

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE SCOTTISH MINISTERS AND THE CONVENERS OF THE CITIZENS’
ASSEMBLY OF SCOTLAND
ON
THE INDEPENDENCE AND ADMINISTRATION OF THE CITIZENS’ ASSEMBLY

1. This Memorandum of Understanding sets out the arrangements in place between the Scottish Ministers and the Conveners of the Citizens’ Assembly of Scotland to ensure that the Assembly—

- delivers on its remit and terms of reference independently of government,
- has the resources it requires to deliver its remit and terms of reference, and
- is run to high standards of public administration and uses public resources efficiently.

Independence

2. The Scottish Ministers have adopted principles intended to underpin all aspects of the establishment and operation of the Citizens’ Assembly. These principles, set out in the remit and terms of reference, require that the Assembly operate independently from government. This means that the Scottish Ministers will not seek to influence or direct the Conveners or the Assembly in its deliberations once the remit and terms of reference for the Assembly have been agreed. The Scottish Ministers also recognise that respecting that independence requires them not to comment on the Assembly’s deliberations until the Assembly produces its report.

3. Independence from government is secured by the agreement of a clear remit and terms of reference for the Assembly, by the appointment of independent and impartial Conveners, by the provision of a Secretariat accountable to the Conveners and to the Assembly, by the provision of support and funding controlled by the Secretariat, and by the Conveners and Assembly receiving advice and support, as they see fit, from outwith government, including from the proposed Stewarding Group.

4. The Scottish Ministers commit to acting as regards the Assembly in a manner that respects, and that is seen to respect, this independence. Where official liaison or communication between the Scottish Government and the Assembly is required the Scottish Government will at all times act in a manner that respects this independence.

5. If the Conveners at any point consider that an amendment is required to this Memorandum of Understanding, or to the remit and terms of reference for the Assembly, or that an adjustment is required to the arrangements in place with Scottish Ministers for the administration and delivery of the Assembly, they may make a request to the Scottish Ministers for that amendment or adjustment to be made. The Scottish Ministers will consider all such requests having regard to the principles of the Assembly.

6. If the Scottish Ministers at any point consider that an amendment is required to this Memorandum of Understanding, or to the remit and terms of reference for the Assembly, or that an adjustment is required to the arrangements in place for the administration and delivery of the Assembly, they may make a request to the Conveners for that amendment or adjustment to be made. The Conveners will consider all such requests having regard to the principles of the Assembly.

Support

7. The Scottish Ministers will make available to the Assembly the support and resources it reasonably requires to deliver its remit.

8. This support includes providing the Assembly with a dedicated Secretariat, drawn in part from civil servants working in the Scottish administration. Scottish Ministers will make dedicated accommodation available to the Secretariat, and provide the Secretariat with IT and office equipment as required. While working in the Secretariat, these civil servants will comply with the Civil Service Code, and will take their direction from, and be accountable to, the Conveners.

9. This support includes providing the Assembly with contracted services including public relations, news and media management services, digital

communications services, and design and delivery services. The contractors providing these services will be operationally accountable to the Secretariat for the delivery of contracts and for associated performance standards.

10. This support includes making available to the Secretariat Scottish Government frameworks for services, which can be accessed directly and independently of government. It also includes the Secretariat being able to access independent legal advice through the Scottish Government legal services framework.

11. This support includes procuring the services of a contractor to recruit the members of the Assembly. The contractors providing this service are operationally accountable to the Scottish Ministers for delivery of the contract and the performance standard associated with it. However, the list of members identified by the contractor will be provided directly to the Secretariat and the Scottish Ministers will have no involvement with this element of delivery of the contract.

Finance

12. The Scottish Ministers will make available to the Assembly the financial resources it reasonably requires to deliver its remit.

13. Scottish Ministers will provide an appropriate budget to the Assembly which will be managed by the Secretariat. If, due to unforeseen circumstances, the Assembly requires additional resources a funding request can be made by the Secretariat to Scottish Ministers.

14. The Secretariat will manage the Assembly budget in line with the requirements of the Scottish Public Finance Manual. Access will be provided to Scottish Government banking and accounting systems to ensure control over payments and that appropriate financial records are kept. The Secretariat will make financial reports to the Scottish Government monthly in an agreed format.

Information

15. The Assembly will have, and will publish, a policy setting out its approach to the handling and publication of information, and on how it will respond to requests made to the Assembly for information.

16. Where the Assembly reasonably requires data or information held by the Scottish Ministers in order to carry out its functions, Ministers will provide the Assembly with that data or information if satisfied that it is lawful and appropriate for them to do so.

Reporting

17. The Conveners will provide the Assembly's final report containing its recommendations to the Scottish Ministers by 31 May 2020.

18. The Scottish Ministers will lay the Assembly's report before the Scottish Parliament.

Signed

For the Scottish Government

Cabinet Secretary for
Government Business and
Constitutional Relations

For the Citizens' Assembly of
Scotland

Convener of the Citizens'
Assembly

For the Citizens' Assembly of
Scotland

Convener of the Citizens'
Assembly