

Extract - Finance and Public Administration Committee (FPAC) Briefing Pack

Permanent Secretary Appearance with DFM on the inquiry in to Public Administration – Effective Scottish Government Decision-Making

16th May 2023 at 9.30 – 11.15

Witnesses:

Ms Shona Robison MSP, Deputy First Minister
John-Paul Marks – Permanent Secretary
Lesley Fraser – DG Corporate
Dominic Munro – Director for Strategy

Permanent Secretary Appearance on Public Administration

16th May 2023 at 11.15 – 12.30

Witnesses:

John-Paul Marks – Permanent Secretary
Lesley Fraser – DG Corporate
Louise Macdonald – DG Communities
Jackie McAllister – Chief Finance Officer

1.1 Policy Lines: UKG and Permanent Secretary (JP)

- **Structurally, SG are part of and work with the wider Civil Service operation.** We work together within various Talent Forums, SG is part of the Devolved Administrations People Sub Committee, and we work collaboratively within functional and professional networks.
 - UKG and SG Civil Servants are **both subject to Civil Service Code** – the same standards for all our staff, and allows staff movement across governments.

1.1.1 Policy Lines: Intergovernmental Relations (JP)

- The Scottish Government remains committed to fostering a relationship with the UK Government based on mutual respect.
- For example, there has been pragmatic cooperation between governments on many aspects of:
 - Green Freeports; Covid; the Ukraine resettlement scheme; the recent test of UKG emergency alerts, as well as; improved formal IGR machinery.
- There have also been modest improvements in the conduct and frequency of the bilateral Ministerial relationship following the appointment of the current PM, eg FM/PM call on the first day of FM's appointment (28 March), with a follow-up meeting a month later (on 24 April) during FM's first trip to London. The respective lead IGR Ministers (DFM and Mr Gove) also had an early bilateral meeting on 28 April.
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- From the perspective of SG Ministers, in order for there to be a genuine overall improvement in IGR, there needs to be a different UKG Ministerial approach that respects the responsibilities of the Scottish Government and Parliament.
- [REDACTED]

The Accountability of Scottish Government Civil Servants (“Conflict of Interest” issue raised previously by the Committee)

- As Permanent Secretary to the Scottish Government, I am serving Scottish Ministers to deliver their programme for government.
- The Civil Service Code states that Civil Servants working for the Scottish Government, including me, “are accountable to Scottish Ministers, who in turn are accountable to the Scottish Parliament” – just as others are accountable to UK, Welsh, or Northern Irish Government Ministers.
- Given the devolution settlement and the nature of the current UK constitutional arrangement, we collaborate pragmatically with the UK Government wherever we can in order to best achieve SG objectives.
- Part of the work of Civil Servants working for the Scottish Government is to support Ministers in engagement with the other Governments in these islands. In relation to this, the Code's provisions on integrity require that “Civil Servants must always act in a way that is professional and that deserves and retains the confidence of all those with whom they have dealings.”
- The Code also includes a particular recognition of the importance of co-operation and mutual respect between Civil Servants working for the Scottish Government and the UK Government and other devolved administrations, and vice versa.

1.1.2 Policy Lines: Constitution and the Civil Service (JP)

- Role of the Civil Service to support the elected government of the day, operating in line with the CS Code and our values of integrity, honesty, objectivity and impartiality.
- [REDACTED]
- [REDACTED]
- Important to recognise the breadth of constitutional work that takes place. Ministerial policy in relation to independence is only one aspect of that broader effort. Such work also includes, to give just a few examples:
 - engagement with the UK Government and the other devolved governments

- work on the implementation of social security powers
- work on proposals for UK legislation that requires legislative consent from the Scottish Parliament, such as the UK Government's legislation on retained EU law
- understanding the implications for Scotland of the Windsor Framework

[REDACTED]

- [REDACTED]
 1. [REDACTED]
 2. [REDACTED]
 3. [REDACTED]
 4. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- Supreme Court: November's judgment provided certainty on the competence of the Scottish Parliament to legislate for a referendum on independence without a transfer of competence through a mechanism such as an order under Section 30 of the Scotland Act 1998. But it does not fundamentally alter the basis on which the Scottish Government is entitled to undertake work on constitutional change, including on proposals for new powers up to and including proposals for independence.
 - Ministers have stressed that the SG remains ready to engage at any point with the UKG on a future referendum.