

[Redacted]

Public Appointments Team  
8 March 2021

Minister for Energy, Connectivity and the Islands

## **APPOINTMENT OF THE CHAIR AND TWO NON-EXECUTIVE DIRECTORS OF THE BOARD OF DAVID MACBRAYNE LIMITED**

### **Purpose**

1. We are about to commence an appointment round to appoint a new Chair of the Board of David MacBrayne Limited (DML) as well as two Non-Executive Directors. The purpose of the submission is to invite the Minister to:

- approve the selection panel for the appointment round;

### **Priority**

2. \_\_\_\_\_

### **Background**

3. [Redacted]

### **Selection Panel**

6. The Minister is required to approve the proposed selection panel for the appointment round, which will remain the same throughout:

- Fran Pacitti (panel chair), Director, Aviation Maritime Freights and Canals, Transport Scotland;
- Andrew Thin, Chair of the Board of Scottish Canals;
- Bill Smith, Public Appointments Adviser, Ethical Standards Commissioner.

### **Ethical Standards Commissioner**

7. [Redacted]

[Redacted] an Adviser, Bill Smith has been appointed. Bill will offer advice throughout the appointment round and as detailed above, will be a member of the selection panel.

### **Action**

16. The Minister is invited to:

- approve the selection panel for the appointment round;

17. [Redacted] would be happy to discuss any issues with the Minister if he would find this helpful.

[Redacted]

Public Appointments Team  
3F (North)  
Victoria Quay

8 March 2021

**From:** [Redacted]@gov.scot  
**Sent:** 19 March 2021 09:12  
**To:** [Redacted]@ethicalstandards.org.uk  
**Cc:** [Redacted]  
**Subject:** RE: Appointment of the Chair and Non-Executive Directors of David MacBrayne Limited

[Redacted]

I can confirm that joining Bill on the selection panel will be:

- Frances Pacitti (panel chair), Director, Aviation Maritime Freights and Canals, Transport Scotland; and
- Andrew Thin, Chair of the Board of Scottish Canals.

[Redacted]

[Redacted] Public Appointments Team | People Directorate | Scottish Government  
Area 3F (North) | Victoria Quay | Edinburgh | EH6 6QQ

**From:** [Redacted]@ethicalstandards.org.uk  
**Sent:** 05 February 2021 12:18  
**To:** [Redacted]@gov.scot  
**Cc:** 'Bill Smith

**Subject:** RE: Appointment of the Chair and Non-Executive Directors of David MacBrayne Limited

Dear [Redacted]

Thanks for the email and enquiry.

[Redacted] Bill will be assigned as a full panel member to provide oversight and support at every stage.

Bill will work constructively with you and the panel to secure a positive outcome at the conclusion of the round. He will also drop the Commissioner a line once his participation has ended with his views on how the round progressed. This is for the purpose of securing improvement in and enhancing the public appointments process.

Please don't hesitate to contact me if you have any questions or if I can be of any further assistance.

**Kind regards**

[Redacted]  
Public Appointments Officer  
Ethical Standards Commissioner

**Please note I am currently working remotely. The best way to contact me is by email.**

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<http://www.ethicalstandards.org.uk/privacy-policy/>

contact **SCOTLAND-BSL**

**From:** [Redacted]@ethicalstandards.org.uk  
**Sent:** 03 February 2021 11:23  
**To:** [Redacted]@gov.scot  
**Cc:** [Redacted]

**Subject:** RE: Appointment of the Chair and Non-Executive Directors of David MacBrayne Limited

Hello [Redacted]

Bill is allocated to this for early engagement, so please feel free to contact him at any point for early planning, and we'll get back to you with a level as soon as poss.

Kind regards,

[Redacted]

Public Appointments Officer  
Ethical Standards Commissioner

**Please note I am currently working remotely. The best way to contact me is by email.**

To find out more about how we treat your personal data please go to: <http://www.ethicalstandards.org.uk/privacy-policy/>  
**contactSCOTLAND-BSL**

**From:** [Redacted]@gov.scot

**Sent:** 03 February 2021 08:18

**To:** [Redacted]@ethicalstandards.org.uk;

[Redacted]@ethicalstandards.org.uk

**Subject:** Appointment of the Chair and Non-Executive Directors of David MacBrayne Limited

[Redacted]

I've now had confirmation from colleagues in Transport Scotland that they would like to start the round to appoint a new Chair and two Non-Executive Directors to the Board of David MacBrayne Limited.

I'd be grateful if you would arrange for the Commissioner to set the level for the round and confirm if an Adviser is to be appointed to the panel. As far as I can recall, Bill Smith was allocated the round at the forward look stage some time ago and before Ministers made a request to the Commissioner to extend the appointments of all three Board Members beyond eight years.

I will confirm the make-up of the selection panel once Ministers are content.

Please let me know if you need any further information at this stage.

[Redacted]

[Redacted] | Public Appointments Team | People Directorate | Scottish Government |  
Area 3F (North) | Victoria Quay | Edinburgh | EH6 6QQ

# Response to Question 1

**From:** [Redacted] on behalf of [Minister for Energy, Connectivity and the Islands](#)  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: David MacBrayne Limited -Appointment of the Chair and Non-Executive Directors  
**Date:** 11 March 2021 16:53:41

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[Redacted]

Mr Wheelhouse is content to approve the recommendations.

Thanks

[Redacted] | **Private Secretary to Paul Wheelhouse MSP, Minister for Energy, Connectivity and the Islands**

The Scottish Government | Web: [www.gov.scot](http://www.gov.scot)

Tel: [Redacted] | Mobile: [Redacted] | Email: [Redacted]@gov.scot

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**From:** [Redacted]@gov.scot>  
**Sent:** 08 March 2021 13:29  
**To:** [Redacted]@gov.scot>  
**Cc:** [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@transport.gov.scot>; [Redacted]@transport.gov.scot>; [Redacted]@gov.scot>;  
**Subject:** David MacBrayne Limited -Appointment of the Chair and Non-Executive Directors

Minister for Energy, Connectivity and the Islands

Please see the attached submission concerning the early stages of a round to appoint a new Chair and two Non-Executive Directors of the Board of David MacBrayne Limited.

<< File: David MacBrayne Limited - Chair and Non-Executive Directors - Submission – First Submission - 8 March 2021 .docx >>

[Redacted]

## Response to Question 2

**From:** Erik Østergaard [Redacted]

**Sent:** 28 July 2021 21:41

**To:** Pacitti F (Frances) <[Redacted]@transport.gov.scot>

**Subject:** VS: Erik Østergaard - Application for position as Chair of the Board of David MacBrayne Limited

**Importance:** High

Frances,

For your information only. You will get it through the official channels.

Best regards

Erik

[Redacted]  
Public Appointments Team  
23 September 2021

1. Minister for Transport
2. First Minister

## **APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE LIMITED**

### **Purpose**

1. To provide the Minister with the selection panel's recommendations in relation to the appointment of the new Chair of the Board of David MacBrayne Limited (DML) and to invite the Minister to consider the recommendation and decide which candidate should be appointed to the Chair role.
2. As this is a Chair appointment, confirmation that the First Minister is content with the Minister's preferred candidate is also sought.
3. Information and recommendations on the appointment of Non-Executive Directors to the DML Board will follow later this month.

### **Priority**

4. [Redacted]

### **Background**

5. Following the submission of 8 March, which discussed the appointment of the Chair and up to three Non-Executive Directors of the DML Board, the then Minister for Energy, Connectivity and the Islands approved the selection panel;
8. Information on the selection process and the selection panel's recommendations are at Annex A. Candidate summaries for all candidates, along with a pen picture of those being recommended, will be provided to Ministers separately.

### **Selection Panel Recommendation**

10. Following the discussions detailed at Annex A, the selection panel concluded that the two candidates listed below should be recommended the following candidates for consideration given the requirements of the Chair role and the needs of the Board:

[Redacted]  
Erik Østergaard

11. The Minister is asked to consider the evidence presented and decide which candidate should be appointed as Chair.
12. Mr Østergaard has confirmed that he will stand down as Chair of the Board of Caledonian Maritime Assets Limited if appointed Chair of DML, with his tenure on that board due to expire on 30 April 2022 in any event.

13. Full details on the evidence presented by both candidates is detailed in the candidate summaries.

### **Meeting the Candidates**

14. The Minister will be aware that the Ethical Standards Commissioner encourages Ministers to meet candidates prior to deciding whom to appoint. If the Minister would like to meet both candidates recommended prior to making a final decision, I would be happy to make the necessary arrangements. At the moment, any meeting would be online or by telephone.

### **Conclusion**

15. Fran Pacitti, the selection panel chair, would be happy to discuss the recommendations and any other issues relating to the appointment round with the Minister if he would find this helpful.

[Redacted]  
Public Appointments Team  
Area 3F North  
Victoria Quay

23 September 2021

## APPOINTMENT OF THE CHAIR AND THREE NON-EXECUTIVE DIRECTORS OF THE BOARD OF DAVID MACBRAYNE LIMITED PERSON SPECIFICATION

### Applications and Shortlisting

1. The selection panel held the shortlisting meeting on 4 August and considered , six applications for the Chair role. The selection panel comprised:

- Fran Pacitti (chair), Director, Aviation Maritime Freights and Canals, Transport Scotland;
- Andrew Thin, Chair of the Board of Scottish Canals;
- Bill Smith, Public Appointments Adviser, Ethical Standards Commissioner.

2. Following consideration of the completed applications, the selection panel agreed that three applicants should be invited to interview for the Chair role:

- [Redacted]
- [Redacted]
- Erik Østergaard

3. [Redacted]

### Assessment

4. The interviews for the Chair role were held on 9 September. The Minister may find it helpful to note that candidates took part in an interview with the selection panel as well as providing the panel with a short response setting out their analysis of the DML Annual Accounts.

### Fit and Proper Person Test

5. [Redacted]

6. [Redacted]

7. [Redacted]

**APPOINTMENT OF THE CHAIR AND THREE NON-EXECUTIVE DIRECTORS OF THE  
BOARD OF DAVID MACBRAYNE LIMITED  
PERSON SPECIFICATION**

**Selection Panel Recommendation**

8. As detailed at paragraphs 10-14 of the submission, the selection panel has recommended the following candidates;

[Redacted]

Erik Østergaard

9. The candidate summaries for those assessed along with pen pictures for both candidates that have being recommended will be provided to Ministers separately.



APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE LIMITED

SUMMARY OF OVERALL PERFORMANCE

Candidates Recommended for Appointment

[Redacted]

Change Management

- ability to work with internal and external partners to communicate and deliver the shareholder's strategic vision for the organisation, including leading a culture change strategy;
- a rigorous focus on service delivery and cost control in a challenging and evolving strategic/fiscal context.

Evaluation	Did not meet	Acceptable Evidence	Good Evidence	Exceptional Evidence
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[Redacted]

[Redacted]









**APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE  
LIMITED  
SUMMARY OF OVERALL PERFORMANCE**

**Candidates Recommended for Appointment**

I confirm that this summary records the collective views of the selection panel on this applicant's suitability for appointment.

Signed: Frances Pacitti

Date: 22 September 2021



APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE  
LIMITED

**SUMMARY OF OVERALL PERFORMANCE**

Candidates Recommended for Appointment

[Redacted]

[Redacted]

Change Management

- ability to work with internal and external partners to communicate and deliver the shareholder's strategic vision for the organisation, including leading a culture change strategy;
- a rigorous focus on service delivery and cost control in a challenging and evolving strategic/fiscal context.

Evaluation	Did not meet	Acceptable Evidence	Good Evidence	Exceptional Evidence
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APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE  
LIMITED

**SUMMARY OF OVERALL PERFORMANCE**

Candidates Recommended for Appointment

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

**Fit and proper person test**

[Redacted]

**Recommendation**

[Redacted]

I confirm that this summary records the collective views of the selection panel on this applicant's suitability for appointment.

Signed: Frances Pacitti

Date: 22 September 2021



**APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE LIMITED**  
**SUMMARY OF OVERALL PERFORMANCE**

**Candidate Not Recommended**

[Redacted]

**Change Management**

- ability to work with internal and external partners to communicate and deliver the shareholder's strategic vision for the organisation, including leading a culture change strategy;
- a rigorous focus on service delivery and cost control in a challenging and evolving strategic/fiscal context.

Evaluation	Did not meet	Acceptable Evidence	Good Evidence	Exceptional Evidence
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[Redacted]

**Knowledge and/or direct experience of the key issues, including senior level professional experience/understanding of the public sector**

- knowledge/understanding of tourism and economic and social regeneration, affecting rural and island communities;
- experience in the successful delivery of high value contracts or services;
- understanding of the frameworks within which a public sector body operates.

Evaluation	Did not meet	Acceptable Evidence	Good Evidence	Exceptional Evidence
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[Redacted]

**APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE  
LIMITED  
SUMMARY OF OVERALL PERFORMANCE**

**Candidate Not Recommended**

[Redacted]

[Redacted]

**Governance**

- direct experience of ensuring effective governance at senior management or board level;
- an understanding of requirements under the Companies Act;
- ability to articulate what board responsibilities are from a fiscal and legal perspective and can demonstrate direct involvement in the implementation of good governance principles;
- an understanding of audit and risk management and the ability to demonstrate effective practical application of that understanding.

Evaluation	Did not meet	Acceptable Evidence	Good Evidence	Exceptional Evidence
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[Redacted]

[Redacted]



**APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE  
LIMITED  
SUMMARY OF OVERALL PERFORMANCE**

**Candidate Not Recommended**

[Redacted]

Excellent communication, networking, influencing, mediation and conflict resolution skills

- experience of partnership development, key stakeholder management and internal team building;
- experience of employee relations in a complex organisation;
- ability to oversee a media strategy in line with shareholder's strategic objectives.

Evaluation	Did not meet	Acceptable Evidence	Good Evidence	Exceptional Evidence
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[Redacted]

[Redacted]



**APPOINTMENT OF THE CHAIR OF THE BOARD OF DAVID MACBRAYNE  
LIMITED  
SUMMARY OF OVERALL PERFORMANCE**

**Applicants unsuccessful following the application stage – those who did not demonstrate sufficient positive evidence of the essential criteria**

[Redacted]

[Redacted]

[Redacted]

Our records indicate that the former Minister for Transport, Graeme Dey, met with Mr Erik Ostergaard on the following occasions during his tenure in office.

<b>Date</b>	<b>Occasion</b>	<b>Location</b>
3 June 2021	Caledonian Maritime Assets Limited Introductory Meeting	Online
17 August 2021	Caledonian Maritime Assets Limited Meeting	Online
19 October 2021	David McBrayne Limited Appointment - Applicant Meeting	Online
23 November 2021	Caledonian Maritime Assets Limited Meeting	Online

Our records indicate that Mr Andrew Thin has been a member of selection panels for the following regulated public appointment rounds.

<b>Board</b>	<b>Position</b>	<b>Year</b>
Scottish Natural Heritage	Board Member	2007
Scottish Environment Protection Agency	Chairperson and Board Member	2007
Royal Botanic Garden of Edinburgh	Chairperson	2007
Scottish Futures Trust	Board Member	2016
Scottish Canals	Board Member	2019/2021
Architecture and Design Scotland	Board Member	2021
David MacBrayne Limited	Chairperson and Board Member	2021