

From: [REDACTED – FOISA 2002 section 38(1)(b)] On Behalf Of First Minister

Sent: 14 December 2018 12:47

To: [REDACTED – FOISA 2002 section 38(1)(b)]; Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>; First Minister <firstminister@gov.scot>

Cc: Cabinet Secretary for Finance, Economy and Fair Work <CabSecFEFW@gov.scot>; Minister for Business, Fair Work and Skills <MinisterBFWS@gov.scot>; First Minister <firstminister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Organisational Development & Operations <DGODO@gov.scot>; Kerr S (Stephen) (Social Security Director) <Stephen.Kerr@gov.scot>; Richards N (Nicola) <Nicola.Richards@gov.scot>; McVie A (Ann) <Ann.McVie@gov.scot>; Wallace D (David) <David.Wallace@socialsecurity.gov.scot>; McClintock A (Andy) <Andy.McClintock@gov.scot>; Baron-Broadhurst L (Lisa) <Lisa.Baron-broadhurst@gov.scot>; Byrne A (Alison) <Alison.Byrne@gov.scot>;

[REDACTED – FOISA 2002 section 38(1)(b)]; Campbell J (Jeanette) (Special Adviser)

<Jeanette.Campbell@gov.scot>; [REDACTED – FOISA 2002 section 38(1)(b)]

Subject: RE: Scottish Commission on Social Security (SCoSS) – FINAL Submission - Chair & Members Appointments

[REDACTED – FOISA 2002 section 38(1)(b)]

The First Minister is content with all Ms Somerville's recommendations.

Let me know if you need anything further.

[REDACTED – FOISA 2002 section 38(1)(b)]

The Scottish Government

5th Floor | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [REDACTED – FOISA 2002 section 38(1)(b)]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [REDACTED – FOISA 2002 section 38(1)(b)] On Behalf Of Cabinet Secretary for Social Security and Older People

Sent: 12 December 2018 17:00

To: [REDACTED – FOISA 2002 section 38(1)(b)]; Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>; First Minister <firstminister@gov.scot>

Cc: Cabinet Secretary for Finance, Economy and Fair Work <CabSecFEFW@gov.scot>; Minister for Business, Fair Work and Skills <MinisterBFWS@gov.scot>; First Minister <firstminister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Organisational Development & Operations <DGODO@gov.scot>; Kerr S (Stephen) (Social Security Director) <Stephen.Kerr@gov.scot>; Richards N (Nicola) <Nicola.Richards@gov.scot>; McVie A (Ann) <Ann.McVie@gov.scot>; Wallace D (David) <David.Wallace@socialsecurity.gov.scot>; McClintock A (Andy) <Andy.McClintock@gov.scot>; Baron-Broadhurst L (Lisa) <Lisa.Baron-broadhurst@gov.scot>; Byrne A (Alison) <Alison.Byrne@gov.scot>; [REDACTED – FOISA 2002 section 38(1)(b)]; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>; [REDACTED – FOISA 2002 section 38(1)(b)]

Subject: RE: Scottish Commission on Social Security (SCoSS) – FINAL Submission - Chair & Members Appointments

[REDACTED – FOISA 2002 section 38(1)(b)]

With apologies for the delay Ms Somerville has now confirmed that she would wish to appoint Dr Sally Witcher as Chair of the Commission and is also content to approve the appointments as Members of Ms McIntyre, Ms Paterson and Mr Simpson.

The Cab Sec would be keen to make the announcement on appointment(s) as soon as possible – before Christmas if able. Grateful for advice from whoever is best placed to provide that.

Thanks.

[REDACTED – FOISA 2002 section 38(1)(b)]

[REDACTED – FOISA 2002 section 38(1)(b)]

The Scottish Government

St Andrews House, Regent Road, Edinburgh, EH1 3DG

[REDACTED – FOISA 2002 section 38(1)(b)]

[REDACTED – FOISA 2002 section 38(1)(b)]

E-mail: cabsecSSOP@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: McVie A (Ann) <Ann.McVie@gov.scot>

Sent: 03 December 2018 13:15

To: Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>

Cc: [REDACTED – FOISA 2002 section 38(1)(b)]

; [REDACTED – FOISA 2002 section 38(1)(b)]

Subject: RE: Scottish Commission on Social Security (SCoSS) – FINAL Submission - Chair & Members Appointments

[REDACTED – FOISA 2002 section 38(1)(b)]

A few bullets attached. Hope helpful.



Ann McVie | Deputy Director | Social Security Directorate | 📍 2C South, Victoria Quay, The Shore, Edinburgh, EH6 6QQ | 📞 0131 244 7376 / 07920 207 927 | ✉️ Ann.McVie@gov.scot

Keep up to date with the development of our new social security powers:

W: <https://beta.gov.scot/policies/social-security/>

T: [@ScotGovSocSec](https://twitter.com/ScotGovSocSec)

INFORMAL INTERVIEWS WITH CANDIDATES FOR CHAIR OF SCOTTISH COMMISSION ON SOCIAL SECURITY

Process and timescales

- As indicated at interview, Ministerial interviews with candidates for Chair taking place this week.
- Formal Ministerial decision due w/c 10 December.
- Letters of appointment will be with the Cab Sec for issue later that week.
- Announcement of Chair expected to be made before Christmas.
- Official start date expected to be 23 January 2019.

Function

- The Scottish Commission on Social Security will have an important role in providing independent scrutiny of the devolved social security system, separate from both the Scottish Government and the Scottish Parliament.
- Publish scrutiny reports on benefit regulations as part of a 'super-affirmative' Parliamentary procedure.
- Has a powerful legal duty to consider relevant human rights instruments when it reports on regulations, and may also do so when delivering all its other functions.
- Stakeholders who support and advise people using the system will be able to submit evidence to this body for investigation if they believe the system is falling short of the standards set out in the charter – effectively a 'whistle blowing' function.
- Scottish Ministers and the Scottish Parliament can ask the Commission to report on any matter relevant to social security that is wanted.

Initial Challenges

- Upon appointment, the Chair would be expected to cultivate good working relationships with the Scottish Government, the Scottish Parliament and other key organisations.
- Report on a substantial programme of secondary legislation required throughout the initial two years **[REDACTED – FOISA 2002 section 29(1)(a)]**
- The Chair will be required to demonstrate excellent leadership, as the new statutory body has no existing framework or performance expectations beyond its statutory functions.

[REDACTED – FOISA 2002 section 29(1)(a)]

Possible topics for discussion

[REDACTED – FOISA 2002 section 29(1)(a)] – 7 bullet points

From: [REDACTED – FOISA 2002 section 38(1)(b)]
On Behalf Of Cabinet Secretary for Social Security and Older People
Sent: 28 November 2018 18:55
To: McVie A (Ann) <Ann.McVie@gov.scot>
Cc: [REDACTED – FOISA 2002 section 38(1)(b)]
; Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>
Subject: RE: Scottish Commission on Social Security (SCoSS) – FINAL Submission - Chair & Members Appointments

Ann

Just following up on our earlier discussion. Ms Somerville reassured around process and happy to meet both candidates on her own next week. Cab Sec did say it would be helpful if she had some bullets around areas that might be particularly helpful to discuss.

Thanks.

[REDACTED – FOISA 2002 section 38(1)(b)]
[REDACTED – FOISA 2002 section 38(1)(b)]
The Scottish Government
St Andrews House, Regent Road, Edinburgh, EH1 3DG
[REDACTED – FOISA 2002 section 38(1)(b)]
E-mail: cabsecSSOP@gov.scot

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [REDACTED – FOISA 2002 section 38(1)(b)]

Sent: 28 November 2018 11:37

To: Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>; First Minister <firstminister@gov.scot>

Cc: Cabinet Secretary for Finance, Economy and Fair Work <CabSecFEFW@gov.scot>; Minister for Business, Fair Work and Skills <MinisterBFWS@gov.scot>; First Minister <firstminister@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; DG Organisational Development & Operations <DGODO@gov.scot>; Kerr S (Stephen) (Social Security Director) <Stephen.Kerr@gov.scot>; Richards N (Nicola) <Nicola.Richards@gov.scot>; McVie A (Ann) <Ann.McVie@gov.scot>; Wallace D (David) <David.Wallace@socialsecurity.gov.scot>; McClintock A (Andy) <Andy.McClintock@gov.scot>; Baron-Broadhurst L (Lisa) <Lisa.Baron-broadhurst@gov.scot>; Byrne A (Alison) <Alison.Byrne@gov.scot>;

[REDACTED – FOISA 2002 section 38(1)(b)]; Campbell J (Jeanette) (Special Adviser)

<Jeanette.Campbell@gov.scot>; [REDACTED – FOISA 2002 section 38(1)(b)]

Subject: Scottish Commission on Social Security (SCoSS) – FINAL Submission - Chair & Members Appointments

Scottish Commission on Social Security (SCoSS) – Chair & Members Appointments

Please find attached the final submission containing the selection panel's recommendation in relation to the Chair and three Member appointments to SCoSS.

I can confirm that we have arranged for you to meet both candidates recommended for the Chair position prior to deciding whom you wish to appoint, the details are as follows:

Tuesday 4 December 2018, Scottish Parliament

- Sally Witcher – 15:00

[REDACTED – FOISA 2002 section 38(1)(b)]

To meet our SG obligation to put privacy at the heart of our processes and meet the GDPR principle of privacy by design and default a copy of the candidate summaries for those being recommended will be provided under a separate email to a restricted copy list.

[SEPARATE EMAIL FULLY WITHHELD – FOISA 2002 section 38(1)(b)]

However, the Cabinet Secretary's final decision, and FM's endorsement, should be relayed in response to this email informing the wider copy list of the outcome.

In order for us to keep to our published timetable a response **by Friday 7 December 2018** would be appreciated.

Regards

[REDACTED – FOISA 2002 section 38(1)(b)]

[REDACTED – FOISA 2002 section 38(1)(b)] | **PESER: Public Appointments Team | Directorate for People | Scottish Government | 3-F (North) | Victoria Quay | Leith Docks | Edinburgh | EH6 6QQ** | [REDACTED – FOISA 2002 section 38(1)(b)]



Supporting the People Strategy by increasing the diversity of public boards



[REDACTED – FOISA 2002 section 38(1)(b)]
Public Appointments Team
28 November 2018

1. Cabinet Secretary for Social Security and Older People
2. First Minister

SCOTTISH COMMISSION ON SOCIAL SECURITY – CHAIR AND MEMBERS APPOINTMENTS

Purpose

1. To provide you with the selection panel recommendations in relation to the appointments of the Board of the Scottish Commission on Social Security and to invite you to confirm that you are content to appoint the three candidates recommended as board members and to decide which of the two candidates you would like to appoint as Chair. Please note, the First Minister's views are also sought on the Chair appointment.

Priority

2. **Routine.** We have advised candidates that we would let them know the outcome w/c 10 December. In respect of meeting the two recommended candidates for the Chair position, we have already secured slots in your diary on 4 December. In order for us to keep to our published timetable a response confirming your decision, for Chair and Members, **by Friday 7 December 2018 would be appreciated.**

Background

3. Following the submission of 23 August 2018 you agreed the process to identify suitable applicants to fill these appointments.

4. Information on the selection process and the selection panel's recommendations are at [Annex A](#). A copy of both person specifications which details the criteria can be found at [Annex B](#).

5. To meet our SG obligation to put privacy at the heart of our processes and meet the GDPR principle of privacy by design and default a copy of the candidate summaries for those being recommended will be provided under a separate cover to a restricted copy list.

Selection Panel Recommendation - Members

6. As you will be aware, it is a requirement of the Code of Practice that in cases where one or more candidates clearly meet the criteria for selection more closely than others, and the same number of positions are being filled, the selection panel must only recommend those candidates as suitable for appointment. Therefore, following discussions as detailed in Annex A, the selection panel agreed that three candidates should be recommended as the most able to meet the requirements of the role and needs of the Board.

7. The recommended candidates are (in alphabetical order):

- **SHARON MCINTYRE**

- JUDITH PATERSON
- MARK SIMPSON

8. You are now asked to appoint Sharon McIntyre, Judith Paterson and Mark Simpson as the recommended as **Most Able** candidates by the selection panel.

Selection Panel Recommendation - Chair

9. Following discussions as detailed in Annex A, the selection panel agreed that two candidates should be recommended for the Chair appointment. They are (in alphabetical order):

[REDACTED – FOISA 2002 section 38(1)(b)]

OR

- SALLY WITCHER

Meeting the Candidates

10. We have arranged for you to meet both candidates recommended for the Chair position prior to deciding whom you wish to appoint, the details are as follows:

Tuesday 4 December 2018, Scottish Parliament

- Sally Witcher – 15:00

[REDACTED – FOISA 2002 section 38(1)(b)]

Feedback to Candidates

11. You are required by the Code of Practice to record evidence as to decisions reached both for the candidates to be appointed and also for those not appointed. The evidence and reasons for the decisions requires to be detailed enough to show clear justification for the decisions reached as well as being able to assist in providing constructive feedback to candidates. For the avoidance of doubt, constructive feedback to any unsuccessful candidates must explain in what way you felt they were not the most appropriate person for the role.

Conclusion

12. Ann McVie, Selection Panel Chair, would be happy to discuss the recommendations and any other issues relating to the appointment round if you would find this helpful.

[REDACTED – FOISA 2002 section 38(1)(b)]

Public Appointments Team

3F (North)

Victoria Quay

[REDACTED – FOISA 2002 section 38(1)(b)]

28 November 2018

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constitution Interest	General Awareness
Cabinet Secretary for Finance, Economy and Fair Work Minister for Business, Fair Work and Skills					X X
First Minister Permanent Secretary DG Organisational Development & Operations Stephen Kerr Nicola Richards Ann McVie David Wallace Andy McClintock Lisa Baron-Broadhurst Alison Byrne [REDACTED – FOISA 2002 section 38(1)(b)] [REDACTED – FOISA 2002 section 38(1)(b)] SSP : Legislation and Operational Policy [REDACTED – FOISA 2002 section 38(1)(b)] [REDACTED – FOISA 2002 section 38(1)(b)] Communications CSSE Jeanette Campbell					

SCOTTISH COMMISSION ON SOCIAL SECURITY – CHAIR AND MEMBERS APPOINTMENTS

Applications and Shortlisting

1. The selection panel conducted their shortlist meeting on 9 October and considered 52 completed applications. The selection panel comprised:

- Ann McVie, Deputy Director, Social Security Policy Division (*Panel Chair*)
- Dr Lindsay Burley CBE FRSA FRCPE FRCGP (*Independent Member #1*)
- Prof Jim McGoldrick (*Independent Member #2*)
- Alec Spencer (*CESPLS Adviser*)

2. Following consideration of the applications, the selection panel agreed that 14 applicants should be invited to interview, including 3 for Chair & Member positions and 2 applying for the Chair position only. Those to be interviewed were (in alphabetical order for each specific post):

CHAIR

- [REDACTED – FOISA 2002 section 38(1)(b)]
- Sally Witcher

CHAIR & MEMBER

- [REDACTED – FOISA 2002 section 38(1)(b)]
- [REDACTED – FOISA 2002 section 38(1)(b)]
- [REDACTED – FOISA 2002 section 38(1)(b)]

MEMBER

- [REDACTED – FOISA 2002 section 38(1)(b)]
- [REDACTED – FOISA 2002 section 38(1)(b)]
- [REDACTED – FOISA 2002 section 38(1)(b)]
- Sharon McIntyre
- [REDACTED – FOISA 2002 section 38(1)(b)]
- Judith Paterson
- Mark Simpson
- [REDACTED – FOISA 2002 section 38(1)(b)]
- [REDACTED – FOISA 2002 section 38(1)(b)]

*withdrew before being interviewed for personal reasons.

3. A composite summary of the selection panel's decision on each application can be provided if required (to a restricted copy list).

Interviews

4. Interviews were held on 19, 22 and 25 October. You may find it helpful to note that as part of the Interview, all candidates were asked to provide a 10 minute verbal response to a practical exercise as part of their interview, with those interviewed for the Chair

SCOTTISH COMMISSION ON SOCIAL SECURITY – CHAIR AND MEMBERS APPOINTMENTS

position also being asked to provide a short presentation. The selection panel asked questions on the points they had raised before going on to ask questions which tested the skills, knowledge and expertise set out in the person specification.

Fit and Proper Person Test

5. In terms of the fit and proper person tests, the candidates had confirmed in their applications that they understood the work of the body and the nature of the appointment and were not aware of having committed any offence or performed any act incompatible with the position; that they were not disqualified on any grounds from being appointed; and that they had read, understood and agreed to be bound by the members code of conduct for the Board. All applicants were also asked to provide details of any political activity within the past five years, for consideration by the panel in the context of their ability to perform the role. Having undertaken these checks and additional questioning at interview, as highlighted in the applicant summary, the selection panel are satisfied to the best of their knowledge that the candidates are fit and proper persons.

Selection Panel Recommendation

6. As detailed at paragraphs 6-10 of the submission, the selection panel has recommended the following candidates for each specific post:

Members

- **SHARON MCINTYRE**
- **JUDITH PATERSON**
- **MARK SIMPSON**

Chair**Recommended for Appointment**

- [REDACTED – FOISA 2002 section 38(1)(b)]

OR

- **SALLY WITCHER**

7. To meet our SG obligation to put privacy at the heart of our processes and meet the GDPR principle of privacy by design and default a copy of the candidate summaries for those being recommended will be provided under a separate cover to a restricted copy list.

Copies of the candidate summaries for those the selection panel has not recommended can be provided if required (to a restricted copy list).

SCOTTISH COMMISSION ON SOCIAL SECURITY – CHAIR AND MEMBERS APPOINTMENTS

PERSON SPECIFICATION - CHAIR

[REDACTED – FOISA 2002 section 25(1)]