub for service users and the cost of renting office space or serviced accommodation.

The SPCB does not pay commuting costs for an officeholder or their staff.

#### Employment of staff

Once an office location has been determined, the officeholder will recruit staff with support from SPCB staff and HR professionals. The officeholder's determination as to staff numbers and the terms and conditions of employment is subject to SPCB approval. The officeholder will be an employer and employ his/her own staff.

In respect of staff terms and conditions, the officeholders are normally encouraged to use the SPCB staff terms and conditions to avoid the need for them having to establish their own pay and grading structure and HR policies.

It is important that the Financial Memorandum which accompanies any Bill is as accurate as is possible with regard to the number of staff the officeholder will need to employ as this will be used by the SPCB when agreeing staff numbers.

Staff costs are the largest element of an officeholder's budget and employing additional staff will have a significant impact on the funding required. Periodic reviews to establish whether the financial and workload assumptions of the legislation remain accurate, particularly when it is a new office/additional functions, would assist the SPCB when being asked to consider a request for additional funding given the impact on its overall budget requirement.

The officeholder will have to set up a payroll and pension provider for staff.

### Office Services

In addition, the officeholder will also have to procure a website and IT services. Where a secure IT system is essential we have previously supported officeholders in securing access to the Government's SCOTS platform as part of a shared services agenda.

Officeholder services  
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