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21 September 2017

Dear Mary

## **SCOTTISH POLICE AUTHORITY: APPOINTMENT OF CHAIR**

I have been approached by the four opposition Justice spokespersons in relation to involving Parliament in the current appointment process of the Chair for the Scottish Police Authority. As you are aware, this is a regulated appointment overseen by the Commissioner for Ethical Standards in Public Life in Scotland and, as set out in legislation, the final decision on the appointment is for Scottish Ministers. This means that it is not possible to delegate responsibility to the Scottish Parliament.

I have taken advice on whether there is a role that Parliament could play, within the framework set by the Police and Fire Reform Act and the [Code of Practice for Ministerial Appointments to Public Bodies in Scotland](#).<sup>1</sup> We have sought agreement from the Commissioner for Ethical Standards in Public Life in Scotland to allow an exception to the Code, and to allow an additional member to be added to the selection panel at this stage. He has agreed provided certain conditions are met.

Given your position as Convenor of the Justice Sub-Committee on Policing, I would therefore like to invite you or a representative to join the selection panel alongside the existing members: Paul Johnston, Scottish Government Director-General of Education, Communities & Justice; David Martin, Chief Executive of Dundee City Council; and Ali Jarvis, the independent assessor from the Commissioner's office.

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<sup>1</sup> <http://www.publicappointments.org/publications/publication/222/2013-code-of-practice-for-ministerial-appointments-to-public-bodies-in-scotland>

A briefing will be provided to the nominated panel member to explain the role more fully, but the key responsibilities include reading applications and taking part in shortlisting and assessment stages of the process, as well as agreeing recommendations to Ministers.

If you (or a representative) accepts, it is essential that you comply with the Code, including the requirement for confidentiality, and agree to be bound by the decisions the selection panel have already made. The Code and the application pack (which sets out the criteria) are attached and the published timetable is attached as an Annex. The criteria are set out further in the application pack and the published timetable is attached as an Annex.

I should make clear that this is a proposal which I am making on an exceptional basis. I do not regard it as a precedent for the future and the presumption should be that if Parliament is to have a role in the process for a public appointment this should be established through the founding legislation.

Please let me know by return if you wish to take up this offer to undertake this role. It would be helpful if you could confirm that you will agree to abide by the requirements of the Code – including in relation to confidentiality – and the decisions made to date.

I am copying this letter to the Chair of the Scottish Parliament Corporate Body and also to Claire Baker MSP, Scottish Labour Spokesperson for Justice; John Finnie MSP, Scottish Greens Justice Spokesperson; Liam Kerr MSP, Scottish Conservative Justice Spokesman; and Liam McArthur MSP, Scottish Liberal Democrats Spokesperson for Justice & Energy.

**MICHAEL MATHESON**

**Published timetable**

Date appointment publicised	21 August 2017
Closing date for completed applications	21 September 2017
Date of shortlisting meeting to select applicants for next stage	28 September 2017
Date outcome of shortlisting meeting will be relayed to applicants	By 2 October 2017
Dates for one-to-one external assessment exercise centre	w/c 9 and 16 October 2017
Dates for interviews	23(pm) & 25(pm) October 2017
Date by which applicants will be informed of the Minister's decision	Early November 2017
Start date	Nov / Dec 2017*
Latest date that applicants can request feedback	2 weeks after being notified of outcome

*\*Please note there may be some flexibility around the start date*