Cabinet Secretary for Government Business and
Constitutional Relations
Michael Russell MSP

Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

David Martin

By email: [REDACTED S.38(1.)(b)]

31 July 2019

Personal

Invitation to Accept Appointment as Convener of the Citizens' Assembly of Scotland

The Citizens' Assembly of Scotland will consider the constitutional future of our country, as set in the First Minister's statement to Parliament of 24 April. In particular, it will ask what kind of country we are seeking to build, how we can best overcome the challenges we face, including those arising from EU exit, and what further work should be carried out to give people the detail they need to make informed choices about the future of the country.

We have discussed the possibility of you being appointed to the position of Convener of the Assembly, and you have indicated your willingness in principle to take on this role.

I am delighted to inform you that Scottish Ministers have agreed to appoint you as Convener of the Citizens' Assembly of Scotland. An offer has also been made to another person, with the intention that you should both act as Co-Conveners of the Assembly. This appointment will begin on 5 August 2019 and end on a date agreed between you and the Scottish Ministers, once the Assembly has produced its final report and wound up its activities. We expect the Assembly to produce its final report by 31 May 2020, and to have wound up its activities by 30 September 2020. This appointment is subject to the terms and conditions set out in **Annex A** to this letter.

Your duties as a Convener of the Assembly are also set out in **Annex A** to this letter. I wish to emphasise that you will act entirely independently from Ministers in discharging these duties. To ensure this, I intend for Scottish Ministers and the Conveners to agree a Memorandum of Understanding, setting out the arrangements that will be put in place to ensure both the independence and the good administration of the Assembly.

The Scottish Government will publicise your appointment by way of a press release and may draw from the information you provide in **Annex B**.

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

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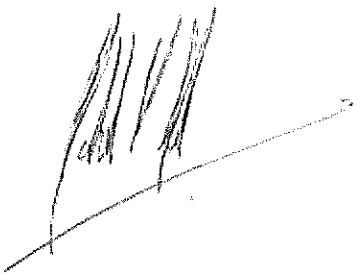
I should be grateful if you would confirm in writing your willingness to accept this appointment on these terms by signing and dating the box provided on the final page of **Annex A**. Please also complete **Annex B** and return both completed originals to:

Ian Davidson
Directorate for Constitution and Cabinet
St Andrew's House
Edinburgh
EH1 3DG

Duplicates of **Annexes A** and **B** are also enclosed which you may wish to keep for your records.

If you have any questions, please contact Ian Davidson at ian.davidson2@gov.scot.

If you accept this appointment, as I very much hope you will, I trust that you will find it both interesting and rewarding, and that it will allow you to continue to demonstrate the outstanding commitment to serving Scotland that you have shown throughout your public life.



MICHAEL RUSSELL

ANNEX A

TERMS and CONDITIONS OF APPOINTMENT

1 Status

1.1 You are appointed as Convener of the Citizens' Assembly of Scotland ("the Assembly"). In these terms and conditions, except where stated, "you" and related expressions refer to the holder of that role.

1.2 You are not a servant or agent of the Crown or a civil servant, and do not have any status, immunity or privilege of the Crown.

1.3 The terms and conditions in this Annex ("the terms") are not to be construed as constituting a contract of employment or service, or a contract for services between you and the Scottish Ministers or the Crown.

2 Interpretation

2.1 The terms are to be read in a way that is consistent with any enactment. If such a reading is not possible, the terms do not apply to the extent that they are inconsistent with any such enactment.

2.2 Where relevant, statutory terms, conditions and other requirements of office also apply to you.

3 Functions

3.1 The main functions of the Assembly and the principles of the Assembly are set out in its remit and terms of reference.

3.2 You must work positively and respecfully with your Co-Convener, with the Secretariat and with any advisers appointed to assist the Assembly, to ensure timeous delivery of the Assembly's remit and to undertake all work associated with delivery of these functions as may be required from time to time. You must have regard to the principles of the Assembly in discharging all your duties as Convener.

3.3 As Convener of the Assembly you will be responsible, in cooperation and liaison with your Co-Convener, for:

- **stewarding** the Assembly by overseeing its design and development in order that the Assembly delivers its remit timeously and effectively,
- **convening** meetings of the Assembly, by hosting them, contributing to them, and ensuring that meetings of the Assembly are conducted in line with the principles of the Assembly, and
- **representing** the Assembly, in the media and in public, and speaking on its behalf.

3.4 As Convener of the Assembly you must, in cooperation and liaison with your Co-Convener, and working with the Secretariat:

- ensure that appropriate arrangements are in place for the conduct and welfare of Assembly members, including through policies designed to protect them from

harassment and discrimination, as well as by establishing a code of conduct for Assembly members,

- ensure that the Assembly produces its final report containing its recommendations, in accordance with its remit and terms of reference, by 31 May 2020, and
- by that date, submit that report to the Scottish Ministers for them to lay before the Scottish Parliament.

4 Accountability

4.1 You must act within and in accordance with the remit of the Assembly and the terms of this appointment. You will receive advice and support on this from the Secretariat and from any independent advisers you may appoint to assist the Assembly.

5 Period of Appointment

5.1 You are entitled to be a Convener of the Assembly from 5 August 2019 until 30 September 2020, inclusive, when the Assembly is expected to have produced its final report and wound up its acitivies, or to such later date as may be agreed with Scottish Ministers, or such earlier date as is specified by virtue of clause 5.2 or to your date of resignation or removal, whichever date comes first. You vacate your role when your role ends, whatever the reason. You should not expect any further period of appointment when this appointment ends.

5.2 If a future administration decides on a change of policy on how the Assembly should operate and considers that an alternative convener should be appointed, your role ends on such earlier date as the Scottish Ministers may, by one month's written notice, specify.

5.3 You may resign from this role by giving three months' written notice to the Scottish Ministers.

6 Time Commitment

6.1 In addition to attendance at meetings of the Assembly (the Assembly will meet 6 times in the period October 2019 to April 2020), you will devote up to 8 days per month, as and when required, to the exercise of your functions as a Convener of the Assembly.

7 Remuneration

7.1 You will be paid a daily fee of £300 for each day of not less than 7.5 hours (excluding lunch breaks) you devote to the exercise of your functions under this appointment, pro rata.

7.2 You are not entitled to a pension in relation to your appointment. You are not entitled to any gratuity, allowance or compensation when your role ends whatever the reason.

7.3 Remuneration will be paid through payroll and is taxable. PAYE deductions in respect of income tax and National Insurance will be made.

8 Expenses

8.1 You are entitled to be reimbursed for necessary or expedient expenses in relation to the exercise of your functions under this appointment.

8.2 Reimbursement will be at the Scottish Government's agreed rates, which may be amended from time to time. Claims for expenses will be managed by the Assembly Secretariat, who will familiarise you with the Scottish Government's Travel Management policy on air and rail travel.

9 Removal from Office

9.1 The Scottish Ministers may, by one month's written notice, remove you from office if they are satisfied that you:

- become an undischarged bankrupt;
- have, without reasonable excuse, been absent from 2 meetings of the Assembly;
- are unable to perform the functions of Convener;or
- are unsuitable to continue as Convener.

10 Changes to the Terms

10.1 The Scottish Ministers may notify you of any proposed change to the terms which they deem necessary or expedient, by giving you one month's written notice of the proposed change. In the event you refuse or are unwilling to accept the proposed change, you will be given one month's written notice of the termination of your appointment.

11 Conduct

11.1 You will observe the following principles of public life:

- **Duty** You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the public body of which you are a member and in accordance with the core functions and duties of that body.
- **Selflessness** You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.
- **Integrity** You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.
- **Objectivity** You must make decisions solely on merit and in a way that is consistent with the functions of the public body when carrying out public business including making

appointments, awarding contracts or recommending individuals for rewards and benefits.

- **Accountability and Stewardship** You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the public body uses its resources prudently and in accordance with the law.

- **Openness** You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

- **Honesty** You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

- **Leadership** You have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the public body and its members in conducting public business.

- **Respect** You must respect fellow members of your public body and employees of the body and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of your public body.

11.3 You will not accept gifts, hospitality and entertainment in performing your functions and in consequence of your role (unless wholly trivial and of minimal value) and will report any such offers to the Secretary to the Assembly.

12 Liability

12.1 If legal proceedings are brought against you by a third party, the Scottish Ministers will meet any civil liability incurred in performing your functions, provided that you acted honestly and in good faith, and did not act recklessly or negligently.

13 Confidentiality

13.1 You will exercise due care in the use of information to which you have access in the course of performing your functions or in consequence of your appointment, and you will protect information that you receive in confidence from unauthorised disclosure.

13.2 When your role ends (whatever the reason) you will continue to owe a duty of confidentiality in relation to information of a confidential nature to which you had access during your role.

13.3 Further to clause 9 above, you may be removed from office if the Scottish Ministers are satisfied that you disclosed information, without authority (statutory or otherwise), that you received in the course of performing your functions or in consequence of your role, or used it for personal gain or advancement.

14 Conflicts of Interest

14.1 You will not take part in activities which conflict with the interests of the Assembly and, in particular, you must not misuse your role, or any information acquired in the course of your role, to further your private interests or those of others.

14.2 You will declare any personal or business interest which might be perceived to influence your judgement in performing your functions. If any such interest arises in relation to a matter under consideration by the Assembly you will declare that interest at the relevant meeting for recording in the minutes. You will ensure that such interests are recorded in a register held by the Assembly.

14.3 You will not participate in any discussion or determination by the Assembly of a matter in which you have a relevant personal or business interest and will withdraw from any such discussion or determination if your interest is direct and pecuniary. If the matter under consideration gives rise to a potential conflict of interest you will inform the Secretary to the Assembly.

15 Political Activity

15.1 Further to clause 9 above, you may be removed from your role if the Scottish Ministers are satisfied that the acceptance or holding of any other office, role, position or interest means that it is not appropriate for you to remain in your role.

I accept appointment as Convener of the Citizens' Assembly of Scotland under the terms set out in Annex A.

Signature: Date:

Full name (in block capitals):

ANNEX B

Declaration Form
Political Activity, Other Public Appointments and Biography

All Conveners must complete this form following appointment. The information provided will be published with the announcement of your new appointment.

This information is collected under the provisions of GDPR Article 6 (1) (e).

Political Activity

Please tick any that you have undertaken in the last five years:

Obtained office as a local Councillor, MSP, MP, MEP etc.	
Stood as a candidate for one of the above offices	
Spoke on behalf of a party or candidate	
Acted as a political agent	
Held office such as chair, treasurer or secretary of a local branch of a party	
Canvassed on behalf of a party or helped at elections	
Undertook any other political activity which you consider relevant	
Made a recordable donation to a political party (see note overleaf)	
None of the above	

Please name relevant parties/bodies and describe your involvement (if any):

Recordable Donations

The Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to maintain a register of all recorded donations reported to them by political parties. Currently, the following donations are recordable:

- Where no previous relevant donation has been recorded, one of more than £7,500, or an aggregate amount of more than £7,500;
- Where there has been a previous recording of a donation, donations that in individually or in aggregate are more than £1,500;
- Where donations of more than £1,500 have been made to a subsidiary accounting unit (such as a constituency association, local branch, or youth organisation).

The register records, amongst other things, the political party receiving the donation, the name of the donor, the amount of the donation, the type of donation and the date on which it was accepted. Information on the Electoral Commission and the register of donations to political parties can be found on its website at: www.electoralcommission.org.uk.

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

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Public Appointments and Non-Executive Directorships

Please detail other public appointments that you hold which were made by, or on the recommendation of Ministers. If you do not hold any, please enter 'Nil'.

Name of body or office	Position (chair, member, etc.)	Remuneration (£ per day/per annum)	Time commitment (days per week/per month)

Biography

For possible inclusion in a press release, please supply a short biography (up to six sentences) **ensuring you outline the particular skills that you bring to the Body**:

Signature: _____ Date: _____

Please print name: _____

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DAVID **MARTIN**

[Redacted S.38(1.)(b)]
[Redacted S.38(1.)(b)]

Michael Russell
Cabinet Secretary,
The Scottish Government,
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Dear Cabinet Secretary, Dear Michael,

I want to thank you most sincerely for the opportunity to be one of the Conveners of Scotland's Citizen's Assembly – an exciting development in Scotland's politics.
It is with great regret that due to unforeseen changes in my personal circumstances, which make it impossible for me to dedicate the required time, I must tender my resignation from this position.
I am sorry to have to make this decision but wish you and the Assembly every success in the future.
Best wishes

Yours sincerely

David Martin

From: David Martin [Redacted S.38(1.)(b)]
Sent: 10 December 2019 16:14
To: Davidson I (Ian) (CA)
Cc: [Redacted S.38(1.)(b)]; [Redacted S.38(1.)(b)]; [Redacted S.38(1.)(b)]; [Redacted S.38(1.)(b)]

Subject: Re: Citizens Assembly

Thanks Ian.
I think that is sensible timing.
I don't intend making any comment.
Best wishes
David

Sent from Yahoo Mail for iPhone

On Tuesday, December 10, 2019, 3:53 pm, [Redacted S.38(1.)(b)] wrote:
David

Hope all is well with you. Just to let you know that Kate will be e-mailing members tomorrow to let them know that you have stepped down for personal reasons and that she is taking on full responsibility for the role. We will adjust the content of the website to reflect these changes. 3x1 have a line that confirms you have stepped down for personal reasons.

Any questions about the role of conveners is for the Scottish Government rather than us but I understand that they are likely only to confirm the above and that Kate has stepped up. Feel free to address any other media queries about the Assembly to 3x1 or on the changes to convener to the Scottish Government (I've copied [Redacted S.38(1.)(b)] as our sponsor in SG).

Best wishes

Ian

IAN DAVIDSON
Secretary to the Citizens' Assembly of Scotland
[Redacted S.38(1.)(b)]
[Redacted S.38(1.)(b)]
****
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For more information please visit http://www.symanteccloud.com

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From: [Redacted S.38(1.)(b)]
Sent: 20 December 2019 14:34
To: 'David Martin'
Cc: [Redacted S.38(1.)(b)]
Subject: Citizens Assembly - press enquiry

Dear Mr Martin

I am the head of the branch within the Scottish Government acting as the sponsor of the Citizens Assembly. so I deal with Citizens Assembly matters that fall to the Government to handle.

Our press office ([Redacted S.38(1.)(b)], whom I am copying in) has been handling a number of enquiries related to your resignation from the Assembly from a journalist at the Sunday Post called Mark Aitken.

He has asked if you are remaining on the Standing Council for Europe and we have confirmed you are (colleagues from the External Affairs Directorate in the Government may have contact you about that).

Mr Aitken has now asked for sight of your resignation letter. We regard release of this as a matter for you, so our press office will refer the journalist to you on this point and we will respect whatever approach you want to take.

[Redacted S.38(1.)(b)]
Head of Constitution Unit
CUKR Division
Scottish Government

[Redacted S.38(1.)(b)]