

202300390302 – Contribution

- 1. In terms of council funding, how much money does the Scottish Government supply per head of population of each local authority>*

Please see below the table outlining funding per head of population for each local authority in 2023/24 through the Local Government Settlement only. Final figures for 2024-25 will not be available until the Local Government Order has been agreed by the Scottish Parliament.

The needs based distribution formula used to distribute the total funding available to individual local authorities, is discussed and agreed with COSLA on behalf of all 32 local authorities each year. The funding formula takes into account a wide range of indicators including, but not limited to population, deprivation, rurality and road length. The formula uses the most up to date information at the time the settlement is calculated, for the full range of indicators.

Scottish Government also provide significant sums to local authorities outwith the Local Government Settlement. A point in time estimate of these figures is provided in the Scottish Budget publication each year but the actual sums are notified by the relevant portfolio through the course of the financial year.

Local Authority	Funding per head (£)
Aberdeen City	2,026
Aberdeenshire	2,143
Angus	2,319
Argyll & Bute	2,912
Clackmannanshire	2,431
Dumfries & Galloway	2,553
Dundee City	2,585
East Ayrshire	2,495
East Dunbartonshire	2,235
East Lothian	2,088
East Renfrewshire	2,390
Edinburgh, City of	1,958
Eilean Siar	4,406
Falkirk	2,262
Fife	2,303
Glasgow City	2,636
Highland	2,479
Inverclyde	2,743
Midlothian	2,275
Moray	2,239
North Ayrshire	2,801
North Lanarkshire	2,385
Orkney	4,246
Perth & Kinross	2,226

Renfrewshire	2,291
Scottish Borders	2,440
Shetland	4,770
South Ayrshire	2,390
South Lanarkshire	2,282
Stirling	2,333
West Dunbartonshire	2,795
West Lothian	2,271

[Total Funding taken from Annex L Local Government Finance Circular 03/2023](#)

[Mid- Year 2021 Population Estimates Scotland](#)

Document 1

From: [redacted]
Sent: Friday, December 8, 2023 9:41 AM
To: Alex Paterson <alex.paterson@hes.scot>
Subject: RE: Leaving HES

Hi Alex,

Sorry for late response as just returning from leave then Covid but really sorry to hear you are leaving as its been great working with you over the last few years. Glad to hear you will be around until the end of the FY and will we will no doubt have plenty of engagement before then starting with the regular catch up with Minister next week.

Kind regards and good luck for the future

[redacted]

[redacted] | [redacted] | Sponsorship and Historic Environment | Culture and Major Events | Scottish Government | Area 2G-South, Victoria Quay, Leith, EH6 6QQ Phone [redacted] | MOB [redacted] | ✉ [redacted]@gov.scot

Document 2

From: [redacted]
Sent: Thursday, November 30, 2023 2:46 PM
To: Cabinet Secretary for Constitution, External Affairs & Culture <CabSecforCEAC@gov.scot>; Minister for Culture, Europe & International Development <MinisterforCEID@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Lisa Baird <Lisa.Baird@gov.scot>; Director of Culture and Major Events <Directorofcultureandmajorevents@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: Alex Paterson - HES CEO - Resignation

Good Afternoon,

For awareness only:

Alex Paterson, Historic Environment Scotland CEO, informally advised the HES sponsorship team that he has tendered his resignation, and we have made comms colleagues aware. There has now been an article published about it on the HES website - <https://www.historicenvironment.scot/about-us/news/statement-from-alex-paterson/>

Kind Regards

[redacted]

[redacted] | [redacted]

2G South, Victoria Quay, Edinburgh, EH6 6QQ
e: [redacted]@gov.scot
w: www.scotland.gov.uk

Document 3

From: Alex Paterson <alex.paterson@hes.scot>
Sent: Tuesday, November 28, 2023 1:12 PM
To: Director of Culture and Major Events <Directorofcultureandmajorevents@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: Leaving HES

Penelope, [redacted], [redacted]

After over 7 years as Chief Executive I have made the difficult decision that the time is right to do new things and move on from HES. Though the details and dates are to be agreed, i envisage this to be around the end of the financial year.

We will issue an internal communication to this effect tomorrow morning, but i wanted to alert you so that you don't hear second hand. The grapevine can work extremely effectively and quickly with this type of news!

Please pass on to colleagues as you feel appropriate.

Regards
Alex

Sent from Outlook for iOS

Historic Environment Scotland - Scottish Charity No. SC045925
Registered office: Longmore House, Salisbury Place, Edinburgh, EH9 1SH
Historic Environment Scotland Enterprises Ltd – Company No. SC510997
Registered office: Longmore House, Salisbury Place, Edinburgh, EH9 1SH
Scran Ltd – Company No. SC163518
Registered office: John Sinclair House, 16 Bernard Terrace, Edinburgh, EH8 9NX

This e-mail does not form part of any contract unless specifically stated and is solely for the intended recipient.
Please inform the sender if received in error.

Email 1

From: [Redacted]

Sent: Monday, December 4, 2023 2:31 PM

To: George Burgess <George.Burgess@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Anna Densham <Anna.Densham@gov.scot>
Subject: Update- restricted - SLC appointments - BBC news article - Michael Russell steps down as SNP president - BBC News

George, thanks for the update.

I note that Mike Russell appears to know that he is the nominated candidate for the Chair; although as noted in my original email, Public Appointments Team (PAT) have not notified any of the candidates for Chair or Land Commissioner of the outcome following interviews.

I agree that the lack of other candidates removes potential handling issues in that regard.

[Redacted]

PAT have today emailed all the candidates for Chair and Land Commissioner roles with an update (noting that Minister has considered and now with NZET Committee, who have indicated they will consider on 12 December), but have not informed the candidates whether they have been recommended for appointment. PAT will also send an update to the panel this afternoon to let them know that committee consideration will now be on 12 December, and I will then email Andrew Thin in advance of Tuesday morning's SLC Board meeting to confirm that the candidates have not been informed.

For reference, I also attach a link to a National article which specifically refers to Mike Russell being recommended for appointment
<https://www.thenational.scot/news/23962691.michael-russell-step-snp-president/>

Neither the sponsor team or PAT colleagues have had any approaches today from Parliament or elsewhere about this – I will let you know if that changes.

Kind regards, [Redacted]

[Redacted] | Land Reform Policy and Legislation Team Leader | Directorate for Agriculture and Rural Economy | Scottish Government | Phone [Redacted] | Email [Redacted]@gov.scot

Please note that I work part time, Monday, Tuesday, Thursday and Friday afternoons only

Email 2

From: George Burgess <George.Burgess@gov.scot>
Sent: Friday, December 1, 2023 7:34 PM
To: [Redacted] <[Redacted]@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Anna Densham <Anna.Densham@gov.scot>
Subject: RE: Urgent - restricted - SLC appointments - BBC news article - Michael Russell steps down as SNP president - BBC News

[Redacted]

I was contacted by Andrew Thin yesterday afternoon, following him being contacted by Mike Russell, who certainly knows that he is the nominated candidate. Mike was seeking to coordinate his demission from the SNP Presidency with his candidacy becoming public. Following discussion with SpAds it became clear that the letter to the Committee had been seen by the Committee Chair (though not by the members).

[Redacted]

As there are no other remaining candidates for Chair, there is no issue about another candidate being disappointed.

The suggested line looks fine to me.

George

Email 3

From: [Redacted] <[Redacted]@gov.scot>
Sent: Friday, December 1, 2023 7:27 PM
To: George Burgess <George.Burgess@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Anna Densham <Anna.Densham@gov.scot>
Subject: Urgent - restricted - SLC appointments - BBC news article - Michael Russell steps down as SNP president - BBC News

Hi George and Fiona/Anna. I'm not sure who's providing senior cover this weekend but I've just spotted the linked article on the bbc news website about Mike Russell stepping down as honorary chairman president of the snp as he is hoping to be the

next SLC chair. I don't know if we will get any media approaches over the weekend but I wanted to clarify that the 3 individuals recommended for appointment to the SLC (2 land commissioners and chair) have not yet been informed, nor have the unsuccessful candidates. The names have not been made public - they are contained in the letter/papers sent from Cab sec to the committee on Wednesday, but are not in the statutory report that was laid in parliament this week and are not in the public domain.

Public appointment team colleagues (copies in) decided it was 'cleaner' to wait until after the committee considered the candidates to let them know - this was relayed to the nzet committee clerk yesterday who understood and indicated that it would be made clear to the committee members that the names were restricted and not to be shared.

I suggest if we get any approaches that we use the line that the appointments process is underway following ethical standards commissioner code and requirements of 2016 land reform act and that unable to comment. Probably also worth adding that candidates have not been informed of outcome of interviews yet and that any appointments have to be approved by the Scottish parliament (requirement of 2016 act).

<https://www.bbc.co.uk/news/uk-scotland-scotland-politics-67595638>

Public appointments team and I will pick up anything needed on Monday. We will need to reconsider whether we now need to inform all candidates and Imwe probably need to speak to Andrew Thin as there is an SLC board meeting on Tuesday morning.

Thanks, [Redacted]

Sent from my iPhone

Email 4

From: [Redacted] <[Redacted]@gov.scot>
Sent: Friday, December 8, 2023 2:56 PM
To: Fiona Harrison <Fiona.Harrison@gov.scot>
Subject: Urgent for comment - Update for Cab Sec on Appointment for a Chair and Commissioners to the Scottish Land Commission
Importance: High

Fiona – do you want to cast your eyes over draft email to Cab Sec before I send to [Redacted] and [Redacted] for comment? I assume that I will reply to the copy list the FM's response was copied to but let me know if you'd like a shorter copy list (adding in [Redacted] – [Redacted] is already on the copy list). Thanks, [Redacted]

Dear Private Office,

This email is to provide the Cabinet Secretary with an update on the appointment of a new Chair and 2 Land Commissioners to the Scottish Land Commission.

Following the Cabinet Secretary's letter being sent to the Convenor of the NZET Committee last week (Wednesday 29 November), the Committee Clerk has been in touch with officials to advise that the Committee will be considering the letter, and the recommended candidates at their committee meeting on Tuesday 12 December. In line with their previous agreement, this consideration will take place in private, and they will not publish any papers until after the process has concluded.

The Cabinet Secretary will be aware of media coverage on Friday 1 December of Mike Russell's decision to set down from the position of SNP Honorary President because he was being recommended for the position of Chair of the SLC.

Public Appointments Team had not advised any of the candidates who were interviewed of the outcome of that interview and whether or not they were being recommended for appointment. A decision had been taken not to inform candidates their name was being recommended until after Committee consideration. This had been communicated by email to the Committee Clerks on Thursday 30 November. The Clerks had confirmed that Members would be notified of the letter on Thursday 30, and that it would be made clear that it was to be kept in confidence until at least after the Committee's consideration on 12 December.

The Committee Clerks were in touch with officials yesterday to clarify a few points around timings and sequencing of letters, and finalising of the Chair applicant pack.

[Redacted]. We understand that the paper being prepared for the Committee's consideration will set out a timeline of events relating to the SLC appointments round, including when the advice about notification to candidates was provided (Thursday 30 November).

On this basis we anticipate that the Committee may be in touch with further questions after their deliberation on Tuesday, and wanted to alert you to this.

Kind regards,

[Redacted]

[Redacted] | Land Reform Policy and Legislation Team Leader | Directorate for Agriculture and Rural Economy | Scottish Government | Phone **[Redacted]** | Email **[Redacted]** @gov.scot

Please note that I work part time, Monday, Tuesday, Thursday and Friday afternoons only

Email 5

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

Sent: Tuesday, November 28, 2023 6:36 PM

To: Cabinet Secretary for Rural Affairs, Land Reform and Islands

<CabSecRALRI@gov.scot>

Cc: First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Anna Densham <Anna.Densham@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy

<DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; Communications Net Zero & Rural Affairs

<CommunicationsNetZeroandRuralAffairs@gov.scot>; Permanent Secretary

<PermanentSecretary@gov.scot>; Anna Kynaston <Anna.Kynaston@gov.scot>;

[Redacted] <[Redacted]@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>;

[Redacted] <[Redacted]@gov.scot>; Nicola Richards <Nicola.Richards@gov.scot>;

[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;

[Redacted] <[Redacted]@gov.scot>

Subject: RE: Immediate: Appointment for a Chair and Commissioners to the Scottish Land Commission

PO/Cabinet Secretary for Rural Affairs, Land Reform and Islands

[Redacted],

The First Minister has confirmed below he is content to approve the selection panel's recommendation to appoint Mr Russell as the Chair of the Scottish Land Commission. If the Cabinet Secretary is still content to issue the letter supplied on 23 November (attached for convenience), please issue to the Convener of the Net Zero, Energy and Transport (NZET) Committee .

In order that the NZET Committee can consider this at their meeting of 5 December, I would be grateful if this could be issued **first thing tomorrow morning (29 November)**.

Many thanks

[Redacted]

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

Email 6

The selection panel membership was as follows:

Fiona Harrison - Deputy Director Land Reform, Rural & Islands Policy, Scottish Government (Panel chair)

Andrew Thin - current Chair, Scottish Land Commission

Pat Armstrong – Independent Panel Member

Heidi Winser – Public Appointments Advisor, Ethical Standard Commission

The selection panel considered all of the applications received and assessed them against the selection criteria. In line with the Code, panel members received guidance on how to score the evidence of each criteria provided by the applicants. Panel members agreed scores and drew up a shortlist for interview of those that provided acceptable evidence of meeting all required criteria. **Decisions were based on an objective assessment of the applicant's suitability for the advertised post of Chair on the basis of the evidence provided in their applications.**

The interviews conducted by the selection panel were used to identify the applicants who demonstrated the skills, knowledge and experience required to be effective in the role. Following the conclusion of the interviews, **the selection panel identified the applicant who had best demonstrated the skills, knowledge and experience required for Chair.** The selection panel agreed a summary of the applicant's performance against the criteria, which was provided as an attachment to the submission recommending candidates to the appointing Cabinet Secretary for Rural Affairs, Land Reform & Islands and First Minister. The summary set out the panel's assessment of how the applicant demonstrated, in their application and in the interview, the skills, knowledge and experience required to be effective in the role. **It also summarised the Panel's conclusion concerning the Fit and Proper person test.**

Appointments to the SLC are Ministerial appointments, however, **the creation of the appointment plan and the fit and proper person tests were delegated to the selection panel.** The Cabinet Secretary also agreed to only receive a summary of the most able candidate(s) recommended for appointment, meaning the assessment process was independent of Ministers, and **Ministers did not have visibility of candidates ahead of the selection panel's recommendations.**

- **Advice that covers how the conflicts of interest have been identified and how they will be dealt with and any additional steps that could be taken by Mr Russell or the government to remove any perceived conflicts of interest;**

As part of the interview, **the ESC Public appointments advisor led questions to the applicants on the Fit and Proper Persons Test, which included probing of actual, perceived or potential conflicts of interest.** As a former Minister, Mr Russell was advised in the application pack to seek advice from the Advisory Committee on Business Appointments (ACOBA) on his application. Mr Russell informed the panel that he had not done this as his understanding (from previous contact with the Committee) was that this was only necessary if the Ministerial appointment would be within two years of applying, which it would not be. Following the interview, the ESC public appointments advisor consulted within the ESC and as a result the panel sought further advice from ACOBA on this matter. **ACOBA confirmed that no action was required from Mr Russell in this regard.**

Mr Russell intends to resign from his role as SNP Honorary President if he were to be appointed as he recognises that this would represent a significant conflict of interest. Mr Russell was asked by the panel how he would convince parliament that he would be able to discharge his responsibilities as Scottish Land Commission (SLC) Chair in a non-partisan way that was not politically motivated. Mr Russell said that his work as a Minister was respected and recognised by cross-party parliamentary colleagues and he felt that he was seen as ‘an honest dealer’ and ‘even-handed’. The panel asked Mr Russell if he would continue to be a donor to the SNP if appointed and he replied that he only gave a small amount to the SNP but **recognised that it would be wise to stop donations if he was appointed.** On the basis that Mr Russell steps down from his role as SNP Honorary President and as a SNP donor, this would remove these conflicts of interest. Whilst there is a possibility of a perceived conflict of interest given Mr Russell’s prominent political and previous Ministerial roles, since ACOBA require no further action, the panel chair decided that Mr Russell met the fit and proper person test in this respect.

Mr Russell stated that he wasn’t aware of any conduct that could embarrass the Scottish Government, Scottish Ministers or the SLC if he was to be appointed. The panel asked about his work as a writer, commentator and podcaster and he felt that his views would not be incompatible with the SLC or Scottish Government. **Mr Russell had already confirmed that he would step down from writing his weekly column.** It would be worth confirming whether Mr Russell would continue with any further writing, commenting or podcast commitments if he was to be appointed.

- **Any additional steps that would need to be taken within government to remove any perception of a conflict – for example by the Cabinet Secretary – in dealing with the new chair.**

In accordance with the ESC’s Code of Practice, **there will be a press release published, explaining that the appointment was regulated by the Ethical Standards Commissioner, including a statement from Mr Russell about stepping back from SNP commitments and clear declaration of interests published by the SLC.**

Prior to the appointment round, the Net Zero, Energy and Transport (NZET) Committee were asked to review the Scottish Government’s proposed approach, as part of **its role in scrutinising ministerial appointments to the SLC.**

The Committee agreed it will take the same approach to consideration of these appointments as it did with the appointments to the Board of Environmental Standards Scotland which is—

- Receive information on the proposed candidates from the Scottish Government;
- Consider and come to a view on whether the process followed and the proposed appointments are satisfactory. They will consider this at their meeting on 5 December, on condition that all relevant information held by the Scottish Government is provided in good time for inclusion in the papers for the meeting; and
- Make this view known to Parliament prior to a Chamber motion on the approval of candidates.

When providing details of the proposed appointments, the Committee has requested details on how the proposed candidates contribute to meeting the 2 requirements of Section 11 of the Land Reform (Scotland) Act 2016, including that reasonable steps should be taken to ensure the Board includes a Gaelic speaker.

For clarity the Committee has agreed not to hear from candidates (either at a formal meeting or informally) as part of the appointment process. However, as the Committee with responsibility for scrutiny of the work of the Scottish Land Commission, they will be taking an interest in the work of the Chair and the Commissioners once appointed.

As would already be the case, but with particular regard to Mr Russell's political affiliations and party responsibilities (even demitted), **Government Ministers will need to be scrupulous in following rules around engagement and ensuring proper records are kept of meetings.** The Cabinet, Parliament & Governance Division has recommend a Private Secretary is always present for any meetings that Mr Russell has with Government Ministers, and a note of the discussion is saved to the official record.

- **Any other relevant propriety points.**

As mentioned above, this process is **regulated by the Ethical Standards Commissioner for Scotland**, who was represented on the Panel and led on the questioning for the Fit and Proper Person Test.

The Land Reform (Scotland) Act 2016 provides that Scottish Ministers **may appoint a person only if the Scottish Parliament has approved the appointment.** This means the Scottish Parliament has a role in approving the appointment of persons whom the Scottish Ministers have assessed as being most suitable to be Chair and Land Commissioners of SLC, and that the correspondence from the Cabinet Secretary to the NZET Committee is the vehicle for seeking that formal approval; and demonstrating how the appointment process has fulfilled the legislative requirements; and setting out the Panel's summary assessments, and tailored CVs of recommended candidates.

There is some precedent for former MSP's and office holders to take up Ministerial Appointments in recent years including :

- Susan Deacon – former Labour MSP 1999-2007 - appointed Chair of the Scottish Police Association: 2017 - 2019
- Andy Kerr – former Labour Minister 1999 – 2011 - appointed Chair of South Lanarkshire College in 20218, and is a current member of the Scottish Funding Council
- Neil Findlay – former Labour MSP stood down from Scottish Parliament in May 2021 and was appointed to NHS Lanarkshire in October 2021.
- Ken Mackintosh – former Presiding Officer of the Scottish Parliament 2016 – May 2021 was appointed to Revenue Scotland in May 2022.

The Public Appointments Team are not, however, aware of a former SNP Minister taking up a Ministerial appointment.

Robust comms lines will be required, if this appointment is approved, confirming the degree of due diligence as set out above.

With that in mind, can he have additional proprietorial guidance that covers:

- The process gone through in relation to the appointment – ie the role of the independent panel;
- Advice that covers how the conflicts of interest have been identified and how they will be dealt with;
- Any additional steps that could be taken by Mr Russell or the government to remove any perceived conflicts of interest;
- Any additional steps that would need to be taken within government to remove any perception of a conflict – for example by the Cabinet Secretary – in dealing with the new chair.
- Any other relevant propriety points.

Until such time as the First Minister has this advice and is able to consider further, he cannot sign off on the appointment. I would therefore be grateful for submission of this by close of business this evening.

Thanks and happy to discuss.

[Redacted]

[Redacted]

Principal Private Secretary to the First Minister

5th Floor | St Andrew's House | Regent Road | Edinburgh | EH1 3DG

T: 0131 244 **[Redacted]** | M: **[Redacted]**

[<< OLE Object: Picture \(Device Independent Bitmap\) >>](#)

The First Minister's box closes at 2pm, Monday to Friday. Further details, including preferences, can be found [here](#).

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

Email 9

From: [Redacted] <[Redacted]@gov.scot>

Sent: Thursday, November 23, 2023 11:57 AM

To: Cabinet Secretary for Rural Affairs, Land Reform and Islands <CabSecRALRI@gov.scot>

Cc: First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Anna Densham <Anna.Densham@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy

<DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted] <[Redacted]@gov.scot>;

[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;

[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; Communications Net Zero & Rural Affairs

<CommunicationsNetZeroandRuralAffairs@gov.scot>

Subject: Immediate: Appointment for a Chair and Commissioners to the Scottish Land Commission

1. Cabinet Secretary for Rural Affairs, Land Reform & Islands

2. First Minister

Please see the attached submission concerning the selection panel recommendations in respect of the appointment of the new Chair and 2 Commissioners of the Scottish Land Commission. To meet our SG obligation, to put privacy at the heart of our processes, and meet the GDPR principle of privacy by design and default, the candidate summaries for the candidates recommended for appointment are provided under separate cover to a restricted copy list.

<< File: Scottish Land Commission - Chair and Commissioners - Selection - Submissions - Final Submission.docx >>

I also attach a draft of the letter to be send to the Convenor of the NZET Committee, if the recommendations are accepted.

<< File: Scottish Land Commission - Chair & Commissioners - Parliamentary Scrutiny - Letter - November 2023.docx >>

In order to keep to the published timetable for this round and in order for the NZET Committee to consider the appointments at their meeting on 5 December, a response **today** would be appreciated.

Kind regards

[Redacted]

[Redacted] | Public Appointments Manager

Public Appointments Team | People Directorate | Scottish Government

Area 3F (North) | Victoria Quay | Edinburgh | EH6 6QQ

Attachment 1 to email 9

From: [Redacted]
Public Appointments Team
23 November 2023

1. Cabinet Secretary for Rural Affairs, Land Reform and Islands
2. First Minister

SCOTTISH LAND COMMISSION: APPOINTMENT OF CHAIR AND LAND COMMISSIONERS

PRIORITY AND PURPOSE

1. **Immediate:** To provide you with the selection panel's recommendation in relation to the appointment of a new Chair and two Land Commissioners of the Scottish Land Commission (SLC) and ask you to confirm that you are content to appoint the candidates recommended.
2. Appointments to the SLC require parliamentary approval. If you are content, a response **by COP Thursday 23 November** will help ensure that the appointment of the recommended candidates can be considered at the Net Zero, Energy and Transport (NZET) Committee meeting on 5 December, as requested by the Convener in his letter to you of 12 September.
3. As set out in 5.8 of the Ministerial Code, for the Chair appointment only, confirmation that the First Minister is content is also required. Subject to the Cabinet Secretary's response, the First Minister is requested to respond **by noon on Monday 27 November**.

CONTEXT AND ISSUES

4. Following my submission of 9 June 2023 you:
 - **approved the selection panel** for the appointment round;
 - confirmed you were content to **delegate all the fit and proper person tests** and the **creation of the appointment plan** to the selection panel;
 - **approved the desired outcome for this round**; and
 - confirmed you were content to receive a summary of **only the most able candidate(s) recommended for appointment**
5. Information on the selection process and the selection panel's recommendations are at Annex A. A copy of the person specification can be found at Annex B. **Candidate summaries for the recommended candidates will be provided separately.**

PARLIAMENTARY SCRUTINY

6. The Land Reform (Scotland) Act 2016 provides that Scottish Ministers may appoint a person only if the Scottish Parliament has approved the appointment. This means the Scottish Parliament has a role in approving the appointment of persons whom the Scottish Ministers have assessed as being most suitable to be Chair and Land Commissioners of SLC.
7. Following consideration of the selection panel's recommendations, if you are content, you will need to write to seek formal approval from the NZET Committee of the persons you wish to appoint. The letter, attached with the covering email, includes a statement demonstrating how the process has fulfilled the legislative requirements and setting out the Panel's summary assessments, and tailored CVs of your proposed candidates.
8. You wrote to the Committee on 11 August 2023 setting out the process and rationale for Parliamentary approval for the appointments. The Convener of the Committee responded indicating that the Committee were content with the process suggested and requesting information on the proposed candidates and how they contribute to meeting the requirements of Section 11 of the Land Reform (Scotland) Act 2016. The Committee agreed to engage with Scottish Ministers' recommendations for appointment at its meeting on 5 December 2023.

OPTIONS CONSIDERED AND ADVICE

9. You are asked to consider the evidence presented and **confirm that you are content to accept the selection panel's recommendation** and appoint to the SLC the candidates listed at paragraph 12 of this submission.

ASSESSMENT OF OPTIONS

10. The Ethical Standards Commissioner encourages Ministers to meet candidates prior to deciding whom to appoint. This will not be possible if we are to meet the Committee's current timelines, so in this case we do not recommend it, but **if you would like to meet (probably virtually) the candidates prior to making a final decision**, I would be happy to make the necessary arrangements, including seeking agreement of the Committee to defer consideration.
11. You are required by the Code of Practice to record evidence for the decision to appoint or not to appoint. The evidence and reasons must be detailed enough to show clear justification as well as being able to assist in providing constructive feedback to candidates. Constructive feedback to any unsuccessful candidate must explain in what way you felt they were not appropriate for the role. In order to meet the requirements of the Code, if you decide to approve the appointments, the email agreeing to the recommendations should state that you are content that the candidates recommended clearly meet the requirements of the board, as set out in the person specifications.

RECOMMENDATION

12. It is a requirement of the Ethical Standards Committee's Code of Practice that, in cases where more candidates clearly meet the criteria for selection than there are positions

available, **the selection panel must only recommend the highest ranking candidates to Ministers as suitable for appointment.** Following the discussions detailed in Annex A, the selection panel concluded that the following candidates should be recommended as most able in terms of meeting the requirements of the role and needs of the Board:

Chair

- Michael Russell

Commissioners

- Deborah Roberts
- Craig MacKenzie

BUTE HOUSE AGREEMENT IMPLICATIONS

13. No implications.

FINANCIAL AND LEGAL CONSIDERATIONS

14. No financial implications.

SENSITIVITIES

15. While the Panel concluded that Mike Russell met the fit and proper person tests, as set out in the candidate summary, some in Parliament may challenge his ability to discharge the role in a non-political way

QUALITY ASSURANCE

16. This submission has been approved by Fiona Harrison, Deputy Director, Land Reform, Rural & Island Policy.

CONCLUSION AND NEXT STEPS

17. If you are content to approve the recommendations of the selection panel, confirmation that the First Minister is content with the Chair appointment will be sought, as set out at 5.8 of the Ministerial Code. Following that, we will request for the attached letter to be sent to the Convener of the NZET Committee seeking formal approval. We have agreed with the Committee that final nominations will be sent to them on 27 November 2023.

18. Fiona Harrison, selection panel chair, would be happy to discuss the recommendations if the Cabinet Secretary would find this helpful.

[Redacted]

Public Appointments Team
Area 3F North
Victoria Quay

[Redacted]

23 November 2023

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
First Minister Deputy First Minister	X				X

George Burgess, Director Agriculture and Rural Economy
Fiona Harrison, Deputy Director Land Reform, Rural and Islands Policy
Anna Densham, Deputy Director Land Reform, Rural and Islands Policy
DD LRRIP
[Redacted] Head of Land Reform
[Redacted] Land Reform Policy and Legislation
[Redacted], Land Reform Policy and Legislation
[Redacted], Land Reform Policy and Legislation
Kate Higgins, SpAd
[Redacted], SGLD
[Redacted], Public Appointments
[Redacted], Public Appointments
[Redacted], Public Appointments
[Redacted], Comms Net Zero and Rural Affairs
Communications Net Zero & Rural Affairs

APPOINTMENT OF CHAIR AND LAND COMMISSIONERS OF THE SCOTTISH LAND COMMISSION

Applications and Shortlisting

1. The selection panel held the shortlisting meeting on 19 October 2023 and considered 7 Chair and 17 Commissioner applications. The selection panel comprised of:

Fiona Harrison, Deputy Director, Land Reform, Rural & Islands Policy, Scottish Government (Chair)

Patricia Armstrong, Independent Panel Member

Andrew Thin, Chair, Scottish Land Commission

Heidi Winser, Public Appointments Advisor, Ethical Standards Commission

2. Following consideration of the completed applications, the selection panel agreed that 3 Chair and 7 Commissioner applicants should be invited to the assessment stage (in alphabetical order):

Chair

- [Redacted], **
- Michael Russell
- [Redacted], *

Commissioner

- [Redacted],
- [Redacted],
- [Redacted],
- [Redacted], *
- Craig MacKenzie
- [Redacted],
- Deborah Roberts

*withdrew prior to interview

**withdrew following interview

Assessment

3. The interviews were held in person on 14, 15 & 16 November 2023. The Minister may find it helpful to note that, as well as a competency based interview, Chair candidates were asked to review a set of SLC board papers provided and prepare an oral response of up to 7 minutes to deliver at interview, with the following instructions:

You are preparing to chair a board meeting. One of the agenda items is on natural capital and land. The board paper and annexes are attached.

Please come prepared to explain in no more than **seven** minutes:

- (i) how you plan to chair the discussion on this item

APPOINTMENT OF CHAIR AND LAND COMMISSIONERS OF THE SCOTTISH LAND COMMISSION

- (ii) key issues and points that you wish to be discussed at the meeting
- (iii) community feedback that you wish to be discussed at the meeting
- (iv) your initial conclusions or recommendations on this item

Commissioner candidates were provided with the same papers with slightly different instructions:

You are preparing for a board meeting. One of the agenda items is on natural capital and land. The board paper and annexes are attached.

Please come prepared to explain in no more than **five** minutes:

- (i) key issues and points that you wish to be discussed and would be ready to raise during the meeting
- (ii) your initial conclusions on this topic and item

Fit and Proper Person Test

4. In terms of the fit and proper person tests, the candidates had confirmed in their applications that they:
 - understood the work of the body and the nature of the appointment and were not aware of having committed any offence or performed any act incompatible with the position;
 - were not disqualified on any grounds from being appointed; and
 - had read, understood and agreed to be bound by the members code of conduct for the Board.
5. Candidates were also asked to provide details of any political activity within the past five years, for consideration by the selection panel in the context of their ability to perform the role.
6. Having undertaken these checks and additional questioning during the interview part of the assessment, and as set out in detail in the candidate summaries, the selection panel are satisfied to the best of their knowledge that the recommended candidate is a fit and proper person.

Selection Panel Recommendation

7. As detailed at paragraph 12 of the submission, the selection panel has recommended the following candidates to be suitable for appointment:

Chair

- Michael Russell

Commissioners

- Deborah Roberts
- Craig MacKenzie

APPOINTMENT OF CHAIR AND LAND COMMISSIONERS OF THE SCOTTISH LAND COMMISSION

8. The candidate summaries will be provided separately.

Person Specification

What skills, experience and personal qualities do we need the Chair to have?

This section provides information on the skills, experience and knowledge required for the Chair of the Scottish Land Commission and how these will be assessed in the recruitment process.

In providing the evidence sought, you can draw on examples from your working and/or personal life, or through your participation with a private, public, voluntary, charity or community organisation.

There are two mandatory sections (Sections A and B) in the person specification and one optional section (Section C), so please consider these carefully when completing your application.

In respect of these posts, the priority criteria are weighted over the essential criteria (once met), and of the candidate or candidates who meet the essential criteria, those that provide the strongest evidence against the two priority criteria will be considered most able to fulfil the role. In the event that candidates provide evidence of equal merit against the priority criteria, the panel will then take into account the strength of the evidence presented against the essential criteria in determining the candidate(s) most able to fulfil the role.

1. **Section A – Priority Criteria:** applicants for Chair **must** evidence **both priority criteria** in order to be considered for appointment.
2. **Section B – Essential Criteria:** applicants for Chair **must** be able to demonstrate evidence of **all** these criteria in order to be considered for appointment.
3. **Section C – Desirable Criterion:** it is desirable to appoint an additional Gaelic speaker to the Board although this is not an essential requirement.

If you also wish to be considered for a Land Commissioner role as well as the Chair role, please refer to the separate application pack and application form for Land Commissioner.

Please note the word limits in each case. Any words in excess of the limits will not be taken into account in assessing your application. Evidence provided in a tailored career history should be no more than 400 words in total.

Section A

All applicants for Chair **must** demonstrate evidence of both of the priority criteria listed below.

Knowledge, experience and skills required	What does it mean?	Where it will be tested
<p>Leadership and Governance</p>	<ul style="list-style-type: none"> • Able to build and chair a high performing board which understands its non-executive functions and accountabilities and sets direction • Experience of ensuring and implementing effective governance at a senior level • Understand fiscal and legal board responsibilities including audit and risk management 	<p>You will have up to 300 words in your application form to provide evidence against this criterion and you will also be asked to outline relevant experience in a tailored career history. We will also discuss this at interview, and as part of the practical exercise if you are shortlisted.</p>
<p>Stakeholder engagement</p>	<ul style="list-style-type: none"> • Track record of developing collaborative relationships and partnerships with internal and external stakeholders to achieve shared objectives and purpose • Able to influence relationships and outcomes with partners and stakeholders • Able to act as an ambassador for, and represent, the Commission effectively with a wide range of external stakeholders. 	<p>You will have up to 300 words in your application form to provide evidence against this criterion and you will also be asked to outline relevant experience in a tailored career history. We will also discuss this at interview, and as part of the practical exercise if you are shortlisted.</p>

Section B

All applicants for Chair **must** demonstrate evidence of **all** of the criteria listed below.

Knowledge, experience and skills required	What does it mean?	Where it will be tested
Strategic thinking and oversight	<ul style="list-style-type: none"> • Able to look ahead and consider issues over the short, medium and long term and identify relevant implications • Able to evaluate organisational and board performance 	You will have up to 300 words in your application form to provide evidence against this criterion. We will also discuss this at interview , if you are shortlisted.
Communication, influence and constructive challenge	<ul style="list-style-type: none"> • Able to communicate effectively with different audiences and in public settings • Able to challenge constructively, particularly in a Board setting 	You will have up to 300 words in your application form to provide evidence against this criterion. We will also discuss this at interview , if you are shortlisted
Sound judgement	<ul style="list-style-type: none"> • Able to weigh up evidence and balance a number of considerations within the wider context • Confident in making reasoned judgements and in articulating and justifying the rationale 	We will discuss this at interview , and as part of the practical exercise if you are shortlisted.

Attachment 2 to email 9

Cabinet Secretary for Rural Affairs, Land Reform and
Islands
Mairi Gougeon MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

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

Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee

By email: netzero.committee@Parliament.Scot

XX November 2023

Dear Convener,

Scottish Land Commission – Appointment of Chair and Land Commissioners Candidate Recommendations

I wrote to your Committee on 11 August to agree the approach being taken to appoint a new Chair and two new Land Commissioners to the Scottish Land Commission (“SLC”). I am grateful for your helpful comments on the requirements in Section 11 of the Land Reform (Scotland) Act 2016 (“the Act”), and the application pack was amended to reflect this. Following a successful recruitment exercise, which attracted 7 applications for the Chair, and 17 applications for the roles of Land Commissioner, I am pleased to propose to Parliament the following candidates:

Michael Russell (Chair)
Craig MacKenzie (Land Commissioner)
Deborah Roberts (Land Commissioner)

As detailed in my previous correspondence and in accordance with the Act, appointments to the SLC are subject to Parliamentary approval. As such, I am writing to seek Parliamentary approval of the aforementioned candidates via the Net Zero, Energy and Transport Committee.

Appointments to the SLC are regulated by the Ethical Standards Commissioner for Public Life in Scotland and I can assure the Committee that the appointments process has been conducted in line with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (“the Code”), as well as in compliance with the terms of the Act.

Furthermore, the Scottish Government's Public Appointments Team provided oversight of the appointment process and the assessment process was supported by a Public Appointments Adviser, appointed by the Ethical Standards Commissioner, who was a member of the selection panel.

For assurance purposes and to support the Parliament in its role in approving these appointments, the following supporting information is set out in Annexes A – D:

- ANNEX A: Scottish Government's approach to the appointment process
- ANNEX B: Person Specification – Chair
- ANNEX C: Person Specification – Land Commissioners
- ANNEX D: Candidate career history and panel recommendation

Should the Scottish Parliament deem the proposed candidates suitable for appointment, the appointees will be appointed for a period not exceeding 5 years in accordance with Part 2, Chapter 1, paragraph 10(3) of the Act. I hope that the information enclosed will enable the Parliament to make an informed decision on the proposed candidates.

I am confident that the Parliamentary stage of the process will be a positive part of these nationally important appointments, and I am grateful for your support to ensure proportionate Parliamentary scrutiny in line with the requirements of the Act.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mairi Gougeon', written in a cursive style.

Mairi Gougeon MSP

ANNEX A – Scottish Government’s approach to the appointment process

Appointments to Scottish Land Commission – Statement to Scottish Parliament under section 11(4) of the Land Reform (Scotland) Act 2016 – November 2023

Scottish Government’s approach to the appointment process

1. This Report is laid in accordance with section 11(4) of the Land Reform (Scotland) Act 2016 (‘the Act’). It is a statement of how the Scottish Ministers have complied with their statutory duties under section 11(1) to (3) of the Act.
2. The Scottish Ministers consider that the various steps taken through the appointments process, in particular the recommendations made by the selection panel and the final consideration by the Cabinet Secretary for Rural Affairs, Land Reform and Islands, demonstrate compliance with the relevant duties.
3. As well as complying with the terms of the Act, the appointments process was regulated by the Ethical Standards Commissioner, and followed the principles of the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (‘the Code’).
4. Section 10(2) of the Act states that the Scottish Ministers may appoint a person as a member only if the Scottish Parliament has approved the appointment.
5. This Report is set out in three parts, one part for each duty contained within section 11(1) to (3).

Section 11(1)

6. Section 11(1) of the Act provides that in appointing members to the Commission, the Scottish Ministers must –
 - (a) have regard among other things to the desirability of the Commission (taken as a whole) having expertise or experience in –
 - i. land reform,
 - ii. law,
 - iii. finance,
 - iv. economic issues,
 - v. planning and development,
 - vi. land management,
 - vii. community empowerment,
 - viii. environmental issues,
 - ix. human rights,
 - x. equal opportunities,
 - xi. the reduction of inequalities of outcome which result from socio-economic disadvantage, and
 - (b) encourage equal opportunities and in particular the observance of the equal opportunity requirements.
7. The Scottish Ministers have taken account of these requirements throughout the appointments process to seek to ensure that the Commissioners who are appointed have, in so far as possible, the desired range of expertise or experience. The duty is to have regard to among other things the desirability of the Commission (taken as whole) having expertise or experience in the areas

that are listed. The Commission will have staff to support it in fulfilling its functions, and it will also have the ability to procure additional services should that be desirable.

The selection criteria used

8. The Code provides that when considering any appointment the Scottish Ministers will determine what skills, knowledge, experience and other attributes are needed by the Board for it to perform its statutory functions and to do so economically, efficiently and effectively.
9. Taking into account the areas of expertise set out in section 11(1), section 11(2) and the criteria identified by the selection panel to support an effective Board, the skills, knowledge and experience of the continuing Land Commissioners, and any gaps left by the departing two Land Commissioners and Chair, Ministers agreed the following selection criteria for the Land Commissioners:

Priority Criteria (at least one must be met)

- Finance
- Land Reform and Land Policy
- Legal

Essential criteria (all must be met)

- Strategic thinking and oversight
- Communication, influence and constructive challenge
- Teamwork and collaboration
- Sound judgement

Desirable criteria (not mandatory)

- Gaelic speaker

10. Section 10(7) of the Act provides that Ministers must select one of the Land Commissioners to chair the Commission and a different set of selection criteria were identified for those applying to be Chair. Ministers agreed the following selection criteria for the Chair:

Priority Criteria (both must be met)

- Leadership and Governance
- Stakeholder engagement

Essential criteria (all must be met)

- Strategic thinking and oversight
- Communication, influence and constructive challenge
- Sound judgement

Desirable criteria (not mandatory)

- Gaelic speaker

11. These selection criteria were set out in the applicant information packs for the Land Commissioners and Chair, and applicants were asked to give evidence of some of these in the application forms that were submitted, as indicated in the person specification.

Appointment Plan and Advertising

12. The Code requires that the selection panel agree an appointment plan containing the publicity, application and assessment methods to be used. The application and assessment methods and any positive action measures selected will be based on evidence of what works well to attract and lead to the appointment of a diverse range of able applicants, taking account of relevant information held by, maintained and regularly updated by the Scottish Government for this purpose.
The appointment plan also contains a timetable specifying key dates within the round.
13. The Code says that all materials to be made available to prospective applicants such as publicity or advertisements about posts, details about posts, the assessment criteria to be applied, and the application forms (or equivalent) should be clearly and plainly drafted using simple, easy to understand, language. The objective should be to encourage the optimum number of people to apply for positions and for people to find it a comparatively easy exercise to submit applications.
14. The application forms and information packs were compiled to reflect the selection criteria and the posts were advertised in accordance with the agreed appointment plan.
15. The posts were advertised on the Scottish Government Public Appointments website www.appointed-for-scotland.org on Tuesday 19 September.
16. To augment this approach, the Scottish Government arranged for the advertisement to be circulated to a wide list of stakeholders, covering professional membership organisations, NGOs and public and private sector companies that cover a wide number of subject areas.
17. The SLC organised two online outreach events and the application information pack contained details of a current Land Commissioner from whom potential applicants could seek more information about the roles.
18. Letters from the Cabinet Secretary were sent to the following stakeholders to raise awareness of the appointments round: Community Land Scotland, Development Trusts Association Scotland, Highlands and Islands Enterprise, South of Scotland Enterprise, Scottish Land & Estates, National Farmers Union Scotland, Royal Institute of Chartered Surveyors Scotland, Scottish Council for Voluntary Organisations, Institute of Directors Scotland, and Social Enterprise Scotland.

Shortlisting for interviews

19. The selection panel considered all of the applications received and assessed them against the above criteria. In line with the Code, panel members received guidance on how they might score the evidence of each criteria provided by the applicants. Panel members used the markings to draw up a shortlist and assess applicants' suitability for appointment at interview. Decisions were based on an objective assessment of the applicant's suitability for the advertised posts.
20. Throughout the sift, the panel took account of the particular requirements in section 11(1) of the Act. In selecting the Land Commissioner candidates for interview, the panel assessed the application forms against, in addition to certain essential criteria, the priority criteria of Finance, Land Reform and Land Policy, and Legal, and were satisfied that the candidates selected for interview covered the requirements.

21. All applicants invited to interview were notified by phone, and unsuccessful candidates were notified by email of the outcome of the shortlisting meeting.

The interviews

22. Interviews were held on 14, 15 and 16 November. The approach taken, of inviting the candidates to deliver a prepared response to an exercise issued a week prior to the interview and to answer a series of questions, was aligned with the Code's requirements that the assessment methods used to assess applicants will ensure that the most able people on merit are identified and recommended for appointment. The Code provides that the selection panel will assess the merits of applicants against the skills, knowledge and experience needed using the methods they have agreed. The Code requires that no new requirements should be introduced during the appointment round.

23. Before interview, the candidates for Land Commissioner were provided with example board papers and advised in writing that the process would include a five minute discussion on the following:

You are preparing for a board meeting. One of the agenda items is on natural capital and land. The board papers and annexes are attached.

- (i) key issues and points that you wish to discuss and would be ready to raise during the meeting*
- (ii) your initial conclusions on this topic and item.*

24. The candidates for Chair were provided with example board papers and advised in writing that the process would include a seven minute discussion on the following:

You are preparing to chair a board meeting. One of the agenda items is on natural capital and land. The board paper and annexes are attached. Please come prepared to explain in no more than seven minutes:

- (i) how you plan to chair the discussion on this item*
- (ii) key issues and points that you wish to be discussed at the meeting*
- (iii) community feedback that you wish to be discussed at the meeting*
- (iv) your initial conclusions or recommendations on this item*

25. The interviews conducted by the selection panel were used to identify the applicants who demonstrated the skills, knowledge and experience required to be effective in the role and those who did not.

Scottish Ministers' consideration

26. Following the conclusion of the interviews, the selection panel identified the applicants who had demonstrated the skills, knowledge and experience required. The selection panel agreed an applicant summary for each applicant and provided those of recommended candidates to the appointing Cabinet Secretary. The summary set out the panel's assessment of how each applicant demonstrated the skills, knowledge and experience required to be effective in the role. The applicant summary was based on the information provided by each applicant during the appointment round and was intended to be sufficiently detailed to:

- i. Identify to the appointing Cabinet Secretary the most able applicants and
- ii. Provide evidence that the panel's assessments were valid.

27. The conclusion of the process involved the appointing Cabinet Secretary considering the candidates who the selection recommended as most able and who, subject to approval by the Scottish Parliament, should be appointed to the Commission. The candidate recommended for appointment to the role of Chair was also approved by the First Minister.

28. The Act provides at 11(1)(b) that in appointing members to the Commission Scottish Ministers must encourage equal opportunities and in particular the observance of the equal opportunities as defined in schedule 5 of the Scotland Act 1998. The selection panel and the Cabinet Secretary took account of this requirement throughout the appointments process, including offering a Guaranteed Interview Scheme and anonymised applications

Section 11(2)

29. Section 11(2) provides that: 'In appointing the Land Commissioners, the Scottish Ministers must take every reasonable step to ensure that at least one of the Commissioners is a speaker of the Gaelic language'.

30. The aspects of the appointments process where particular consideration was given to fulfilling the requirement in section 11(2) are set out below.

The selection criteria used

- Detail in relation to the selection criteria used is set out above. The selection panel recommended to Scottish Ministers that the ability to speak the Gaelic language should be a desirable criteria but not mandatory, so as not to narrow the pool of applicants with other relevant skills and experience. The application form asked applicants to provide evidence of an ability to speak and understand the Gaelic language and culture, and an awareness of the significance of land use in Gaelic culture.

Appointment Plan and Advertising

- Detail in relation to the steps undertaken in terms of the appointment plan and advertising is set out above. In addition, the advertisements were translated into Gaelic and signposted from the English language advertisements.

Shortlisting for interviews

- Detail in relation to shortlisting for interviews is set out above. Throughout the shortlisting, the panel took account of the particular requirements in section 11(2) of the Act.

The interviews and Scottish Ministers' consideration

- Detail in relation to the interviews and Scottish Ministers' consideration is set out above. The panel invited all interviewees to provide evidence of their ability to speak and understand the Gaelic language and culture, and to demonstrate an awareness of the significance of land use in Gaelic culture.

- The candidate selected by Scottish Ministers to be appointed as Chair has been a Gaelic learner for a number of years, and has experience of presenting in Gaelic. It is a skill he continues to pursue.

Section 11(3)

31. This appointment process did not cover the post of Tenant Farming Commissioner – therefore compliance with s11(3) is not applicable.

Selection Panel Recommendation

Scottish Ministers have considered and agreed the recommendations of the selection panel and recommend the following candidates to the Scottish Parliament for appointment as Chair and Land Commissioners of the SLC:

Chair – Michael Russell

Land Commissioner – Craig MacKenzie

Land Commissioner – Deborah Roberts

ANNEX D - Candidate Career History and Panel Recommendation

1. The recommended appointees have provided the following tailored career history summaries as part of their application, which outline their relevant experience and suitability for the aforementioned board positions.
2. Copies of the full application forms submitted by the recommended appointees can be provided to the Committee if required.

Chair – Michael Russell – Tailored Career History

I have been a strong supporter of land reform, and have a unique perspective on, and experience of, the issue having held Ministerial responsibility for the process as Environment Minister from 2007 - 2009, which included my support for the sale of Rum to the community: having, as the MSP for Argyll and Bute, supported local communities in their land reform journey - for example on Gigha and then on Ulva - whilst maintaining an active involvement in farming issues including those of tenant farmers in areas of difficulty such as Islay and having been a member of the Scottish Parliament Committee that scrutinised the 2016 Land Reform Act which of course set up the Scottish Land Commission. I was also involved in the passage of the Community Empowerment Act, and had a particular concern with regard to rural asset transfer.

In addition I have frequently written on the subject and remain interested, not least because I live in a rural community where the issues and pressures arising from farming, forestry (including for offset) and land use and ownership are always to the fore.

I believe I can make a significant and useful contribution to the issue as Chair of the Scottish Land Commission given my unique career history and the relevance of my experience in leadership, governance, stakeholder engagement, strategic thinking, oversight, communication, influence and constructive challenge plus my knowledge of not only the Highlands and Islands but - having been brought up in Ayrshire and having been a South of Scotland MSP for two terms - in other areas of Scotland too.

I have indicated in response to other parts of this application the way in which my experience running an innovative Community development Project in the Western Isles (Cinema Sgìre) from 1977-1981 developed my skills as well as the way in which they were exercised when I founded and ran (from 1980 - 1983) the Celtic Media Festival.

My work as an MSP built on those experiences, and they were further embedded and extended by my lengthy service as a Scottish Government Minister.

I have been a writer and commentator for many years including periods as a Cultural Columnist for The Herald, as a Political columnist for Holyrood Magazine and currently for The National and as an education columnist for the Times Educational Supplement. I am also the author of seven books, have been a television director and producer and currently contribute to two podcasts.

I have held a variety of offices within the SNP including being the first CEO from 1994-1999. I am currently Honorary President. I understand however that I would have to withdraw from active involvement and holding any political post were I to succeed in this application.

I am also Honorary President of the European Movement in Scotland, Patron of the Scottish Adult Learners Forum and the Burgh Hall, Dunoon and a member of both the Colintrave & Glendaruel Community Council and the Cruach Moor Wind farm Trust.

Panel Recommendation

Mr Russell demonstrated good evidence against each of the criteria set out in the person specification for the role of Chair of the SLC. He showed a real passion for land reform, and an impressive breadth and depth of relevant experience. The panel were confident that Mr Russell would provide leadership to the SLC in its current form and as it evolves in the future.

Mr Russell highlighted potential conflicts of interests, but demonstrated to the panel how he would mitigate against these. He confirmed his conduct to date was compatible with this public appointment; provided assurances he could meet the time commitment required; and confirmed that whilst he has been involved in political activity in the last 5 years, he has agreed to demit his post as Honorary President of the SNP, and cease to donate to the party, if appointed to this position.

The panel had no hesitation in concluding that **Mr Michael Russell should be recommended to the Cabinet Secretary and First Minister as the applicant most able to meet the requirements of the role and needs of the Chair of SLC.**

recommended for appointment. Private Offices were copied into PAT's reply to **[Redacted]** query on 28 November at 18:07 setting out that 'None of the candidates are aware whether they have been recommended for appointment at this stage, so they will also need to accept the positions before an announcement is made'. The decision not to inform candidates their name was being recommended until after Committee consideration was communicated by email to the Committee Clerks on Thursday 30 November. The Clerks had confirmed that Members would be notified of the letter on Thursday 30, and that it would be made clear that it was to be kept in confidence until at least after the Committee's consideration on 12 December.

The Committee Clerks were in touch with officials yesterday to clarify a few points around timings and sequencing of letters, and finalising of the Chair applicant pack.

[Redacted]. We understand that the paper being prepared for the Committee's consideration will set out a timeline of events relating to the SLC appointments round, including when the advice about notification to candidates was provided (Thursday 30 November).

On this basis we anticipate that the Committee may be in touch with further questions after their deliberation on Tuesday, and wanted to alert you to this.

Kind regards,

[Redacted]

[Redacted] Land Reform Policy and Legislation Team Leader | Directorate for Agriculture and Rural Economy | Scottish Government | Phone **[Redacted]** | Email **[Redacted]**@gov.scot

Please note that I work part time, Monday, Tuesday, Thursday and Friday afternoons only

Email 11

From: **[Redacted]** <**[Redacted]**@gov.scot>
Sent: Sunday, December 17, 2023 3:53 PM
To: **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>
Cc: **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>
Subject: FOR POLICY VIEW - Michael Russell nomination to SLC - Daily Mail

Policy colleagues,

We've been approached by the Mail with an inquiry about Michael Russell's nomination as Scottish Land Commission chair.

We've devised the below response

Are policy colleagues content for this to go to SPADs??

Many thanks **[Redacted]**

RESPONSE

A Scottish Government spokesperson said:

“In line with the Land Reform (Scotland) Act 2016, Ministerial appointments to the Scottish Land Commission are subject to Parliamentary approval. Following recommendations presented by an independent panel, Ministers have selected a candidate for Chair and informed the Net Zero, Energy and Transport Committee. The Committee will report its findings to the Scottish Parliament.”

INQUIRY

[Redacted],

As discussed...

Mike Russell has apparently been nominated by SG for a role on the Scottish Land Commission. Why has SG pursued a nomination that is apparently heavily politicised and will divide Parliamentary opinion?

[Andy Wightman on X: "Yesterday I published a thread about the appointment of the new Chair of the Scottish Land Commission. In it I questioned how this information got into the public domain. Now I know. 1/3 https://t.co/aF63cdxZZW" / X \(twitter.com\)](https://t.co/aF63cdxZZW)

Kind regards,
[Redacted]

[Redacted]

Senior Media Manager | **[Redacted]**
The Scottish Government | www.gov.scot

Email 12

From: **[Redacted]** <**[Redacted]**@gov.scot>
Sent: Sunday, December 17, 2023 5:02 PM
To: **[Redacted]** <**[Redacted]**@gov.scot>
Cc: **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>
Subject: FOR SPAD VIEW - Michael Russell nomination to SLC - Daily Mail

Hi **[Redacted]**,

We've been approached by the Mail with an inquiry about Michael Russell's nomination as Scottish Land Commission chair.

We had been expecting inquiries about this and had devised the below response.

We've been unable to clear the below with officials today. But given this is factual line, are you content for us to put to PO?

Many thanks **[Redacted]**

RESPONSE

A Scottish Government spokesperson said:

"In line with the Land Reform (Scotland) Act 2016, Ministerial appointments to the Scottish Land Commission are subject to Parliamentary approval. Following recommendations presented by an independent panel, Ministers have selected a candidate for Chair and informed the Net Zero, Energy and Transport Committee. The Committee will report its findings to the Scottish Parliament."

INQUIRY

[Redacted],
As discussed...

Mike Russell has apparently been nominated by SG for a role on the Scottish Land Commission. Why has SG pursued a nomination that is apparently heavily politicised and will divide Parliamentary opinion?

[Andy Wightman on X: "Yesterday I published a thread about the appointment of the new Chair of the Scottish Land Commission. In it I questioned how this information got into the public domain. Now I know. 1/3 https://t.co/aF63cdxZZW" / X \(twitter.com\)](https://twitter.com/AndyWightman/status/1724444444)

Kind regards,
[Redacted]

[Redacted]
Senior Media Manager | **[Redacted]**
The Scottish Government | www.gov.scot

Email 13

From: **[Redacted]** <**[Redacted]**@gov.scot>
Sent: Sunday, December 17, 2023 5:24 PM

To: Cabinet Secretary for Rural Affairs, Land Reform and Islands

<CabSecRALRI@gov.scot>

Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;

[Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Deputy
Director for Land Reform, Rural and Islands Policy

<DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>

Subject: FOR CAB SEC VIEW - Michael Russell nomination to SLC - Daily Mail

PO Cabinet Secretary for Rural Affairs, Land Reform and Islands,

We've been approached by the Mail with an inquiry about Michael Russell's nomination as Scottish Land Commission chair.

We have devised the below response which has been cleared by SPADs.

Is Ms Gougeon content for this to be issued?

Many thanks [Redacted]

RESPONSE

A Scottish Government spokesperson said:

“In line with the Land Reform (Scotland) Act 2016, Ministerial appointments to the Scottish Land Commission are subject to Parliamentary approval. Following recommendations presented by an independent panel, Ministers have selected a candidate for Chair and informed the Net Zero, Energy and Transport Committee. The Committee will report its findings to the Scottish Parliament.”

Background

Appointments to the Scottish Land Commission (SLC) are regulated by the Ethical Standards Commissioner for Public Life in Scotland. The appointments process is being conducted in line with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland.

INQUIRY

[Redacted],

As discussed...

OfficialReport <Official.Report@parliament.scot>; [Redacted]
<[Redacted]@parliament.scot>; [Redacted] <[Redacted]@parliament.scot>;
[Redacted] <[Redacted]@Parliament.scot>; [Redacted]
<[Redacted]@parliament.scot>; [Redacted] <[Redacted]@parliament.scot>;
[Redacted] <[Redacted]@Parliament.scot>; [Redacted]
<[Redacted]@parliament.scot>; [Redacted] <[Redacted]@parliament.scot>;
[Redacted] <[Redacted]@parliament.scot>; [Redacted]
<[Redacted]@Parliament.scot>; [Redacted] <[Redacted]@Parliament.scot>;
[Redacted] <[Redacted]@parliament.scot>; [Redacted]
<[Redacted]@Parliament.scot>; [Redacted] <[Redacted]@Parliament.scot>;
[Redacted] <[Redacted]@parliament.scot>; [Redacted]
<[Redacted]@parliament.scot>; [Redacted] <[Redacted]@Parliament.scot>;
Webteam <Webteam@parliament.scot>; [Redacted]
<[Redacted]@Parliament.scot>

Subject: Motion for Debate, Thursday 21 December - Appointments of the Chair and Commissioners of the Scottish Land Commission

Subject to agreement by the Parliament, the motion below will be taken on Thursday 21 December. Any amendments to this motion should be lodged with the Chamber Desk by **4.00pm tomorrow, Wednesday 20 December.**

***[S6M-11733](#) Mairi Gougeon: Appointments of the Chair and Commissioners of the Scottish Land Commission**—That the Parliament notes the Net Zero, Energy and Transport Committee's 21st Report, 2023 (Session 6), *Report on appointments to the Scottish Land Commission* (SP Paper 499); welcomes the Committee's recommendation that the Parliament approves the appointment of Professor Michael Russell, Professor Deborah Roberts and Craig Mackenzie as Land Commissioners to the Scottish Land Commission; further welcomes the Committee's endorsement of the selection of Professor Michael Russell as Chair of the Commission, and approves the appointments as required by section 10 of the Land Reform (Scotland) Act 2016.

Supported by: Gillian Martin*

Regards,
Chamber Desk

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland
Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

www.parliament.scot : facebook.com/scottishparliament : twitter.com/scotparl

The information in this email may be confidential. If you think you have received this email in error please delete it and do not share its contents.

From: [Redacted] <[Redacted]@gov.scot>

Sent: Tuesday, December 19, 2023 1:53 PM

To: Cabinet Secretary for Rural Affairs, Land Reform and Islands

<CabSecRALRI@gov.scot>; Minister for Parliamentary Business

<MinisterforPB@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>

Cc: First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Anna Densham <Anna.Densham@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy

<DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; Communications Net Zero & Rural Affairs

<CommunicationsNetZeroandRuralAffairs@gov.scot>; Permanent Secretary

<PermanentSecretary@gov.scot>; Anna Kynaston <Anna.Kynaston@gov.scot>;

Andrew Bruce <Andrew.Bruce@gov.scot>; [Redacted] <[Redacted]@gov.scot>;

Nicola Richards <Nicola.Richards@gov.scot>; [Redacted] <[Redacted]

@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]

@gov.scot>; Ian Mitchell <Ian.Mitchell@gov.scot>; Spads Admin

<Spads_Admin@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Director

Propriety and Ethics <DirectorProprietyandEthics@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted]

<[Redacted]@gov.scot>

Subject: RE: URGENT - FOR APPROVAL - RE: Urgent: Update - Appointment for a Chair and Commissioners to the Scottish Land Commission following Parliament Committee consideration

Thanks [Redacted].

I have added the report title to the motion:

Motion

That the Parliament notes the report from the Net Zero, Energy and Transport Committee, Report on appointments to the Scottish Land Commission (21st Report, 2023 (Session 6), SP Paper 499); welcomes the Committee's recommendation that the Parliament approves the appointment of Professor Michael Russell, Professor Deborah Roberts, and Mr Craig Mackenzie as Land Commissioners at the Scottish Land Commission; further welcomes the Committee's endorsement of the selection of Michael Russell as Chair of the Commission; and approves the appointments as required by Section 10 of the Land Reform (Scotland) Act 2016.

Kind regards,

[Redacted]

<Nicola.Richards@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Ian Mitchell <Ian.Mitchell@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; DG Net Zero <DGNetZero@gov.scot>; Director Propriety and Ethics <DirectorProprietyandEthics@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Helen Webster <Helen.Webster@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: URGENT - FOR APPROVAL - RE: Urgent: Update - Appointment for a Chair and Commissioners to the Scottish Land Commission following Parliament Committee consideration

This email is for the official record and confirms a Ministerial Decision. This email must be placed in the official record (eRDM) by your team [in line with SG records management policy](#).

Hi [Redacted],

Ms Gougeon is content.

Many thanks,

[Redacted] | Deputy Private Secretary
Cabinet Secretary for Rural Affairs, Land Reform and Islands – Mairi Gougeon MSP
☎: [Redacted]

Room 2N.08 | St. Andrew's House | Regent Road | Edinburgh | EH1 3DG

Ms Gougeon's box will close at 2pm Mon-Thurs and 12pm on Fri

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Email 18

From: [Redacted] <[Redacted]@gov.scot>
Sent: Wednesday, December 13, 2023 3:20 PM
To: Minister for Parliamentary Business <MinisterforPB@gov.scot>; Cabinet Secretary for Rural Affairs, Land Reform and Islands <CabSecRALRI@gov.scot>
Cc: First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Anna Densham <Anna.Densham@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Communications Net Zero &
Rural Affairs <CommunicationsNetZeroandRuralAffairs@gov.scot>; Permanent Secretary
<PermanentSecretary@gov.scot>; Anna Kynaston <Anna.Kynaston@gov.scot>; Andrew
Bruce <Andrew.Bruce@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Nicola Richards
<Nicola.Richards@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Ian Mitchell
<Ian.Mitchell@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; DG Net Zero
<DGNetZero@gov.scot>; Director Propriety and Ethics
<DirectorProprietyandEthics@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Helen Webster
<Helen.Webster@gov.scot>; [Redacted] <[Redacted]@gov.scot>

Subject: URGENT - FOR APPROVAL - RE: Urgent: Update - Appointment for a Chair and
Commissioners to the Scottish Land Commission following Parliament Committee
consideration

Importance: High

PO Cabinet Secretary for Rural Affairs, Land Reform and Islands
PO Minister for Parliamentary Business

APPROVAL REQUESTED – Motion to recommend approval of appointments to the
Scottish Land Commission

Priority and Purpose

This is an **urgent** request for approval to lodge a motion in Parliament to seek their
approval for the appointment of a Chair and two Land Commissioners to the Board
of the Scottish Land Commission (SLC). The intended date to lodge the motion is
Thursday 21 December 2023, subject to the Net Zero, Energy and Transport (NZET)
Committee publishing their report prior to 15:00 on Tuesday 19 December.

Recommendation

That you agree to lodge the motion.

Context and Issues

The NZET Committee considered the appointments at its meeting on 12 December.
Members agreed (by division: For 4, Against 3) to recommend that the Scottish
Parliament approve the three candidates. Scottish Ministers are now required to
lodge a motion in the Scottish Parliament to seek approval for the appointments.

The motion cannot be lodged until the NZET Committee have published their report
– Land Reform and Public Appointments Team (PAT) officials are liaising with Clerks
and will confirm to POs once the report is available. The text of the motion has been
agreed with PLU and is as follows:

That the Parliament notes the report from the Net Zero, Energy and Transport Committee, [Title] (X Report (Session 6), SP Paper XX); welcomes the Committee's recommendation that the Parliament approves the appointment of Professor Michael Russell, Professor Deborah Roberts, and Mr Craig Mackenzie as Land Commissioners at the Scottish Land Commission; further welcomes the Committee's endorsement of the selection of Michael Russell as Chair of the Commission; and approves the appointments as required by Section 10 of the Land Reform (Scotland) Act 2016.

Sensitivities

Given the division at Committee, opposition members may choose to reserve their position and speak to the motion. PO Cab Sec RALRI have indicated that the Cabinet Secretary could be available to speak to the motion on Thursday 21 December if required. Officials will provide briefing as necessary.

All candidates have been contacted by the PAT this morning to make them aware of the outcome of their application. This is the first time officials have been in touch with the candidates on the outcome of the appointments process. Once the NZET Committee report is published, the names of the recommendations for the Chair and two Land Commissioners will be in the public domain.

Next Steps

If the Minister and Cabinet Secretary are content to lodge the motion – subject to the content and timing of the NZET Committee report – officials will endeavour to meet the deadlines as set out by PO Minister for Parliamentary Business below.

Subject to Parliamentary approval and pre-employment checks, a Scottish Government press release will be issued in line with the usual process. Pre-employment checks ordinarily take two-to-three weeks, therefore the press release will not be until the new year. Further advice will follow from the PAT in due course.

Many thanks,

[Redacted]

[Redacted] | Land Reform Senior Policy Manager | Land Reform Policy and Legislation Team | Directorate for Agriculture and Rural Economy | Scottish Government **[Redacted]**

Email 19 – Attachment 1

Duplicate of attachment 2 of email 13

Email 20

From: [Redacted] <[Redacted]@gov.scot> **On Behalf Of** Cabinet Secretary for Rural Affairs, Land Reform and Islands
Sent: Monday, December 18, 2023 3:41 PM
To: [Redacted] <[Redacted]@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Cabinet Secretary for Rural Affairs, Land Reform and Islands <CabSecRALRI@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; First Minister <FirstMinister@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>
Subject: RE: FOI on Appointment of Mike Russell

Hi [Redacted],

I have searched and can confirm that RALRI PO and Ms Gougeon hold no information within scope of this request.

Thank you,
[Redacted]

[Redacted] | Private Secretary
CabSecRALRI@gov.scot | [Redacted]

All e-mails and attachments sent by a Ministerial Private Office to another 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 primary recipient. Ministerial 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.

Email 21

From: [Redacted] <[Redacted]@gov.scot>
Sent: Monday, December 18, 2023 3:22 PM
To: Fiona Harrison <Fiona.Harrison@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Cabinet Secretary for Rural Affairs, Land Reform and Islands <CabSecRALRI@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; First Minister <FirstMinister@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>
Subject: FW: FOI on Appointment of Mike Russell

Dear colleagues

The Public Appointments Team has received the FOI request below, which has been assigned case number 202300390024. We will coordinate the response and lead on

the respond to point 1, but ask for you to give **consideration to points 2 and 3 and provide any relevant material.**

I am requesting information **by Friday 22 December**, in order for us to meet the statutory deadline, but appreciate we are approaching a period where many people are likely to be on annual leave, so please let me know if this is likely to provide difficulties. Nil returns are would also be helpful.

Many thanks

[Redacted]

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

Email 22

From: **[Redacted]** <**[Redacted]**>

Sent: Thursday, December 14, 2023 4:42 PM

To: Public Appointments - General Enquiries <Public.appointments@gov.scot>

Subject: FOI on Appointment of Mike Russell

Hi there,

I would like to ask the following regarding the appointment of Mike Russell as chairman of Scottish Lands and Estates.

1. Describe in as much detail as process for selecting Mike Russell. Did he have to fill in an application? Which other candidates were considered? Was there an interview process? Was there any kind of scoring criteria used to establish the best candidate? Etc
2. Any correspondence (including emails, letters, phone calls, handwritten notes, WhatsApp messages or any other documents) between SLC and the Scottish Government regarding Michael Russell. Information should include but not be limited to a detailed timeline (with dates) of any contact between SLC and the Scottish Government. Please provide this information between the dates of 1 August 2023 and 11 December 2023 inclusive.
3. Any correspondence (including emails, letters, phone calls, handwritten notes, WhatsApp messages or any other documents) between the SNP and the Scottish Government regarding Michael Russell. Information should include but not be limited to a detailed timeline (with dates) of any contact between the SNP and the Scottish Government. Please provide this information between the dates of 1 August 2023 and 11 December 2023 inclusive.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Email 23

From: Hamish Trench <Hamish.Trench@landcommission.gov.scot>
Sent: Monday, December 18, 2023 9:10 AM
To: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Cc: Fiona Harrison <Fiona.Harrison@gov.scot>
Subject: FW: Andy Wightman comments

Fiona, [Redacted]

For info, press enquiry from Daily Express below, we've responded with the following brief line:

The appointments to the board of the Scottish Land Commission, including the Chair, are the responsibility of the Scottish Government. The process is conducted through the Public Appointments process and Parliament in line with statute. This process is ongoing and we expect to hear about the outcome in due course.

Hamish

Email 24

From: commsteam <commsteam@landcommission.gov.scot>
Sent: Monday, December 18, 2023 9:01 AM
To: Hamish Trench <Hamish.Trench@landcommission.gov.scot>
Subject: FW: Andy Wightman comments

Hi Hamish,

See below ...

[Redacted]

Events & Organisational Assistant

Scottish Land Commission | An Lòchran | 10 Inverness Campus | Inverness | IV2 5NA

 [Redacted] |  [Redacted]@landcommission.gov.scot | www.landcommission.gov.scot

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SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Email 25

From: [Redacted] <[Redacted]@reachplc.com>

Sent: Sunday, December 17, 2023 3:47 PM

To: commsteam <commsteam@landcommission.gov.scot>

Subject: Andy Wightman comments

Hi folks

Was wondering whether you wanted to respond to comments from former Greens MSP Andy Wightman who has pointed out a number of issues with Michael Russell potentially being appointed chairman of the Land Commission.

He says the appointee needs to be party apolitical and Mr Russell may not be the right choice:

Ministers appoint the chair from among the approved Land Commissioners. None of this has happened yet. However, the Net Zero, Energy and Transport Committee did consider the matter in private session on Tuesday 12 December. So maybe we will learn more about the process soon.

When original Land Commissioners were appointed, the relevant Committee took evidence in public from those nominated. This is not required by law. There's no information yet on whether this will happen again. Parliament will, however, have to vote on to approve candidates.

The appointment comes at a sensitive time. The SLC has been up & running for just over five years & this is the 1st change in membership & a new Chair. It is vital that the SLC is trusted as an impartial adviser to Ministers. No appointments 2 date have been party political.

Last week, John Nicolson MP, was concerned about links between public appointments to chair bodies such as BBC & membership of political party forming the Government. The impression is rightly or wrongly that the SLC appointment is designed to make life easier for Government.

It remains to be seen who Ministers appoint as Members and who then as Chair. Parliament will debate the appointments in due course. It is vital that the right person is appointed and that the work of the SLC is unimpeded by real or perceived political bias.

Has someone been chosen for the role yet, and do you want to respond to these comments?

Cheers

[Redacted]

Scottish Daily Express political reporter

[Redacted]

Email 26

From: [Redacted] <[Redacted]@gov.scot>
Sent: Monday, December 18, 2023 9:30 AM
To: [Redacted] <[Redacted]@gov.scot>
Subject: FW: FOI on Appointment of Mike Russell

For info – I will issue an official request to relevant parties when I've read through the assessment from the FOI unit.

Email 27

From: [Redacted] <[Redacted]>
Sent: Thursday, December 14, 2023 4:42 PM
To: Public Appointments - General Enquiries <Public.appointments@gov.scot>
Subject: FOI on Appointment of Mike Russell

Hi there,

I would like to ask the following regarding the appointment of Mike Russell as chairman of Scottish Lands and Estates.

1. Describe in as much detail as process for selecting Mike Russell. Did he have to fill in an application? Which other candidates were considered? Was there an interview process? Was there any kind of scoring criteria used to establish the best candidate? Etc
2. Any correspondence (including emails, letters, phone calls, handwritten notes, WhatsApp messages or any other documents) between SLC and the Scottish Government regarding Michael Russell. Information should include but not be limited to a detailed timeline (with dates) of any contact between SLC and the Scottish Government. Please provide this information between the dates of 1 August 2023 and 11 December 2023 inclusive.
3. Any correspondence (including emails, letters, phone calls, handwritten notes, WhatsApp messages or any other documents) between the SNP and the Scottish Government regarding Michael Russell. Information should include but not be limited to a detailed timeline (with dates) of any contact between the SNP and the Scottish Government. Please provide this information between the dates of 1 August 2023 and 11 December 2023 inclusive.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Email 28

From: [Redacted] <[Redacted]@gov.scot>
Sent: Thursday, December 14, 2023 4:40 PM
To: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: URGENT - FOR APPROVAL - RE: Urgent: Update - Appointment for a Chair and Commissioners to the Scottish Land Commission following Parliament Committee consideration

Thanks [Redacted],

I've suggested a different sentence to summarise the role of SLC – [Redacted] my suggested wording mirrors the wording in the applicant pack, and also picks up on their work around good practice [Redacted]

Kind regards, [Redacted]

[Redacted] Land Reform Policy and Legislation Team Leader | Directorate for Agriculture and Rural Economy | Scottish Government | Phone [Redacted] | Email [Redacted]

Please note that I work part time, Monday, Tuesday, Thursday and Friday afternoons only

Email 29

From: [Redacted] <[Redacted]@gov.scot>
Sent: Thursday, December 14, 2023 3:35 PM
To: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: URGENT - FOR APPROVAL - RE: Urgent: Update - Appointment for a Chair and Commissioners to the Scottish Land Commission following Parliament Committee consideration

Thanks [Redacted]

Draft below. As you'll see it is not intended to set out the full detail that would be contained in the standard PA release but to thank departing chair and acknowledge that new appointments have been approved. Noting Cab Sec and MfPB have approved the timescales we can test this approach with spads.

[Redacted]

Scottish Land Commission
Appointments approved by Parliament.

Ministers have welcomed Parliamentary approval of the proposed new Chair and **Land Commissioners** of the Scottish Land Commission (SLC).

Ministers selected Michael Russell as the new Chair of the SLC, and Craig MacKenzie and Deborah Roberts as Land Commissioners, following recommendations presented by an independent panel. In line with the Land Reform (Scotland) Act 2016, Ministerial appointments to the SLC are subject to Parliamentary approval. The appointment of the Chair and **Land Commissioners** will be confirmed and publicised early in the new year once the public appointments process is completed.

The role of the Scottish Land Commission is to stimulate fresh thinking, advise the Scottish Government on an ongoing programme of land reform, and to provide leadership for change in culture and practice. **[Redacted]**

Rural Affairs Secretary Mairi Gougeon said: [can draw from 21/12 speaking note if there is one]

“Thanks outgoing Chair, welcome Parli approval of candidates, look ahead to working closely with SLC etc.”

Background

Brief bios:

Michael Russell
Craig MacKenzie
Deborah Roberts

Appointments to the Scottish Land Commission (SLC) are regulated by the Ethical Standards Commissioner for Public Life in Scotland. The appointments process is being conducted in line with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland.

Email 30

From: **[Redacted]** <**[Redacted]** @gov.scot> **On Behalf Of** Cabinet Secretary for Rural Affairs, Land Reform and Islands

Sent: Monday, December 4, 2023 12:53 PM

To: **[Redacted]** <**[Redacted]** @gov.scot>

Cc: Cabinet Secretary for Rural Affairs, Land Reform and Islands

<CabSecRALRI@gov.scot>; First Minister <FirstMinister@gov.scot>; Deputy First Minister and Cabinet Secretary for Finance <DFMCSF@gov.scot>; Director of Agriculture and Rural Economy <DirectorARE@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Anna Densham <Anna.Densham@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy

<DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; **[Redacted]**

<**[Redacted]** @gov.scot>; **[Redacted]** <**[Redacted]** @gov.scot>; **[Redacted]**

<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
<[Redacted]@gov.scot>; Communications Net Zero & Rural Affairs
<CommunicationsNetZeroandRuralAffairs@gov.scot>; Permanent Secretary
<PermanentSecretary@gov.scot>; Anna Kynaston <Anna.Kynaston@gov.scot>;
Helen Webster <Helen.Webster@gov.scot>; Andrew Bruce
<Andrew.Bruce@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Nicola Richards
<Nicola.Richards@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted]
<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: Immediate: Appointment for a Chair and Commissioners to the
Scottish Land Commission

Hi [Redacted],

Can I confirm that the advice that FM has requested be cascaded to every Cabinet Secretary and Minister reminding them of their duties as per the Ministerial Code (and as MSPs) in relation to their engagement with Mr Russell has been picked up and is currently in hand?

Many thanks,

[Redacted] | Deputy Private Secretary
Cabinet Secretary for Rural Affairs, Land Reform and Islands – Mairi Gougeon
MSP

: [Redacted]

Room 2N.08 | St. Andrew's House | Regent Road | Edinburgh | EH1 3DG

Ms Gougeon's box will close at 2pm Mon-Thurs and 12pm on Fri

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

Email 31

From: [Redacted] <[Redacted]@gov.scot>
Sent: Thursday, November 23, 2023 11:04 AM
To: [Redacted] <[Redacted]@gov.scot>
Subject: SLC Applications
Sensitivity: Private

Hi [Redacted]

Please find attached the applications for Mike Russell, Deborah Roberts and Craig Mackenzie.

Kind regards
[Redacted]

[Redacted]

Attachment 1 (to email 31)

APPLICATION FOR APPOINTMENT AS CHAIR OF THE SCOTTISH LAND COMMISSION

Please ensure that you have read the Applicant Information Pack, which provides further information on the criteria being sought in the 'Person Specification' section and provides information on Self-Assessment Suitability, which you should consider before applying for this appointment.

Before completing this application form, please ensure Stage One of the application process (completing online your contact details, monitoring information and declaration of interest) has been completed. Otherwise, we will be unable to process your application.

Return this completed form to [PA Applications Mailbox@gov.scot](mailto:PA_Applications_Mailbox@gov.scot) by the closing date of **Thursday 12 October 2023 at 17:00**. Please title your email: **Application: Scottish Land Commission – Chair**

Please note that the Personal Information section of the application form will not be made available to the selection panel.

Personal Information	
Title	
First Name	
Known Name	
Last Name	
Email	

Disability – Guaranteed Interview

Inclusion Scotland, a disabled people's organisation recommended that to improve the participation of disabled people in Public Appointments that *“Disabled applicants meeting the minimum criteria should be progressed to the interview stage for public*

appointments vacancies". This appointment round will respond to that recommendation and will offer guaranteed interviews for disabled people.

Please indicate if you wish to be considered for a guaranteed interview: **Yes** **No**
 [Redacted]

Section A

Please provide evidence of **both** of the following priority criteria.

A1. Leadership and Governance

- Able to build and chair a high performing board which understands its non-executive functions and accountabilities and sets direction
- Experience of ensuring and implementing effective governance at a senior level
- Understand fiscal and legal board responsibilities including audit and risk management

Your answer should be no more than **300 words**.

You may wish to include:

- A description of how you gained your knowledge/experience/skill (referring to the tailored career/role history as appropriate);
- The breadth and depth of your knowledge/experience/skill; and
- Specific situations where you have used your knowledge/experience/skill

[Redacted]

A2. Stakeholder engagement

- Track record of developing collaborative relationships and partnerships with internal and external stakeholders to achieve shared objectives and purpose
- Able to influence relationships and outcomes with partners and stakeholders
- Able to act as an ambassador for, and represent, the Commission effectively with a wide range of external stakeholders.

Your answer should be no more than **300 words**.

You may wish to include:

- A description of how you gained your experience/skills (referring to the tailored career/role history as appropriate);
- The breadth and depth of your experience/skills; and
- Specific situations where you have used your experience/skills

[Redacted]

Section B

Please provide evidence of **all** of the following essential criteria.

B1. Strategic thinking and oversight

- Able to look ahead and consider issues over the short, medium and long term and identify relevant implications
- Able to evaluate organisational and board performance

Your answer should be no more than **300 words**.

You may wish to include:

- A description of how you gained your knowledge/experience/skill (referring to the tailored career/role history as appropriate);
- The breadth and depth of your knowledge/experience/skill; and
- Specific situations where you have used your knowledge/experience/skill

[Redacted]

B2. Communication, influence and constructive challenge

- Able to communicate effectively with different audiences and in public settings
- Able to challenge constructively, particularly in a Board setting

Your answer should be no more than **300 words**.

You may wish to include:

- A description of how you gained your skill/experience (referring to the tailored career/role history as appropriate);
- The breadth and depth of your skill/experience; and
- Specific situations where you have used your skill/experience

[Redacted]

Section C

It would be desirable to the Board if you could evidence the following criterion. This section is **not** essential.

C1. Gaelic

- Able to speak and understand the Gaelic language
- An awareness of the significance of land use in Gaelic culture

Your answer should be no more than **300 words**.

You may wish to include:

- A description of how you gained your knowledge/experience/skill (referring to the tailored career/role history as appropriate);
- The breadth and depth of your knowledge/experience/skill; and
- Specific situations where you have used your knowledge/experience/skill

[Redacted]

Section D

Tailored Career/Role History

Please note the panel are not looking for a full CV but a tailored career/role history with relevant work, personal and voluntary experience that supports the evidence given in Section A, B and C (if completed).

D1: For each relevant role include the following information (starting with the most recent role first):

- Organisation name and sector
- Role title/Position held with relevant responsibilities
- Years held – From and To

This section is limited to **400 words**.

I have been a strong supporter of land reform, and have a unique perspective on, and experience of, the issue having held Ministerial responsibility for the process as Environment Minister from 2007 - 2009, which included my support for the sale of Rum to the community: having, as the MSP for Argyll and Bute, supported local communities in their land reform journey - for example on Gigha and then on Ulva - whilst maintaining an active involvement in farming issues including those of tenant farmers in areas of difficulty such as Islay and having been a member of the Scottish Parliament Committee that scrutinised the 2016 Land Reform Act which of course set up the Scottish Land Commission. I was also involved in the passage of the Community Empowerment Act, and had a particular concern with regard to rural asset transfer. In addition I have frequently written on the subject and remain interested, not least because I live in a rural community where the issues and pressures arising from farming, forestry (including for offset) and land use and ownership are always to the fore. I believe I can make a significant and useful contribution to the issue as Chair of the Scottish Land Commission given my unique career history and the relevance of my experience in leadership, governance, stakeholder engagement, strategic thinking, oversight, communication, influence and constructive challenge plus my knowledge of not only the Highlands and Islands but - having been brought up in Ayrshire and having been a South of Scotland MSP for two terms - in other areas of Scotland too. I have indicated in response to other parts of this application the way in which my experience running an innovative Community development Project in the Western Isles (Cinema Sgìre) from 1977-1981 developed my skills as well as the way in which they were exercised when I founded and ran (from 1980 - 1983) the Celtic Media Festival. My work as an MSP built on those experiences, and they were further embedded and extended by my lengthy service as a Scottish Government Minister. I have been a writer and commentator for many years including periods as a Cultural Columnist for The Herald, as a Political columnist for Holyrood Magazine and currently for The National and as an education columnist for the Times Educational Supplement. I am also the author of seven books, have been a television director and producer and currently contribute to two podcasts. I have held a variety of offices within the SNP including being the first CEO from 1994-1999. I am currently Honorary President. I understand however that I would have to withdraw from active involvement and holding any political post were I to succeed in this application. I am also Honorary President of the European Movement in Scotland, Patron of the Scottish Adult Learners Forum and the Burgh Hall, Dunoon and a member of both the Colintrave & Glendaruel Community Council and the Cruach Moor Wind farm Trust.

Return this completed form to [PA Applications Mailbox@gov.scot](mailto:PA_Applications_Mailbox@gov.scot) by the closing date of Thursday 12 October at 17:00.

Please title your email with 'Application: Scottish Land Commission – Chair'

Email 32

From: [Redacted] <[Redacted]@gov.scot>
Sent: Monday, November 27, 2023 4:37 PM
To: [Redacted] <[Redacted]@gov.scot>; Anna Kynaston <Anna.Kynaston@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Ian Mitchell <Ian.Mitchell@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Anna Densham <Anna.Densham@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Nicola Richards <Nicola.Richards@gov.scot>
Subject: RE: Immediate: Appointment for a Chair and Commissioners to the Scottish Land Commission

Hi [Redacted]

Yes, I'm pulling together draft advice at the moment, in conjunction with the policy team. I have attached the submission, and the candidate summary for Mr Russell, which gives a summary of the Fit and Proper Person Test (which all candidates for regulated public appointments are required to answer).

<< File: Scottish Land Commission - Chair and Commissioners - Selection - Submissions - Final Submission.docx >> << File: Scottish Land Commission - Chair - Selection - Interview - Applicant summary - Michael Russell.docx >>
Please let me know if you require any other information.

[Redacted]

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

Email 33

From: [Redacted] <[Redacted]@gov.scot>
Sent: Monday, November 27, 2023 6:33 PM
To: Permanent Secretary <PermanentSecretary@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Andrew Bruce <Andrew.Bruce@gov.scot>; Nicola Richards <Nicola.Richards@gov.scot>; Ian Mitchell <Ian.Mitchell@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Anna Kynaston <Anna.Kynaston@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Anna Densham <Anna.Densham@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>; DG Corporate <dgcorporate@gov.scot>; Lesley Fraser <Lesley.Fraser@gov.scot>; Cabinet Secretariat Inbox <CabinetSecretariat@gov.scot>; Director Propriety and Ethics <DirectorProprietyandEthics@gov.scot>
Subject: RE: Immediate: Appointment for a Chair and Commissioners to the Scottish Land Commission

Please find a draft response to the request below from the First Minister, for review and clearance:

- **The process gone through in relation to the appointment – i.e. the role of the independent panel**

Appointments to the Scottish Land Commission (SLC) are regulated by the Ethical Standards Commissioner for Public Life in Scotland, and the appointments process has been conducted in line with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland. The Scottish Government's Public Appointments Team ran the appointment process with the support of the sponsor team and the assessment process was supported by a Public Appointments Adviser, appointed by the Ethical Standards Commissioner, who was a member of the selection panel.

The selection panel membership was as follows:

Fiona Harrison - Deputy Director Land Reform, Rural & Islands Policy, Scottish Government (Panel chair)
Andrew Thin - current Chair, Scottish Land Commission
Pat Armstrong – Independent Panel Member
Heidi Winser – Public Appointments Advisor, Ethical Standard Commission

The selection panel considered all of the applications received and assessed them against the selection criteria. In line with the Code, panel members received guidance on how to score the evidence of each criteria provided by the applicants. Panel members agreed scores and drew up a shortlist for interview of those that provided acceptable evidence of meeting all required criteria. Decisions were based on an objective assessment of the applicant's suitability for the advertised post of Chair on the basis of the evidence provided in their applications.

The interviews conducted by the selection panel were used to identify the applicants who demonstrated the skills, knowledge and experience required to be effective in the role and those who did not. Following the conclusion of the interviews, the selection panel identified the applicant who had best demonstrated the skills, knowledge and experience required for Chair. The selection panel agreed a summary of the applicant's performance against the criteria, which was provided as an attachment to the submission recommending candidates to the appointing Cabinet Secretary and First Minister. The summary set out the panel's assessment of how the applicant demonstrated, in their application and in the interview, the skills, knowledge and experience required to be effective in the role. It also summarised the Panel's conclusion concerning the Fit and Proper person test.

Appointments to the SLC are Ministerial appointments, however, the creation of the appointment plan and the fit and proper person tests were delegated to the selection panel. The Cabinet Secretary for Rural Affairs, Land Reform & Islands also agreed to only receive a summary of the most able candidate(s) recommended for appointment, meaning the assessment process was independent of Ministers, and Ministers did not have visibility of candidates ahead of the selection panel's recommendations.

- **Advice that covers how the conflicts of interest have been identified and how they will be dealt with and any additional steps that could be taken by Mr Russell or the government to remove any perceived conflicts of interest;**

As part of the interview, the ESC Public appointments advisor led questions to the applicants on the Fit and Proper Persons Test, which included probing of actual or potential conflicts of interest. As a former Minister, Mr Russell was advised in the application pack to seek advice from the Advisory Committee on Business Appointments (ACOBA) on his application. Mr Russell informed the panel that he had not done this as his understanding (from previous contact with the Committee) was that this was only necessary if the Ministerial appointment would be within two years of applying, which it would not be. Following the interview, the ESC public appointments advisor consulted within the ESC and as a result the panel sought further advice from ACOBA on this matter. ACOBA confirmed that no action was required from Mr Russell in this regard.

Mr Russell intends to resign from his role as SNP Honorary President if he were to be appointed as he recognises that this would represent a significant conflict of interest. Mr Russell was asked by the panel how he would convince parliament that he would be able to discharge his responsibilities as Scottish Land Commission (SLC) Chair in a non-partisan way that was not politically motivated. Mr Russell said that his work as a Minister was respected and recognised by cross-party parliamentary colleagues and he felt that he was seen as 'an honest dealer' and 'even-handed'. The panel asked Mr Russell if he would continue to be a donor to the SNP if appointed and he replied that he only gave a small amount to the SNP but recognised that it would be wise to stop donations if he was appointed. On the basis that Mr Russell steps down from his role as SNP Honorary President and as a SNP donor, this would remove these conflicts of interest. Whilst there is a possibility of a perceived conflict of interest given Mr Russell's prominent political and previous

Ministerial roles, since ACOBA require no further action and there is no requirement in the 2016 Land Reform Act establishing the SLC for the SLC Chair to be independent, the panel chair decided that Mr Russell met the fit and proper person test in this respect.

Mr Russell stated that he wasn't aware of any conduct that could embarrass the Scottish Government, Scottish Ministers or the SLC if he was to be appointed. The panel asked about his work as a writer, commentator and podcaster and he felt that his views would not be incompatible with the SLC or Scottish Government. Mr Russell had already confirmed that he would step down from writing his weekly column. It would be worth confirming whether Mr Russell would continue with any further writing, commentating or podcast commitments if he was to be appointed.

- **Any additional steps that would need to be taken within government to remove any perception of a conflict – for example by the Cabinet Secretary – in dealing with the new chair.**

In accordance with the ESC's Code of Practice, there will be a press release published, explaining that the appointment was regulated by the Ethical Standards Commissioner, including a statement from Mr Russell about stepping back from SNP commitments and clear declaration of interests published by the SLC.

Prior to the appointment round, the Net Zero, Energy and Transport (NZET) Committee were asked to review the Scottish Government's proposed approach, as part of its role in scrutinising ministerial appointments to the SLC.

The Committee agreed it will take the same approach to consideration of these appointments as it did with the appointments to the Board of Environmental Standards Scotland which is—

- Receive information on the proposed candidates from the Scottish Government;
- Consider and come to a view on whether the process followed and the proposed appointments are satisfactory. They will consider this at their meeting on 5 December, on condition that all relevant information held by the Scottish Government is provided in good time for inclusion in the papers for the meeting; and
- Make this view known to Parliament prior to a Chamber motion on the approval of candidates.

When providing details of the proposed appointments, the Committee has requested details on how the proposed candidates contribute to meeting the 2 requirements of Section 11 of the Land Reform (Scotland) Act 2016, including that reasonable steps should be taken to ensure the Board includes a Gaelic speaker.

For clarity the Committee has agreed not to hear from candidates (either at a formal meeting or informally) as part of the appointment process. However, as the Committee with responsibility for scrutiny of the work of the Scottish Land Commission, they will be taking an interest in the work of the Chair and the Commissioners once appointed.

As would already be the case, but with particular regard to Mr Russell's political affiliations and party responsibilities (even demitted), Government Ministers will need to be scrupulous in following rules around engagement and ensuring proper records are kept of meetings. The Cabinet, Parliament & Governance Division has recommend a Private Secretary is always present for any meetings that Mr Russell has with Government Ministers, and a note of the discussion is saved to the official record.

- **Any other relevant propriety points.**

As mentioned above, this process is regulated by the Ethical Standards Commissioner for Scotland, who was represented on the Panel and led on the questioning for the Fit and Proper Person Test.

Many thanks,

[Redacted]

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

Email 34

From: **[Redacted]** <**[Redacted]**@cabinetoffice.gov.uk>

Sent: Monday, November 20, 2023 5:21 PM

To: **[Redacted]** <**[Redacted]**@gov.scot>

Subject: Re: FW: ACOBA Advice - Confidential

Apologies **[Redacted]**, I actually thought I had responded!

I was glad you thought of ACOBA and the process and glad you reached out though equally delighted to be able to confirm that there is no need to go through this process for public appointments such as these. ACOBA is the government's independent committee for advice when the roles are outside and seperate from government. Given the government is involved in the process and can consider any potential conflict and necessary mitigations itself here, ACOBA is not part of the process.

Some years ago Mr Russell did seek advice after he left office the first time (in 2014/2015). If he hasn't taken up any outside appointments in the 2 years since leaving office in 2021, he would not have been required to seek advice; and certainly not for any appointments, even if they are outside, now that the 2 years has passed.

I hope that helps and allows you to progress.

Best

[Redacted]

[Redacted]
Head of ACOBA
[Redacted]

The Civil Service Commission Secretariat - including ACOBA and OCPA - operates a hybrid working model. We are contactable via our usual phone and email channels.

Email 35

From: [Redacted]
Sent: Thursday, November 16, 2023 11:16 AM
To: [Redacted]@cabinetoffice.gov.uk
Subject: ACOBA Advice - Confidential

Hi [Redacted]

I've been given your details by [Redacted] and I'm hoping you may be able to help.

In confidence, the Scottish Land Commission has been interviewing to find a new chair and the preferred candidate is Mike Russell, former minister.

In the fit and proper person test, he was asked if he had sought advice from ACOBA, and said he hadn't as he had previously for a role at Glasgow University and there had been no issue. Our applicant information packs direct all former ministers and senior civil servant to ACOBA to seek advice before applying, but he decided that because it's been more than 2 years since he gave up office, it wasn't required. I know that the guidance says 2 years, but wanted to check if it's the same for Public Appointments.

This position is also subject to parliamentary approval, so the panel are keen to double check this before proceeding with the process. If you could confirm if he does need to take any advice, I'd be very grateful.

Many thanks

[Redacted]

[Redacted] | Public Appointments Manager

Public Appointments Team | People Directorate | Scottish Government

Area 3F (North) | Victoria Quay | Edinburgh | EH6 6QQ

Mobile| **[Redacted]**

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Email 36

From: Fiona Harrison <Fiona.Harrison@gov.scot>

Sent: Thursday, November 23, 2023 9:57 AM

To: **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>

Subject: RE: SLC - Chair - Draft Summary

Hi both

I have now checked DR back in, and have added a bit to the recommendation to help NZET understand about priority criteria. I will now just check MR and CM for the same.

Dr Fiona Harrison (she/her) | Deputy Director, Land Reform, Rural & Islands Policy | Directorate for Agriculture and Rural Economy | The Scottish Government | Tel: **[Redacted]**
Dr Fiona Harrison (i/ise) | Leas-stiùiriche, Ath-leasachadh Fearainn, Poileasaidh Dùthchail & Eileanan | Buidheann-stiùiridh airson Àiteachas agus Eaconamaidh Dhùthchail | Riaghaltas na h-Alba
|Fòn: **[Redacted]**

I jobshare with Anna Densham with a shared email:
DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot
Obair cho-roinnte le Anna Densham le post-d co-roinnte:
DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot

Email 37

From: [Redacted]@gov.scot <[Redacted]@gov.scot>
Sent: Wednesday, November 22, 2023 7:57 AM
To: Fiona.Harrison@gov.scot
Cc: patriciaarmstrong[Redacted]; Andrew.Thin@landcommission.gov.scot;
heidwinser[Redacted]; [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: SLC - Chair - Draft Summary

Morning Fiona

With thanks to Heidi for drafting the FPPT information, I attached the candidate summary for Mike Russell for review and comment.

Panel, while it is for Fiona to sign off the candidate summaries, I would also be grateful if you have time to review them, as it can be difficult to capture all of the evidence, so please do let me know if you think anything needs changed or added. We are working to extremely tight deadlines, as we are aiming to make the submission to Cab Sec on Thursday 23, so I appreciate if you don't have time to review prior to that.

I will send the Commissioner summaries in a separate email.

Many thanks

[Redacted]

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

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The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Email 38

From: [Redacted] <[Redacted]@gov.scot>
Sent: Monday, November 27, 2023 6:37 PM
To: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; Anna Kynaston <Anna.Kynaston@gov.scot>; Permanent Secretary <PermanentSecretary@gov.scot>; Ian Mitchell <Ian.Mitchell@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>; Anna Densham <Anna.Densham@gov.scot>; Deputy Director for Land Reform, Rural and Islands Policy <DeputyDirectorLandReformRuralAndIslandsPolicy@gov.scot>
Cc: [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: RE: Immediate: Appointment for a Chair and Commissioners to the Scottish Land Commission

[Redacted]

I see we say that

[Redacted]

[Redacted]

[Redacted]

Team Leader | Land and Rural Support | Rural Affairs | Scottish Government Legal Directorate | Victoria Quay | Edinburgh | EH6 6QQ | [Redacted] | Personal mobile [Redacted]

This correspondence is from the Scottish Government Legal Directorate. To the extent that it contains legal advice, it is legally privileged and may be exempt from disclosure under freedom of information legislation. Unless expressly stated any such legal advice is intended solely for the purposes of the Scottish Government, and should not be relied upon by any other persons, or used for any other purpose.

Email 39

Information released previously: [Government Ministers issued with Government phones during January 2019 to October 2023: FOI release - gov.scot \(www.gov.scot\)](#)