
From: [REDACTED – FOISA 2002 section 38(1)(b)] On Behalf Of Cabinet Secretary for Social Security and Older People
Sent: 03 July 2018 18:06
To: [REDACTED – FOISA 2002 section 38(1)(b)]; Cabinet Secretary for Social Security and Older People <CabSecSSOP@gov.scot>
Cc: Campbell J (Jeanette) <Jeanette.Campbell@gov.scot> [REDACTED – FOISA 2002 section 38(1)(b)]; McVie A (Ann) <Ann.McVie@gov.scot>; [REDACTED – FOISA 2002 section 38(1)(b)]
Subject: RE: FOR ACTION: cab Sec meetings with officials

Adam

Ms Somerville has seen and has confirmed that she is content we approach Dr Burley and Professor McGoldrick.

Thanks.

[REDACTED – FOISA 2002 section 38(1)(b)]
[REDACTED – FOISA 2002 section 38(1)(b)]
Private Secretary to the Cabinet Secretary for Social Security
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: cabsecCSSE@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: 02 July 2018 16:42
To: Cabinet Secretary for Social Security and Older People
Cc: Campbell J (Jeanette); [REDACTED – FOISA 2002 section 38(1)(b)]; McVie A (Ann);
[REDACTED – FOISA 2002 section 38(1)(b)]**Subject:** FOR ACTION: cab Sec meetings with officials

PS/Cabinet Secretary for Social Security and Older People,

As mentioned below by Deputy Director Ann McVie, please see the attached paper on the Scottish Commission for Social Security:

<< File: Social Security Programme - Scrutiny - SCoSS - Briefing Note - 2 July 20....docx >>

The Cabinet Secretary will wish to have this to hand for her meeting with Ann tomorrow. There is also an ask of the Cabinet Secretary, which we would ideally like any comments on this week. She may wish to discuss this in person with Ann tomorrow, however.

Kind regards,

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

[REDACTED – FOISA 2002 section 38(1)(b)] | Legislation and Operational Policy | Social Security Policy Division | Social Security Directorate | DG Organisational Development and Operations
Scottish Government | Area 2C South (*Mail Point 6*) | Victoria Quay | The Shore | Edinburgh | EH6 6QQ

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

[REDACTED – OUT OF SCOPE – 3 X EMAILS]

[REDACTED – FOISA 2002 section 38(1)(b)]
Social Security Policy Division
Social Security Directorate
2 July 2018

Cabinet Secretary for Social Security and Older People

SCOTTISH COMMISSION ON SOCIAL SECURITY

Purpose

1. To provide background to and the current position on the Scottish Commission for Social Security (SCoSS), and to seek the Cabinet Secretary's views on the independent members of the selection panel that will appoint the Chair and Members.

Priority

2. Routine.

Background

3. The Scottish Government has committed – via the Social Security (Scotland) Act 2018 (“the Act”) – to establish an independent scrutiny body for social security.

4. The Act sets out an over-arching legislative framework for the administration of social security in Scotland and describes the different types of benefits to be provided. The detailed rules relevant for each benefit will then be set out within regulations, which will tell the 'whole story' in relation to that benefit. This was a deliberate approach as one of the key criticisms of UK legislation is that it is labyrinthine, complex and very difficult for individuals to navigate. The aim was therefore to make Scottish legislation as simple, accessible and as easy to understand as possible.

5. Stakeholders raised concerns during Stage 1 of the Bill process that, as secondary legislation does not go through the same scrutiny process as primary legislation, future governments could change the benefit rules with little independent or stakeholder input. The Scottish Government made it clear during the Bill process that this was not the intention and that it recognised there was a need for independent scrutiny.

6. The Scottish Government therefore invited views from the Social Security Committee, the Disability and Carers Benefit Expert Advisory Group (DACBEAG) and the wider stakeholder community on what appropriate independent scrutiny would look like (see **Annex A** for background on the DACBEAG).

7. The SCoSS functions as set out in the Act were amended in during the Bill process, delivering on the recommendations made and broadly supported by the DACBEAG, the Social Security Committee and stakeholders.

8. The SCoSS's functions are to:

- Provide expert independent scrutiny of benefit regulations as part of a 'super affirmative' procedure (see **Annex B**);
- Prepare a report from time to time containing an assessment on how well the expectations of the social security charter are being fulfilled and recommendations for improvement when they are not (to be submitted to both Scottish Ministers and the Scottish Parliament);
- Report on any matter relevant to social security that Scottish Ministers or the Scottish Parliament ask it to; and
- Further functions can be conferred onto the SCoSS by regulations (though it must be consulted first by Scottish Ministers).

9. In carrying out all of its functions, the SCoSS has a legal duty to have regard to relevant human rights instruments. In practice, this means that the Scottish system will be independently held to account for meeting international human rights standards.

10. The SCoSS will consist of a Chair plus two to four Members. It also has the power to set up expert committees on subject areas that its core membership may not have sufficient knowledge and experience of. For example, if it does not believe it has the collective knowledge to scrutinise regulations on Employment Injury Assistance, it may seek to create a committee made up of experts with relevant third sector stakeholders and those with experience of the previous UK-level Industrial Injuries Disablement Benefit. The SCoSS will serve a function analogous to – but have key differences from – the UK-level Social Security Advisory Committee (see **Annex C** for background on this body).

Current Position

11. Social security officials are working with colleagues in the Public Bodies Unit and the Public Appointments Team to establish the SCoSS. Due to length of time it will take, the immediate priority is to commence the public appointments process, which will follow the Code of Practice for Ministerial Appointments to Public Bodies in Scotland 2013 ('the Code of Practice'). This code is published by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS).

12. The Chair and Members will be appointed by Scottish Ministers and subject to the Scottish Government public appointments process, monitored by the CESPLS. This will include performance reviews and re-appointments, as necessary, throughout the SCoSS's life.

13. The current draft timetable for the appointments process is attached at **Annex D**. The current timetable suggests a decision on the appointments will need to be taken by the Cabinet Secretary in December 2018, with the formal appointment date (when they take up post) being in January 2019. As the process is taking place over the summer months, the timetable tight but achievable.

14. The selection panel will be chaired by Deputy Director Ann McVie, and consist of two other independent members and an Adviser from the Commissioner for Ethical Standards in Public Life in Scotland.

15. We are currently in the process of identifying the two independent members for the selection panel. We approached some key individuals in the sector to gauge their interest in taking part. These names were suggested by policy colleagues from across the Social Security Directorate, the Public Appointments Team, and the previous Minister for Social Security.

16. Of those approached, four have indicated that they are interested in taking part. These are:

- Dr Lindsay Burley CBE FRSA FRCPE FRCGP
- Prof Jim McGoldrick

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

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

Brief outlines of their prior experience are included at **Annex E**.

17. **We would be grateful if the Cabinet Secretary could indicate whether or not she has a preference as to which two of these individuals she would like to sit on the panel.**

Next Steps

18. We are aiming to confirm the selection panel membership this week. They will meet at the end of July to discuss the person specifications, job adverts, and an advertisement strategy for the public appointments. The Cabinet Secretary will be asked to formally approve these in late August.

19. The Cabinet Secretary will receive a submission next week which will seek formal approval on the selection panel and the powers to be delegated to said panel. Further advice will also be submitted in the coming weeks on the type of public body that the SCoSS should be created as.

Recommendation

20. **That the Cabinet Secretary:**

- **Notes the information contained within this note.**
- **Provides her view on the selection panel membership, as indicated at paragraph 17.**

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

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

Legislation and Operational Policy Unit

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

ANNEX A

DISABILITY AND CARERS BENEFITS EXPERT ADVISORY GROUP

1. The Disability and Carers Benefits Expert Advisory Group (DACBEAG) is independent of the Scottish Government and was formed at the request of the previous Minister for Social Security. It is a distinct forum whose purpose is to provide recommendations and advice to Scottish Ministers on the policy and practice options being developed on disability and carers benefits. The group's deadline for final recommendations is the end of this Parliamentary term.

2. The DACBEAG undertakes its work both by request and proactively. It aims to work iteratively with officials and other stakeholders to draw upon the information and evidence available and understanding of the changing context at the point of giving its advice. Where it is appropriate to arrive at a particular piece of advice, workstreams are convened, which may consist of a subset of both group members and external members. As an example, a short life workstream was convened in response to the request for views from the then-Minister for Social Security on what form of independent scrutiny should be applied to the new Scottish system.

3. The DACBEAG provides advice to Ministers on six benefits which are in scope, i.e. those that seek to help to meet some of the additional costs of a disability, caring roles and those that provide financial support for people injured or affected by prescribed diseases in the course of their work. Accordingly, the benefits within their remit are: Disability Living Allowance (DLA); Personal Independence Payment (PIP); Attendance Allowance (AA); Severe Disablement Allowance (SDA); Industrial Injuries Disablement Benefit (IIDB); and Carers Allowance (CA).

4. The group meets around four times a year and workstreams, when created, may meet outwith this timeline. A review of the DACBEAG is currently planned for later this year to ensure that the remit and membership remain fit for purpose.

5. The current membership is as follows:

- **Chair:** Dr Jim McCormick – Associate Director for Scotland, Joseph Rowntree Foundation
- **Deputy Chair:** Dr Sally Witcher – Chief Executive Officer, Inclusion Scotland
- Shaben Begum – Director, Scottish Independent Advocacy Alliance
- Sandra Black – Chief Executive, Renfrewshire Council
- Tressa Burke – Chief Executive, Glasgow Disability Alliance
- Fiona Collie – Policy and Public Affairs Manager, Carers Scotland
- Chris Creegan – Chief Executive, Scottish Commission for Learning Disability (SCLD)
- Etienne d'Aboville – Chief Executive, Glasgow Centre for Inclusive Living (GCIL)
- Lucinda Godfrey – Chief Executive Officer, Dundee Carers Centre
- Sarah Hammond – Manager, East Ayrshire Citizens Advice Bureau

- Jatin Haria – Executive Director, Coalition for Racial Equality & Rights (CRER)
- Professor Ewan MacDonald – Honorary Professor of Public Health, Institute of Health and Wellbeing, University of Glasgow
- Dr Alan McDevitt – Chair, Scottish General Practitioners Committee
- Professor Jim McGoldrick – Convener of the Scottish Social Services Council
- Dr Angela O'Hagan – Senior Lecturer in Equalities and Public Policy, Glasgow Caledonian University
- Judith Paterson – Welfare Rights Co-ordinator, Child Poverty Action Group in Scotland (CPAG)
- Frank Reilly – Director, Scottish Recovery Network
- Andrew Strong – Assistant Director, Health and Social Care Alliance
- Professor Carol Tannahill – Director, Glasgow Centre for Population Health
- Billy Watson – Chief Executive, Scottish Association for Mental Health (SAMH)

ANNEX B

‘SUPER-AFFIRMATIVE’ PROCEDURE FOR BENEFIT REGULATIONS‘Super-affirmative’ Procedure

1. The Act sets out that Scottish Ministers will take a series of steps before laying any regulations to which the super-affirmative procedure applies, as follows:

- to inform the Scottish Commission on Social Security (“SCoSS”) of their proposals in the form of draft regulations;
- to notify the Scottish Parliament that they have done so; and
- to make their proposals publicly available by such means as the Ministers consider appropriate.

2. These steps ensure that, firstly, regulations are subject to independent, expert scrutiny by the SCoSS, and, secondly, that regulations are made available for wider public consultation. These provisions do not limit Parliamentary involvement and we would anticipate that the Social Security Committee would undertake its own scrutiny once the draft regulations are laid. There will also be wider consultation (for example, with members of our Experience Panels) during the policy development phase.

3. This procedure only applies to those under any section of Chapter 2 of Part 2 (types of assistance) and section 79 (top-up powers) of the Act. The Act also goes on to detail how Scottish Ministers must respond to the SCoSS’s report, or what can occur should Ministers choose to lay without waiting for the SCoSS to report.

4. The SCoSS itself must decide and inform the Scottish Government and Parliament when it is ready to start undertaking its scrutiny functions.

5. Further briefing can be provided to the Cabinet Secretary on this procedure, at her request.

Current consultation on draft regulations

6. Public consultations on Best Start Grant (BSG) and Funeral Expense Assistance (FES) have taken place or are currently underway (BSG closed on 15 June, FEA closes on 23 August). While this type of benefit-specific regulations would normally have fallen under the SCoSS’s remit, the Act contains provisions for these regulations not to be subject to SCoSS scrutiny. This was in recognition of the time required to establish the SCoSS and the intention not to delay the introduction of this assistance.

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

ANNEX C

UK SOCIAL SECURITY ADVISORY COMMITTEE

1. The UK Social Security Advisory Committee (SSAC) was formed in 1980 to take over the advisory functions of the Supplementary Benefits Commission and the role of the National Insurance Advisory Committee, both of which were simultaneously abolished.
2. The SSAC is an independent statutory body of the Department for Work and Pensions (DWP), operating at arm's length.
3. Legislation provides that SSAC shall:
 - give advice and assistance to the Secretary of State for Work and Pensions (and the Department for Social Development in Northern Ireland) in connection with the discharge of his functions concerning most DWP benefits and related matters (e.g. links with the labour market and wider social welfare issues). This can be at the request of the Secretary of State or on the SSAC's own initiative; and
 - consider and report upon proposals, for regulations, referred to it by the Secretary of State. All such proposals must be so referred, unless exempted by statute, or the SSAC decides that a formal reference is unnecessary.
4. The SSAC's role is to provide independent, expert, impartial, well-informed and timely advice to the Secretary of State and, by extension, to the UK Parliament and the wider public on social security welfare issues. The SSAC responds to the Department's public consultation exercises, and is also consulted separately by Ministers seeking views on specific issues. The SSAC may, of its own volition, select issues to research and report upon. The Chairman and/or the SSAC meet regularly with Ministers and senior officials to discuss current or emerging issues. Members also meet front-line staff and customers in the course of their visits to operational sites.
5. The SSAC has no powers to look at anything related to the devolved social security system in Scotland. It will still have some relevance to people claiming entitlement in Scotland, however, as reserved benefits will fall under the body's jurisdiction.
6. At time of writing, the SSAC has two Scottish members: Dr Jim McCormick (who is also Chair of the Disability and Carers Benefits Expert Advisory Group) and Judith Paterson (Welfare Rights Co-ordinator at the Child Poverty Action Group and Member of the Disability and Carers Benefits Expert Advisory Group).

ANNEX D

APPOINTMENTS PROCESS – DRAFT TIMETABLE

Stage in Process	Dates	Comments
Early Engagement Meeting	15 June 2018	Attendees: Adviser, Sponsor team and PAT
Feedback from Committee on skillset and experience	End June 2018	Will be used to inform job specifications. Note that Committee replied on 22 June that they had no comments.
1st formal submission issued to Cabinet Secretary	Early July 2018	Submission will: <ul style="list-style-type: none"> • approve the selection panel for the appointment round; • confirm Cabinet Secretary is content to delegate all the fit and proper person tests to the selection panel; and • confirm Cabinet Secretary would be content to proceed without a choice of candidates should the outcome of the appointment round result in this, subject to the principles of 'merit and most able' set out in the Code of Practice.
Issue papers for planning meeting	w/c 23 July 2018	
Planning Meeting	w/c 30 July 2018	<ul style="list-style-type: none"> • Attendees: Full panel, Sponsor team, Adviser and PAT (location and times tbc) • Panel to fully discuss and agree the suite of papers, advertising and assessment of these positions.
Panel to approve revised papers	w/c 13 August 2018	Papers include the person spec, role description, assessment methods, advert, advertising strategy and timetable.
2nd formal submission to Cabinet Secretary	By 20 August 2018	Submission will: <ul style="list-style-type: none"> • Clear final papers (including person spec) and any advertising costs; and • press deadlines.
Advertisement opens	Friday 31 August 2018	4 weeks
Advert closes	Friday 28 September 2018	<i>[Come on Board, 10 Sept, Dundee. An awareness event to highlight</i>

		<i>forthcoming Public Appointments, including to the SCoSS, to explain what an appointment is and what is involved in the process. It is organised by PAT, with guest speakers and open to all.]</i>
Shortlisting Meeting	w/c 8 October 2018	Attendees: Full panel, Adviser and PAT (location and times tbc)
Interview invitations	w/c 8 October 2018	
Latest date applicants can request feedback following shortlist	26 October 2018	
Interviews (3 days required)	w/c 22 October 2018	Attendees: Full panel, Adviser and PAT (location and times tbc)
Candidate Summary Evaluations to be approved by Panel Chair and Adviser	w/c 19 November 2018	
3rd (Final) formal submission to Cabinet Secretary	w/c 26 November 2018	Submission will: <ul style="list-style-type: none"> • inform the Cabinet Secretary of whom the panel have agreed to recommend for selection; <u>or</u> • to be considered for selection should the panel have a number of strong candidates and there is a choice to be made.
Cabinet Secretary's decision	w/c 10 December 2018	<ul style="list-style-type: none"> • Sponsor team to arrange slots in Cabinet Secretary's diary to meet recommended Chair candidate(s). • First Minister required to approve Minister's decision for Chair position only.
Inform candidates	w/c 10 December 2018	
Latest date applicants can request feedback following interview	4 January 2019	
Appointment Date	January 2019	

BRIEF BIOGRAPHIES OF SELECTION PANEL CANDIDATES

Doctor Lindsay Burley CBE FRSA FRCPE FRCGP

Former Chair of NHS Education for Scotland and the National Waiting Times Centre. Former Chief Executive of NHS Borders. Former Chair of the Scottish Association for Mental Health. Has held several non-executive appointments.

Professor Jim McGoldrick

Convener of the Scottish Social Services Council (appointed by Scottish Ministers). Former Chair of NHS Fife. Member of the Disability and Carers Benefits Expert Advisory Group.

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

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

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

Sent: 11 June 2018 13:57

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

Cc: Cabinet Secretary for Communities, Social Security and Equalities; DG Organisational Development & Operations; Campbell J (Jeanette); Kerr S (Stephen) (Social Security Director); McVie A (Ann); Baron-Broadhurst L (Lisa); Wallace D (David); MacDougall A (Audrey); McClintock A (Andy); Byrne A (Alison); [REDACTED – FOISA 2002 section 38(1)(b)] Minister for Social Security

Subject: RE: (AS REQUESTED) FOR ACTION: Submission - Scottish Commission on Social Security - Update and Selection Panel Candidates - 5 June 2018

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

Ms Freeman has seen and noted your submission of 8 June and is content with the recommendations at paragraph 9.

Please find attached a scanned copy of the letter for your records.

[REDACTED – FOISA 2002 section 25(1)]

Thanks

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

PS/Minister for Social Security

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

Please see the [Ministerial Preferences](#) which may be of assistance to you.

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

Sent: 08 June 2018 14:25

To: Minister for Social Security

Cc: Cabinet Secretary for Communities, Social Security and Equalities; DG Organisational Development & Operations; Campbell J (Jeanette); Kerr S (Stephen) (Social Security Director); McVie A (Ann); Baron-Broadhurst L (Lisa); Wallace D (David); MacDougall A (Audrey); McClintock A (Andy); Byrne A (Alison); [REDACTED – FOISA 2002 section 38(1)(b)]

Subject: (AS REQUESTED) FOR ACTION: Submission - Scottish Commission on Social Security - Update and Selection Panel Candidates - 5 June 2018

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

As requested below, please see the attached further advice on the SCoSS timeline, as well as a revised letter to Committee:

<< File: Social Security Programme - Submission - Scrutiny - SCoSS - Update and S....docx >> << File: Social Security Programme - Submission - Scrutiny - SCoSS - Annex C - Le....docx >>

Grateful for the Minister's response to the recommendations at paragraph 9 at her earliest convenience. Also, please let us know when the signed letter is issued.

Kind regards,

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

[REDACTED – FOISA 2002 section 38(1)(b)] | Legislation and Operational Policy | Social Security Policy Division | Social Security Directorate | DG Organisational Development and Operations
Scottish Government | Area 2C South (*Mail Point 6*) | Victoria Quay | The Shore | Edinburgh | EH6 6QQ

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

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

Social Security Policy Division

Social Security Directorate

8 June 2018

Minister for Social Security

SCOTTISH COMMISSION ON SOCIAL SECURITY – UPDATE AND CANDIDATES FOR SELECTION PANEL – FURTHER ADVICE

Purpose

1. To provide further information on the background to the January 2019 appointment date for the Chair and initial Members of the Scottish Commission on Social Security (SCoSS), and a revised letter to the Social Security Committee featuring the requested changes.

2. This advice is provided at your request, following the submission of the same title dated 5 June 2018.

Priority

3. Routine.

Timetable

4. The working timetable for the public appointments process is included at **Annex A**. This has been developed with the Public Appointments Team, who work with policy colleagues and the Commissioner for Ethical Standards in Public Life in Scotland Adviser to run regulated public appointment rounds. It is based on best practice for public appointments and has been adjusted to take account of our timescales.

5. You are currently scheduled to make your decisions on appointments in the week commencing 10 December 2018. This would allow announcements on the appointments to be made before the Christmas period allowing time to invite the preferred candidates to take up appointment and process the appointment paperwork. The formal date for the candidates to take up the posts, however, would be 1 January 2019.

6. As noted in the submission of 5 June, the drafted timetable is tight, but does include some allowance for currently unknown factors. This includes the diaries of selection panel members (who have not yet been approached or appointed) and your availability in December to meet candidates. This may require multiple meetings, depending on how many applicants are advised as being successful by the selection panel.

7. The First Minister will need to approve the preferred candidate for the Chair. The timescales for this are also built into the timetable.

Committee Letter

8. The letter to the Social Security Committee has been revised based your comments and changes, and can be found at **Annex B**.

Recommendations

9. That you:

- Note the information above and at Annex A.
- Agree to the timetable as outlined in Annex A, concluding with an appointment date for the Chair and initial Members of 1 January 2019.
- Sign the letter to the Social Security Committee at Annex B, inviting them to offer their views on the necessary skills required to be appointed to the SCoSS.

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

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

Legislation and Operational Policy Unit

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

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Communities, Social Security and Equalities			X		
DG Organisational Development and Operations Jeanette Campbell Stephen Kerr Ann McVie Lisa Baron-Broadhurst David Wallace Audrey MacDougall Andy McLintock Alison Byrne [REDACTED – FOISA 2002 section 38(1)(b)] [REDACTED – FOISA 2002 section 38(1)(b)]					

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

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

SSP: Legislation and Operational Policy

SSP: Communications and Engagement
Unit

Communications CSSE

ANNEX A

TIMELINE – SCOTTISH COMMISSION ON SOCIAL SECURITY (SCoSS) INITIAL CHAIR & MEMBERS APPOINTMENT

Panel Members: Ann McVie, Panel Chair
Independent Member #1
Independent Member #2

Adviser: Alec Spencer (HIGH Level)

Stage in Process	Dates	Comments
Early Engagement Meeting	15 June 2018	Attendees: Adviser, Sponsor team and PAT
1st Submission issued to Minister	w/c 18 June 2018	Submission will: <ul style="list-style-type: none"> • approve the selection panel for the appointment round; • confirm Minister is content to delegate all the fit and proper person tests to the selection panel; and • confirm Minister would be content to proceed without a choice of candidates should the outcome of the appointment round result in this, subject to the principles of 'merit and most able' set out in the Code of Practice.
Feedback from Committee and Minister on skillset and experience	Early July 2018	Will be used to inform job specifications.
Issue papers for planning meeting	w/c 23 July 2018	
Planning Meeting	w/c 30 July 2018	<ul style="list-style-type: none"> • Attendees: Full panel, Sponsor team, Adviser and PAT (location and times tbc) • Panel to fully discuss and agree the suite of papers, advertising and assessment of these positions.
Panel to approve revised papers	w/c 13 August 2018	Papers include the person spec, role description, assessment methods, advert, advertising strategy and timetable.
2nd Submission to Minister	By 20 August 2018	Submission will: <ul style="list-style-type: none"> • Clear final papers and any advertising costs; and

		<ul style="list-style-type: none"> press deadlines.
Advertisement opens	Friday 31 August 2018	4 weeks
Advert closes	Friday 28 September 2018	<i>[Come on Board, 10 Sept, Dundee. An awareness event to highlight forthcoming Public Appointments, including to the SCoSS, to explain what an appointment is and what is involved in the process. It is organised by PAT, with guest speakers and open to all.]</i>
Shortlisting Meeting	w/c 8 October 2018	Attendees: Full panel, Adviser and PAT (location and times tbc)
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Candidate Summary Evaluations to be approved by Panel Chair and Adviser	w/c 19 November 2018	
3rd (Final) Submission to Minister	w/c 26 November 2018	<p>Submission will:</p> <ul style="list-style-type: none"> inform the Minister of whom the panel have agreed to recommend for selection; <u>or</u> to be considered for selection should the panel have a number of strong candidates and there is a choice to be made.
Minister's decision	w/c 10 December 2018	<ul style="list-style-type: none"> Sponsor team to arrange slots in Minister's diary to meet recommended Chair candidate(s). First Minister required to approve Minister's decision for Chair position only.
Inform candidates	w/c 10 December 2018	
Latest date applicants can request feedback following interview	4 January 2019	
Appointment Date	1 January 2019	

**LETTER TO SOCIAL SECURITY COMMITTEE – VIEWS ON CANDIDATE
SKILLSET – UPDATED**

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

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

Sent: 07 June 2018 17:27

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

Cc: Cabinet Secretary for Communities, Social Security and Equalities; DG Organisational Development & Operations ; Campbell J (Jeanette) ; Kerr S (Stephen) (Social Security Director); McVie A (Ann); Baron-Broadhurst L (Lisa) ; Wallace D (David) ; MacDougall A (Audrey); McClintock A (Andy); Byrne A (Alison); [REDACTED – FOISA 2002 section 38(1)(b)]Minister for Social Security <MinisterSocSec@gov.scot>

Subject: RE: FOR ACTION: Submission - Scottish Commission on Social Security - Update and Selection Panel Candidates - 5 June 2018

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

Ms Freeman has seen and noted your submission of 5 June and is content to agree to recruit a Chair and the minimum number of SCoSS Members (2) in this initial round and that Ann McVie acting as the Panel Chair.

The Minister's preference is to approach the following potential selection panel members plus the additional names highlighted.

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

- [REDACTED – FOISA 2002 section 38(1)(b)]
- Professor Jim McGoldrick
- [REDACTED – FOISA 2002 section 38(1)(b)]
- [REDACTED – FOISA 2002 section 38(1)(b)]
- Lindsay Burley

The Minister has asked to see the timeline to explain why it takes to January 2019.

The Minister has also made some changes and comments to the letter.

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

Grateful to receive a revised draft by 1500 tomorrow.

Thanks

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

Please see the [Ministerial Preferences](#) which may be of assistance to you.

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From:

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

Sent: 05 June 2018 23:25

To: Minister for Social Security

Cc: Cabinet Secretary for Communities, Social Security and Equalities; DG Organisational Development & Operations; Campbell J (Jeanette); Kerr S (Stephen) (Social Security Director); McVie A (Ann); Baron-Broadhurst L (Lisa); Wallace D (David); MacDougall A (Audrey); McClintock A (Andy); Byrne A (Alison);

[REDACTED – FOISA 2002 section 38(1)(b)] Subject: FOR ACTION: Submission - Scottish Commission on Social Security - Update and Selection Panel Candidates - 5 June 2018

PS/Minister for Social Security,

Please see the attached submission (and separate Annex C) regarding the Scottish Commission on Social Security (SCoSS):

<< File: Social Security Programme - Submission - Scrutiny - SCoSS - Update and S....docx >> << File: Social Security Programme - Submission - Scrutiny - SCoSS - Annex C - Le....docx >>

It includes an update for the Minister on progress to establish the SCoSS and a letter to send to the Social Security Committee to ask for their thoughts on the skillset and experience required to sit as Chair or a Member (the Minister noted on Monday that she was keen to receive such this week). The other asks of the Minister (including decisions) are set out at paragraph 22.

Note that this has not been marked as 'Urgent' (as per the Minister's preferences). However, given the tight timescale for both the public appointments process and the ask of Committee in the letter, it would be useful if the Minister could review this submission before the end of the week.

Grateful for the Minister's response in due course. As always, should the Minister be content with the letter, please send on the signed copy when it has issued.

Kind regards,

[REDACTED – FOISA 2002 section 38(1)(b)] [REDACTED – FOISA 2002 section 38(1)(b)]
 | Social Security Policy Division | Social Security Directorate | DG Organisational
 Development and Operations
 Scottish Government | Area 2C South (*Mail Point 6*) | Victoria Quay | The Shore | Edinburgh
 | EH6 6QQ



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

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

Social Security Policy Division

Social Security Directorate

5 June 2018

Minister for Social Security

SCOTTISH COMMISSION ON SOCIAL SECURITY – UPDATE AND CANDIDATES FOR SELECTION PANEL

Purpose

1. To provide a short update on progress to establish the Scottish Commission on Social Security (SCoSS) and to seek the Minister's views on the selection panel and process.

Priority

2. Routine.

Progress

3. We are working with colleagues in the Public Bodies Unit and the Public Appointments Team to begin establishing the SCoSS. The immediate priority is to commence the public appointments process, which will follow the Code of Practice for Ministerial Appointments to Public Bodies in Scotland 2013 ('the Code of Practice'). This code is published by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS).

4. CESPLS have been engaged regarding the establishment of the SCoSS, and have advised that they consider these public appointments as a 'HIGH' level round. This is due to the SCoSS being a new public body, and will mean that a Public Appointments Adviser will be involved in the complete appointment process.

5. The SCoSS will require secondary legislation to be laid so that it can be covered by the functions of CESPLS. They ensure that the appointments process is as rigorous and transparent as possible, and this legislation will make the SCoSS a Regulated Public Body covered by CESPLS. A separate submission was sent to the Minister regarding this by the Social Justice Strategy Unit on 30 May 2018 (the SSI will cover both the SCoSS and the Poverty and Inequality Commission). The Minister cleared this, for her interests, on 31 May 2018.

6. The Minister has asked that the views of the Social Security Committee be sought regarding the skills and experience that should be looked for when vetting SCoSS appointment candidates. This is addressed under the 'Next Steps' section below (see paragraphs 20 and 21).

7. The Public Appointments Team recommend that appointments to public bodies are staggered (either in length of term or appointment date), so that the body

is not faced with recruiting the entire membership at the same time in future. It may therefore be advisable to recruit the Chair and minimum number of Members (2) in the first round. This would allow the Chair to be involved in any subsequent recruitment, subject to the SCoSS's initial workplan (indeed, further Members may not be immediately required). In addition, limiting the initial number may also prove useful in recruiting selection panel members (see paragraphs 12 to 16 below), who would otherwise be disbarred from applying.

Timeline

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

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

10. This timetable for appointments is achievable, but tight. It should also be noted that a reasonable portion of the selection period will take place over summer, which will likely have an effect on the timetable due to people's general availability over these months.

11. The decision to appoint the Chair and Members will be taken by the Minister, based on recommendations made from a selection panel (the First Minister must also approve the Chair candidate). These recommendations will be made following an application and interview process.

Selection Panel

12. The next step is to appoint the selection panel. The Code of Practice sets out the role and duties of the panel and can be found at **Annex A**. Membership of the panel should also follow the Scottish Government's equal opportunities and diversity policy.

13. As this is a new public body, the selection panel should consist of:

- Panel Chair (a Senior Civil Servant)
- Independent Member #1
- Independent Member #2
- Public Appointments Adviser (representing CESPLS)

14. We have identified the Panel Chair to be Deputy Director Ann McVie, and the Public Appointments Adviser (Alec Spencer) has been assigned by CESPLS. They will be involved throughout the entire round, including the interviews.

15. For the independent Members, we have compiled a list at **Annex B** of potential individuals from across the social security landscape. None of these candidates have been approached and, should they agree to participate, will be expected to commit to the time required for meetings, sifting, interviews, and so forth. It must also be noted that anyone who agrees to sit on the selection panel will be disbarred from applying to the SCoSS for this recruitment round.

16. The Minister should note that the individuals listed in Annex B are from a range of backgrounds, but who we believe would have the skills to take part in such a panel. Although knowledge of social security, scrutinising legislation and holding a government to account are desirable traits for someone sitting on this panel, experience of interviewing and appointing people to (ideally senior) posts would be preferable, as would experience of holding a public appointment. The former traits are the type that could be considered for inclusion in the appointment adverts for the SCoSS Chair and Member posts, when they are drafted.

Next Steps

17. Following the Minister's feedback (see paragraph 22 below), we will approach the candidates to ask if they would be interested in sitting on the selection panel. The time commitment and general expectations of the role will be made clear to them, as will the fact that they will not be able to apply for any of these initial SCoSS positions.

18. Once we have identified the two volunteers for the selection panel (and both the CESPLS Adviser and Public Appointments Team are content they meet requirements), the Minister will receive a submission to sign off on the panel membership and to officially delegate authority to the panel to investigate and advise on SCoSS appointment candidates. We currently have this scheduled for later this month.

19. Adverts, applicant packs (including the skill set and experience we would be looking for) and advertising costs will be developed following this in conjunction with the selection panel. The Minister will have sign off on relevant papers before the advertisement period begins. We expect this to be before the end of summer 2018.

20. As noted at paragraph 6, the Minister has committed to seeking the Social Security Committee's views on the skills and experience that should be looked for when vetting potential SCoSS Chair and Member candidates. There is no legislative requirement to consult the Scottish Parliament on SCoSS appointments, and the process is to be a fair and open one following CESPLS guidelines. The Committee cannot, therefore, formally be involved in the selection and appointments process. Additionally, the task of developing the job adverts (including person specifications, skillsets sought, competencies to be tested, etc.) will fall to the selection panel, sponsorship team (Social Security Policy Division officials) and the Public Appointments Team, before being subject to Ministerial approval.

21. We have therefore drafted a letter for the Minister to send to the Committee to seek their input on the skills and experience that the SCoSS Chair and Members should have. This is included for the Minister's signature at **Annex C**. In order for this to not adversely affect the appointments timetable, we would ask that the Committee report back before the July recess. Committee Clerks have been made aware that this letter may be sent to the Convener shortly.

Recommendations

22. That the Minister:

- Notes the information above and at Annex A.
- Agrees to recruit a Chair and the minimum number of SCoSS Members (2) in this initial round.
- Agrees to Deputy Director Ann McVie acting as the Panel Chair.
- Reviews the list of potential selection panel members at Annex B, and offers her opinion on these (and other candidates not listed) as to who should be approached.
- Signs the letter to the Social Security Committee at Annex C, inviting them to offer their views on the necessary skills required to be appointed to the SCoSS.

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

Legislation Manager

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

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

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Communities, Social Security and Equalities			X		
DG Organisational Development and Operations Jeanette Campbell Stephen Kerr Ann McVie Lisa Baron-Broadhurst David Wallace Audrey MacDougall Andy McLintock Alison Byrne [REDACTED – FOISA 2002 section 38(1)(b)] [REDACTED – FOISA 2002 section 38(1)(b)] SSP: Legislation and Operational Policy SSP: Communications and Engagement					

Unit Communications CSSE

ANNEX A

EXTRACT FROM CODE OF PRACTICE FOR MINISTERIAL APPOINTMENTS TO PUBLIC BODIES IN SCOTLAND

A9 The role of the selection panel is to identify and recommend to the Scottish Ministers for appointment applicants who, on the basis of merit, best meet the requirements of the post in question.

A10 Members of the selection panel will

- i. be competent to fulfil their role on the panel
- ii. understand and comply with the requirements of the Code
- iii. understand the purpose of and participate fully in a planning meeting
- iv. declare to their fellow panel members any conflicts of interest they may have that are relevant to their participation as a panel member. Where the conflict is considered significant enough to have an impact on either the outcome of the round or public perception of the outcome of the round, the matter will be referred to the Commissioner for consideration before the round can proceed.

A11 A representative of the Commissioner will be a member of the selection panel for appointment rounds in respect of –

- i. higher level appointments (to be prescribed in guidance)
- ii. other appointments where the Scottish Government invites the Commissioner to provide a panel member and the Commissioner agrees
- iii. any case where the Commissioner considers it appropriate.

The representative's role will be to offer advice to fellow panel members on the Code's requirements with a view to ensuring that these requirements are applied.

A12 Membership of the selection panel will remain the same throughout the appointment round, unless a change of membership is required through ill health or due to an official moving to other responsibilities.

A13 If a member of the selection panel knows, or knows of, one or more of the applicants, they will inform their fellow panel members and explain the nature of the relationship or knowledge.

A14 Applicants will be asked to inform the selection panel chair if they know one or more of the selection panel members.

A15 If the nature of any relationship between a selection panel member and an applicant means it may be inappropriate for the panel member to assess the applicant the panel chair will consult the Commissioner and agree appropriate action.

A16 If at any point from the beginning of a round information about an applicant becomes known to a member or members of the selection panel that

- i. calls into question an applicant's suitability for appointment
- ii. may affect the credibility of the appointment process
- iii. may affect the credibility of the public body concerned

they have a responsibility to share this with their colleagues on the selection panel. The panel will consider the potential impact of the information if the applicant were to be appointed.

A17 The consideration of such matters will take place openly and involve transparent investigation to establish the facts. The applicant will be given an opportunity to respond before any final decision as to their suitability for appointment is made.

ANNEX B

LIST OF POTENTIAL SELECTION PANEL MEMBERS

[These are listed in no particular order.]

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

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

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

- **Professor Jim McGoldrick** – Convener of the Scottish Social Services Council (appointed by Scottish Ministers). Former Chairman of NHS Fife.

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

**LETTER TO SOCIAL SECURITY COMMITTEE – VIEWS ON CANDIDATE
SKILLSET**

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

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