

Email 1

From: [Redacted] <[Redacted]@gov.scot>
Sent: Tuesday, October 24, 2023 11:23 AM
To: Fiona.Harrison@gov.scot; Andrew Thin <Andrew.Thin@landcommission.gov.scot>; [Redacted]; [Redacted]
Cc: [Redacted]@gov.scot
Subject: Action Required - SLC Interviews

Hi all

Many thanks for your contributions to the shortlisting meeting on Thursday. To confirm, the following candidates have been invited to interview:

Chair

Application No.	Applicant Name
1	[Redacted]
4	Michael Russell
6	[Redacted]

Commissioner

Application No.	Applicant Name
1	[Redacted]
3	[Redacted]
4	[Redacted]
7	[Redacted]
9	Deborah Roberts
12	[Redacted]
13	Craig Mackenzie

Practical Exercise

Please see attached a draft of the documents to be sent out to Chair and Commissioner candidates – let me know of any comments. **These need to be finalised by 2 November please.**

Fiona will lead on the practical exercises and will consider follow up questions.

Interview Questions – Chair

Fiona and I met after the shortlisting meeting to agree how the question areas would be divided out. To give [Redacted] a chance to enjoy her holiday, she is only being asked to lead on FPPT. Some suggested questions below, but feel free to improve.

Priority criteria

Leadership and governance – Question on this, or being covered solely by the practical exercise?

Stakeholder engagement – Andrew to lead, focus on ambassador role?

Suggested question: Land Reform is highly contentious and, as chair, you will need political acuity to steer a path for SLC that is ambitious but authoritative: can you give an example of when you have had to balance your instinctive response against the need to keep the trust/respect of stakeholders over the longer term?

Strategic thinking and oversight – [Redacted] to lead, focus on evaluation of performance/oversight?

Essential criteria

Communication, influence and constructive challenge – Fiona to lead, focus on constructive challenge?

Suggested question: SLC Board holds diverse views from which you as chair need to forge consensus: can you give an example of when you have had to challenge fellow members of a board/group and how you ensured this was constructive? How would you handle a Board member who challenged unconstructively (including to SLC staff)?

Sound judgement - Question on this, or being covered solely by the practical exercise?

FPPT including COI – [Redacted] to lead

Interview Questions – Commissioners

Priority criteria

Finance – [Redacted] to lead

Land Reform and Land Policy – Andrew to lead

Legal – Fiona to lead

Essential criteria

Strategic thinking and oversight – [Redacted] to lead

Suggested topic: Building on the presentation scenario which is about an issue that has become very prominent in the last two years—drawing on their experience what can SLC be doing to ensure it is alert to future big issues over next 5-10 years/

Communication, influence and constructive challenge - Fiona to lead, focus on constructive challenge?

Teamwork and collaboration – Andrew to lead

Suggest topic: How to pursue ambitious policy lines without antagonising important stakeholders/impacting on SLC's authority and credibility

Sound judgement - Question on this, or being covered solely by the practical exercise?

FPPT including COI – [Redacted] to lead

Other Information

- Interviews will last up to an hour
- Please let me know if you have any dietary requirements **by 2 November**
- Due to Fiona's working pattern, we are aiming to agree interview questions **by 31 October**

Please let me know of any other questions ASAP.

Thanks

[Redacted]

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

Email 2

From: Andrew Thin <Andrew.Thin@landcommission.gov.scot>
Sent: Wednesday, November 22, 2023 3:36 PM
To: **[Redacted]** <**[Redacted]**@gov.scot>; Fiona Harrison <Fiona.Harrison@gov.scot>
Cc: **[Redacted]**; **[Redacted]**; **[Redacted]** <**[Redacted]**@gov.scot>; **[Redacted]** <**[Redacted]**@gov.scot>
Subject: Re: SLC - Chair - Draft Summary

Thanks **[Redacted]**. Excellent summary and admirably succinct as well as being comprehensive. Much appreciated.

Andrew

Sent from Outlook for iOS

From: [Redacted] <[Redacted]@gov.scot>
Sent: Wednesday, November 22, 2023 7:57:16 AM
To: Fiona.Harrison@gov.scot <Fiona.Harrison@gov.scot>
Cc: [Redacted] <[Redacted]>; Andrew Thin
<Andrew.Thin@landcommission.gov.scot>; [Redacted] <[Redacted]>; [Redacted]
<[Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>
Subject: SLC - Chair - Draft Summary

Morning Fiona

With thanks to [Redacted] 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
[Redacted]

Attachment 1 (to Email 2)

Summary of performance during the assessment process

Applicant	Date of interview
Michael Russell	Tuesday 14 November 2023

Interview Panel members	
Chair	Fiona Harrison, Deputy Director, Land Reform, Rural & Islands Policy, Scottish Government
Member	Patricia Armstrong, Independent Panel Member
Member	Andrew Thin, Chair, Scottish Land Commission
Member	Heidi Winser, Public Appointments Advisor, Ethical Standards Commission

Fit & proper person tests
<p>All of the tests were delegated to the selection panel and a summary of these tests is outlined below.</p> <p>Time Commitment: [Redacted]</p> <p>Conflicts of interest: [Redacted]</p> <p>Conduct and Principles of Public Life [Redacted]</p>

Priority Criteria								
<p>Leadership and Governance</p> <p>Assessment method:</p> <ul style="list-style-type: none"> Written application Interview Prepared response 	<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 							
Evaluation [Redacted]	<table border="1"> <tr> <td>Did not meet</td> <td></td> <td>Acceptable Evidence</td> <td></td> <td>Good Evidence</td> <td></td> <td>Exceptional Evidence</td> </tr> </table>	Did not meet		Acceptable Evidence		Good Evidence		Exceptional Evidence
Did not meet		Acceptable Evidence		Good Evidence		Exceptional Evidence		
[Redacted]								

<p>Stakeholder Engagement</p> <p>Assessment method:</p> <ul style="list-style-type: none"> Written application Interview Prepared response 	<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.
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Evaluation [Redacted]	Did not meet		Acceptable Evidence		Good Evidence		Exceptional Evidence	
[Redacted]								
Essential Criteria								
Strategic thinking and oversight Assessment method: • Written application • Interview	<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 							
Evaluation [Redacted]	Did not meet		Acceptable Evidence		Good Evidence		Exceptional Evidence	
[Redacted]								
Communication, influence and constructive challenge Assessment method: • Written application • Interview	<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 							
Evaluation [Redacted]	Did not meet		Acceptable Evidence		Good Evidence		Exceptional Evidence	
[Redacted]								
Sound judgement Assessment method: • Interview • Prepared response	<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 							
Evaluation [Redacted]	Did not meet		Acceptable Evidence		Good Evidence		Exceptional Evidence	
[Redacted]								

Desirable Criterion								
Gaelic	<ul style="list-style-type: none"> • Able to speak and understand the Gaelic language • An awareness of the significance of land use in Gaelic culture 							
Assessment method: <ul style="list-style-type: none"> • Application form 								
Evaluation [Redacted]	Did not meet		Acceptable Evidence		Good Evidence		Exceptional Evidence	
[Redacted]								
Recommendation								
[Redacted]								
<p>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.</p>								

Recommended as most able: YES	
I confirm that this summary form records the collective views of the selection panel on this candidate's suitability for appointment and that the other members have agreed the content and conclusions.	
Fiona Harrison, Deputy Director, Land Reform, Rural & Islands Policy, Scottish Government	Chair of selection panel

Phone call

30 November 2023 – pm: Andrew Thin to George Burgess: - Whilst there was no note of this call, Mr Burgess recalls that they discussed Mr Russell's concern about whether his name was known by committee members.

Text Message

30 November- 18:48: Andrew Thin to George Burgess: "Further message from MR. Committee chair already aware so likely MR will resign presidency tomorrow. He is in contact with SPADs. I'll keep you posted."

Scoring Guidance

This is provided to the panel with the intention of setting out advice on how they might score the evidence provided by applicants in relation to the criteria sought for this role. All markings used to draw up the shortlist and assess an applicant's suitability for appointment at interview must be based on objective assessment of their suitability for appointment.

Evidence

Information that tends to prove something i.e. not bald statements that the applicant *has* the skill or knowledge, but supporting facts which indicate that this is the case. There will always be an element of trust involved; an applicant could fabricate evidence in an application form, however, it is likely that they would be "found out" at interview. Statements which are backed up by tangible facts (in what role the skill was demonstrated, for how long, with what results, how often, for whom, where, when, what was involved, and so on) will, therefore, be treated as evidence for the purposes of assessing an application.

Score of 1: Very Poor or No Evidence

Where an applicant does not mention a competency/skill criteria at all or deals with it only in passing. An example being providing a one sentence statement e.g. "I possess excellent communication skills" with no elaboration.

Score of 2: Poor or Little Evidence

Insufficient evidence or information is provided. Applicants may deal with the skill but provide either no firm evidence or examples, or they provide no depth to show how they applied it in practice e.g. "I have to organise meetings on a regular basis, and I would obviously not be able to do this without exceptional organizational and planning skills".

Score of 3: Acceptable Evidence

Sufficient information is provided to give the panel a good grasp of the applicant's skills. The applicant should explain what actions they took, and how they applied the competency/skill, backed up by relevant examples(s) or evidence, ideally with an indicator of success.

Score of 4: Good Evidence

Building on the above but with more breadth and depth to the information and evidence provided. The panel should be left in no doubt that the applicant possesses and uses the competency/skill. There should be a quality to the evidence that shows variety in the application of the competency/skill and some sophistication in their approach.

Score of 5: Exceptional Evidence

As above but covering all aspects of the competency/skill, along with more detailed example(s) that are very relevant and demonstrate real depth, breadth and sophistication in their approach.



SCOTTISH LAND COMMISSION
COIMISEAN FEARAINN NA H-ALBA

Appointment of Chair of the Board of the Scottish Land Commission

Information Pack for Applicants

Closing date for applications: Thursday 12 October 2023

ESC
REGULATED

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



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

September 2023

Dear Applicant

Thank you for your interest in becoming the Chair of the Scottish Land Commission.

We are looking for candidates to lead the Board of Commissioners at an important time for land reform in Scotland, with the Scottish Government committed to introducing an ambitious Land Reform Bill by the end of this year. 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. You can read more about the Scottish Land Commission on their website: [About us - Scottish Land Commission](#).

The Chair is appointed by and accountable to Scottish Ministers, and is responsible for ensuring the Scottish Land Commission's policies and actions support their wider strategic policies, and that its affairs are conducted with probity.

To be successful in their role, the Chair must have knowledge, experience and skills in leadership and governance, and stakeholder engagement. Candidates will also need to be able to demonstrate evidence of: strategic thinking and oversight; communication and constructive challenge; and sound judgement. Candidates do not need to have previous experience of chairing a Board.

The Scottish Land Commission is seeking to broaden the diversity of its Board further, as it values highly the benefits that diverse perspectives and experience brings. We strongly encourage people from a wide range of backgrounds and under-reflected groups to apply, including from different socio-economic backgrounds.

The role of Chair is a fulfilling and rewarding role. After reading this pack, if you would like to find out more about the being part of the Scottish Land Commission, please do not hesitate to get in touch with Lorne Macleod, one of the current Commissioners, by emailing Lorne.Macleod@landcommission.gov.scot. We are also holding two online events to provide further information on the Scottish Land Commission, Board of Commissioners and the roles on:

Thursday 5 October at 13:00 and 19:00

Please visit [Events - News & Events - Scottish Land Commission](#) to register for either of these online events.

**Chair of the Board of the Scottish Land Commission
Applicant Information**

I hope you will consider submitting an application, and wish you all the best in the application process.

Yours sincerely

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

Mairi Gougeon

Cabinet Secretary for Rural Affairs, Land Reform and Islands

Chair of the Board of the Scottish Land Commission Applicant Information

Information about The Scottish Land Commission

The Scottish Land Commission (SLC) is a non-departmental public body (NDPB) established on 1 April 2017 as a key measure in the Land Reform (Scotland) Act 2016. The SLC is at the forefront of the Scottish Government's ambition to ensure that our nation's land delivers prosperity and sustainable growth for Scotland. The Commission has five Land Commissioners, one of whom is the Chair, and one Tenant Farming Commissioner (TFC). They are all appointed by Scottish Ministers and approved by the Scottish Parliament. The SLC is based in Inverness and employs a team of 18.4 full time equivalent staff (as at April 2023) led by Chief Executive Hamish Trench.

The role of the Scottish Land Commission is to stimulate fresh thinking around how Scotland owns and uses land and advise Scottish Government on an ongoing programme of land reform. In addition to providing advice and recommendations for law and policy, the SLC provides leadership for change in culture and practice through its work across Scotland promoting best practice and compliance with the Land Rights and Responsibilities Statement (prepared under section 1 of the 2016 Act).

The Commission's remit extends to all land in Scotland, whether urban or rural and covers all matters relating to land, including ownership, land rights, land management and use of land, the Land Rights and Responsibilities Statement and associated Protocols, and the Land Use Strategy prepared under section 57 of the Climate Change (Scotland) Act 2009.

Scottish Ministers are looking to appoint a new Chair by early 2024. We value very highly the benefits of having different experience and points of view on our Boards and we are keen that people from all walks of life apply for public appointments. Scottish Ministers particularly welcome applications from women, disabled people, LGBT+ people, people from ethnic minority communities, people aged under 50 and people from a range of socio-economic backgrounds.

About the role

The Chair

The Chair is appointed by and accountable to the Scottish Ministers and, in common with any individual with responsibility for devolved functions, may also be held to account by the Scottish Parliament. The Chair is responsible for ensuring that the Scottish Land Commission's policies and actions support the Scottish Ministers' wider strategic policies and that its affairs are conducted with probity.

Scottish Land Commission Chair's Responsibilities

In leading the Scottish Land Commission the Chair must ensure that:

- The work of the Scottish Land Commission is subject to regular self-assessment and that the Commissioners are working effectively.
- The Commissioners, in accordance with the with recognised good practice in corporate governance, are diverse both in terms of relevant skills, experience and knowledge appropriate to directing the Scottish Land Commission business, and in terms of protected characteristics under the Equality Act and the Gender Representation on Public Boards Act and Guidance, where these apply.

Chair of the Board of the Scottish Land Commission Applicant Information

- The Commissioners are fully briefed on terms of appointment, duties, rights and responsibilities.
- They, together with the other Commissioners, receives appropriate induction training, including on financial management and reporting requirements and, as appropriate, on any differences that may exist between private and public sector practice.
- Succession planning takes place to ensure that the Scottish Land Commission is diverse and effective, and the Scottish Ministers are advised of the Scottish Land Commission needs when Commissioner vacancies arise.
- Adherence to the Commission's Code of Conduct: [62b1d85026cbf_Commissioners Code of Conduct May 2022.pdf \(landcommission.gov.scot\)](#)
- They assess the performance of individual Commissioners on a continuous basis and undertakes a formal appraisal at least annually. The chair, in consultation with the Commissioners as a whole, is also responsible for undertaking an annual appraisal of the performance of the Chief Executive.

Further information

For further information about the body and the role, please contact Fiona Harrison, Deputy Director, Land Reform, Rural and Islands Policy at fiona.harrison@gov.scot.

You can also find out more about the Scottish Land Commission at <https://www.landcommission.gov.scot/>.

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.

**Chair of the Board of the Scottish Land Commission
Applicant Information**

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
Leadership and Governance	<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>
Stakeholder engagement	<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>

Chair of the Board of the Scottish Land Commission Applicant Information

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.

Section C

It would be desirable to the Board if you could evidence the following:

Knowledge, experience and skills desired	What does it mean?	Where it will be tested
Gaelic	<ul style="list-style-type: none"> • Able to speak and understand the Gaelic language • An awareness of the significance of land use in Gaelic culture 	You will have up to 300 words in your application form to provide evidence against this criterion (if applicable) and this may be discussed at interview if you are shortlisted.

Chair of the Board of the Scottish Land Commission Applicant Information

Remuneration

With the approval of the Scottish Ministers the Commission may pay remuneration and expenses for costs properly incurred in the exercise of the Commission's functions.

The daily fee for the Chair post has been agreed at £275.52 for 2022-23.

The appointment is non-pensionable.

Time Commitment

The successful candidate for appointment as Chair will be expected to commit to working approximately 4 days per month.

The number and frequency of Commission meetings will be determined by the Commissioners and the Chief Executive Officer. Commissioners will be expected to attend all meetings (online and virtual) and to be available to discuss key strategic issues with Commission staff and attend other events as required.

Length of the Appointment

The 2016 Act provides that all Commissioners may be appointed for a period not exceeding five years and that Ministers may reappoint a person who is or has been a Commissioner. These reappointments will be for a further period of three years.

Commissioners will be eligible for Ministerial consideration for reappointment subject to evidence of effective performance and satisfying the requirements of the person specification for the role at the time of reappointment. Ministerial nominations for reappointment require Parliamentary approval.

Meetings

The Commission is based in Inverness, with meetings taking place virtually, in-person in Inverness, and at other locations throughout Scotland, as required. This may include attendance at regular public meetings.

Nationality/Disqualifications

There is no bar on non-British nationals applying for and being appointed to the board of Non-Departmental Public Bodies. However, you must be legally entitled to work in the UK.

If applying for a Scottish public appointment former ministers and senior crown servants (director general level and above) should seek advice from the [Advisory Committee on Business Appointments \(ACOBA\)](#).

Chair of the Board of the Scottish Land Commission Applicant Information

Extract from Land Reform (Scotland) Act 2016

A person is disqualified from appointment, and from holding office, as a member of the Scottish Land Commission as set out in section 12 of the Land Reform (Scotland) Act 2016. The relevant section is detailed below for ease of reference:

12 Disqualification from membership

(1) A person may not be appointed as a member of the Commission if that person is or has been at any time during the previous 12 months—

- (a) a member of the House of Commons,
- (b) a member of the Scottish Parliament,
- (c) a member of the European Parliament,
- (d) an officer-holder of the Scottish Administration,
- (e) a councillor of any local authority.

Key dates in this competition

What happens	When
Date appointment publicised	18 September 2023
Closing date for completed applications	12 October 2023
Date of shortlisting meeting to select applicants for next stage	19 October 2023
Date outcome of shortlisting meeting will be relayed to applicants	By 27 October 2023
Interviews	14-16 November 2023
When Ministers will decide whom to appoint (subject to parliamentary approval)	By 4 December 2023
Parliamentary consideration (see section on Parliamentary scrutiny and approval)	December 2023
Date by which applicants will be informed of the decision	By 12 January 2024
Start date	1 February 2024

Please note that if invited to interview, it is unlikely that the selection panel will be able to offer an alternative date. Interviews will be held in person, in Inverness. Candidates can request for the interview to be conducted online, on the dates published above, if they are unable to attend in person.

Further detail on parliamentary approval and what this means is provided later in the pack.

Chair of the Board of the Scottish Land Commission Applicant Information

The Selection Panel

The selection panel will comprise:

- Fiona Harrison - Deputy Director, Land Reform, Rural and Islands Policy at the Scottish Government (Panel Chair)
- Andrew Thin - Chair, Scottish Land Commission
- Patricia Armstrong OBE - Independent Panel Member
- Heidi Winser - Public Appointments Advisor, Ethical Standards Commission

To make sure that the process is transparent, and the appointment is made on merit, the selection panel will declare if they know anyone who has applied for these appointments.

Where an applicant and selection panel member have a close relationship the selection panel chair has to refer the matter to the Ethical Standards Commissioner. The Commissioner can decide that the selection panel member should not be involved in the assessment of the applicant concerned and may ask the selection panel member to take no further part in the appointment round.

You will be asked to let us know in your application if and how you know any of these selection panel members. This will help us to come to a view on the appropriateness of your being assessed by one or more of them.

Guidance on completing your application

How to apply

Our dedicated public appointments website allows you to apply online: www.gov.scot/collections/public-appointments. For Stage One, please click on the **Apply for this job online** link at the top right hand side of the advert to complete contact details, monitoring information and the declaration of interest. For Stage Two, you should download and complete the Application Form which can also be found on the website. You must complete both parts of the process for your application to be considered by the selection panel. Applicants will be asked to provide written evidence and a tailored career history, setting out evidence of the essential criteria being tested at this stage. What you put in your responses and tailored career history will be the evidence that determines whether or not you will be shortlisted for interview. You must, therefore, demonstrate clearly the evidence required to show how you meet the criteria being tested at this stage. Please do not submit a CV on its own as applications will not be considered without the completed personal details form, application form and tailored career history.

Your completed application form should be emailed to PA_Applications_Mailbox@gov.scot with 'Chair – Scottish Land Commission –Application' in the title of the email. Applications should be submitted by 17:00 on **12 October 2023**.

Further information on applying online can be found at [Public Appointments - Frequently Asked Questions](#). If you experience any difficulties accessing our website, or in the event that you require a word version of the application form, please contact the Scottish Government Public Appointments Team by calling 0300 244 1898; or by emailing Public.appointments@gov.scot.

Chair of the Board of the Scottish Land Commission Applicant Information

Reasonable Adjustments

If you require a reasonable adjustment at any stage of the public appointments process, please contact with the Public Appointments Team on 0300 244 1898 or email public.appointments@gov.scot.

If you need any of the application pack documentation in an alternative format such as plain text, Braille or large print, please contact the Public Appointments Team by calling Freephone 0300 244 1898 or by emailing public.appointments@gov.scot.

Guaranteed Interview Scheme

Disabled applicants for this role may opt to be considered for a guaranteed interview, this means that where the applicant meets the criteria (scores 3 out of 5) they will be invited to interview. The selection panel will not know if an applicant has requested a guaranteed interview until they have completed the shortlist.

Self-Assessment – Suitability

Please note that we may contact you to seek clarification or further information on the contents of your application.

Please study the person specification. You will see that we are asking you to demonstrate that you have the skills, knowledge and experience that have been identified as being essential for this role. When asked to provide examples, please draw on those from your working and/or personal life, or through your participation with a private, public, voluntary or community organisation.

Further information and examples on completing a competency-based application form, and advice on preparing for an interview, can be found here: www.gov.scot/collections/public-appointments.

Declaration

You are asked to complete the section which provides details of any other involvement in public life or potential conflicts of interest, which will be explored further with you at interview or checked as part of the final assessment.

Anonymised Applications

As we are seeking anonymised applications, your personal details will not be shared with the selection panel during the shortlisting stage. Please do not worry about referring to named events/activities and employment in your application. It is accepted that there will be situations where this is necessary.

Valuing Diversity

The Scottish Government is committed to appointment on merit, diversity and equality for public appointments.

Chair of the Board of the Scottish Land Commission Applicant Information

We value very highly the benefits of having different experience and points of view on our Boards and we are keen that people from all walks of life apply for public appointments. Scottish Ministers particularly welcome applications from women, disabled people, LGBT+ people, people from ethnic minority communities, people aged under 50 and people from a range of socio-economic backgrounds. Please do complete our monitoring form when you apply as this helps us to ensure that the appointments process is accessible to everyone.

If you have a disability within the meaning of section 6 of the Equality Act 2010 and require an adjustment at any stage of the public appointments process, please get in touch with the Public Appointments Team on 0300 244 1898; or by emailing Public.appointments@gov.scot.

The Scottish Government is committed to appointment on merit, and to equality and diversity in public appointments. Information from the monitoring information is not shared with the selection panel.

All personal information will be handled with great care and in line with UK GDPR and data protection requirements. Further information can be found in the Privacy Notice here: [Privacy notice - Public appointments: guide - gov.scot \(www.gov.scot\)](https://www.gov.scot/privacy-notice-public-appointments-guide)

For more information about public appointments and other vacancies please visit the dedicated public appointments website at www.gov.scot/collections/public-appointments.

Gender Representation on Boards (Scotland) Act 2018

The Gender Representation on Boards (Scotland) Act 2018 sets a 'gender representation objective' that a board should have 50% of non-executive members who are women. In circumstances where there are two or more equally qualified candidates (a tie break), at least one of whom is a woman and one who isn't, then section 4(3) of the 2018 Act requires the appointing Minister to appoint a woman if doing so will result in the board achieving (or making progress towards achieving) the gender representation objective. In a tie break the appointing Minister can choose to appoint a candidate, who is not a woman, on the basis of another characteristic or situation and can give preference to that candidate (section 4 (4) of the 2018 Act). If the appointing Minister wishes to choose a candidate because of a situation that was not specified in the applicant pack, the appointing Minister will ask the Ethical Standards Commissioner to make an exception to the Public Appointments Code of Practice.

Scottish Government Guidance on the Act is [available here](#).

Parliamentary Scrutiny and Approval

The final stage of assessment is Parliamentary approval. The candidates nominated by the appointing Minister will be considered by the Scottish Parliament Net Zero, Energy and Transport (NZET) Committee, who in turn report to Parliament.

The NZET Committee will report its findings to the Scottish Parliament, and there will then be a Chamber motion on the approval of candidates. This may comprise a short parliamentary debate, and there will be a vote at decision time. Candidates would not be expected to attend these.

If nominated for appointment by the Minister, information from your application and a summary of evidence from the assessment process including how this contributes to the requirement on

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Scottish Ministers to have regard to the points set out in sections 11(1) and 11(2) of the Land Reform (Scotland) Act 2016 and suitability for public appointment including the results of the fit and proper person test will be shared with the NZET Committee and may be published after the consideration of the appointments. However, personal contact details will be redacted and information on protected characteristics from the Public Appointments monitoring form such as age, ethnic grouping, disability and sexual orientation etc. will not be shared.

For reference, here is the relevant wording from section 11 of the Land Reform (Scotland) Act 2016:-

11 Eligibility for appointment

(1) 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.

(2) 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.

(4) When the Scottish Ministers refer an appointment to the Scottish Parliament for approval under section 10(2), they must lay before the Scottish Parliament a statement as to how they have complied with the duties in subsections (1) to (3).

Conflicts of Interest

You are asked to complete the section which provides details of any other involvement in public life or potential conflicts of interest, which will be explored further with you at the final assessment stage. If you are unsure whether you have a conflict of interest and would like to discuss this, please contact Fiona Harrison, Deputy Director, Land Reform, Rural and Islands Policy at fiona.harrison@gov.scot.

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Unsuccessful Applicants/Feedback

Applicants who are not shortlisted for interview will be advised of the outcome of their applications in writing. Subject to the number of applicants, feedback may be available on request to those who did not reach interview.

Lobbying

Applicants should be aware of the terms of the Lobbying (Scotland) Act 2016. If appointed the provisions of the Act may apply to their communications with MSP's, Scottish Ministers, Special Advisers and the Permanent Secretary who are covered by the terms of the Act. Applicants are expected to familiarise themselves with their obligations under the Act. For more information see www.lobbying.scot/.

Interview

The final stage of assessment will include an interview with the selection panel, where you will be asked questions in order to allow you the opportunity to demonstrate that you have the skills, knowledge and experience required. Those invited for interview will also be asked to prepare a response to a question, which will be provided to candidates in advance.

Expenses for attending interviews

You can claim for reasonable expenses. This includes dependent carer expenses. We expect the most efficient and economic means of travel to be used and reimbursement will normally be restricted to that amount. When an overnight stay is necessary, you must contact the Public Appointments Team by telephoning 0300 244 1898 or emailing public.appointments@gov.scot in advance, for confirmation of current subsistence rates. A copy of our travel and subsistence rates and claim form can be provided to you on request. Receipts must be provided in support of all claims.

Potential effect on benefits

Taking up a public appointment either paid or unpaid may have an effect on your entitlement to benefits or any benefits that you are in receipt of. This will depend on your individual circumstances, the type of benefit you receive and the appointment. You should seek advice from the office that deals with your benefit. Further information can be found at www.gov.scot/publications/public-appointments-and-welfare-benefits-information/.

The Fit and Proper Person Test

Scottish Ministers and the public must feel confident that the people appointed are fit and proper persons to take up these positions. The appointments process will assess applicants' suitability against the nine principles of public life in Scotland (please see details below).

The panel will check that:

- Conduct to date has been compatible with the public appointment
- There are no inappropriate or unmanageable conflicts of interest
- There is no bar to appointment by a requirement set out in the constitution of the body
- That applicants can meet the time commitment

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Social media and online checks

The selection panel may consider information available in the public domain such as a check of social media activity/posts, printed and other media for those who are invited to interview. The selection panel will discuss this as part of the 'fit and proper person checks.'

The consideration of such matters will take place openly and involve transparent investigation to establish the facts. You will be given an opportunity to respond before any final decision as to your suitability for appointment is made.

In accordance with GDPR article 6 (1) (e) this information will only be used for the purpose of this application. For successful candidates this information will be retained and destroyed five years after your appointment term ends. For unsuccessful candidates this information will be destroyed after a period of five years. Any findings in this regard may be discussed with you during the interview as part of the Fit and Proper Person tests.

Feedback

Applicants may request feedback on their application or interview. Feedback will be based on:

- the assessment of your merit in relation to the skills, knowledge, experience and values required by the person specification
- the outcome of the Fit and Proper Person Test, where appropriate

Recommended candidates

For candidates recommended for appointment, the selection panel will provide a summary of the evidence gathered during the appointments process. The appointing Minister can choose to meet candidates prior to making a decision.

The final stage of assessment is Parliamentary approval. Details of this process can be found above.

Pre-appointment checks

Candidates chosen by Ministers for appointment will be required to complete a pre-appointment check which will include checks of residency, identity documents and a [Disclosure Check](#).

If you are appointed, you will be required to produce a Basic Disclosure certificate less than 12 months old, and your appointment will be on a conditional basis pending receipt of a satisfactory certificate.

You can only apply online for a Disclosure certificate if your current address is in the UK and if you have been living at this address for at least twelve months. If you do not satisfy these criteria, you will have to apply using a paper application form.

Further information on Disclosure certificates and how to apply for Basic Disclosure can be found at Disclosure Scotland's website www.disclosurescotland.co.uk or by contacting Customer Liaison, PO Box 250, Glasgow G51 1YU. The Helpline number is 03000 2000 40 or you can email them at info@disclosurescotland.gsi.gov.uk.

The fee for a Basic Disclosure is £25.00. These costs will be reimbursed.

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What happens if you are appointed?

Should you be appointed, some of the information that you have provided will be made public in an announcement about your appointment. This will include:

- your name
- a short description of the Scottish Land Commission
- a brief summary of the skills, knowledge and experience you bring to the role
- how long you have been appointed for
- any remuneration associated with the appointment
- details of all other public appointments you hold and any related remuneration you receive for them
- details of any political activity declared by you
- a statement that the appointment is regulated by the Ethical Standards Commissioner

Training and support

Your induction will include (but not be restricted to) the following:

- your role and responsibilities
- role of the body and arrangements for meetings
- organisational structure of the Scottish Land Commission
- internal and external communication in relation to the Scottish Land Commission business
- role of, and relationship with, the Scottish Government Sponsor Team and Minister
- budget and financial information
- arrangements for remuneration and expenses
- The Chair will be supported and appraised by a senior Scottish Government official on an ongoing basis, and at least annually.

Complaints

This appointment is regulated by the Ethical Standards Commissioner. If you have concerns with the way in which this appointment round was conducted, please contact the Public Appointments Team on 0300 244 1898 or email at public_appointments_complaints@gov.scot. Alternatively, details of our complaints procedure, can be found on the Appointed for Scotland website www.gov.scot/publications/public-appointments-making-a-complaint/.

You can also write to us at Public Appointments Team, Scottish Government, Area 3F North, Victoria Quay, Edinburgh, EH6 6QQ. If you have difficulty putting your complaint in writing, for example, due to a disability, please let us know and we will make appropriate arrangements for you to complain using an alternative method. You can contact us by telephone on 0300 244 1898.

The Commissioner's leaflet is included at the end of this information pack and provides more information on his regulatory role in relation to public appointments and about taking unresolved complaints further.

Please note that there is no appeal process.

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The Principles of Public Life

People who wish to be appointed to roles in public life have to pass a Fit and Proper Person test which is described in more detail below. The Principles of Public Life in Scotland are as follows:

Duty You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the public body of which you are a member and in accordance with the core tasks of that body.

Selflessness You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Objectivity You must make decisions solely on merit when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

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

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

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

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

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

Ethical Standards Commissioner

Who We Are

This leaflet is about the work of the Ethical Standards Commissioner, as it relates to public appointments, and the Commissioner's office. The Commissioner regulates appointments to the boards of many of Scotland's public bodies. The Commissioner is wholly independent of the Scottish Parliament and the Scottish Government.

What We Do

Every one of us living in Scotland benefits from the essential services provided by our public bodies. Their boards play a vital role in guiding and shaping these services. Our job is to oversee appointments to these boards to help ensure that the people who serve on them are appointed on merit, using methods that are fair and open. That oversight is usually provided by one of the Commissioner's Public Appointments Advisers. Whilst we regulate the process used to make appointments, it is run by civil servants on behalf of the Scottish Ministers. Our website has a list of the bodies that we regulate and also has useful information on applying for a public appointment.

This leaflet is sent to everyone who applies for a regulated public appointment in Scotland so that they know that the process is regulated and what to do if things go wrong.

Making a complaint about a public appointment

Anyone who believes that an appointment has not been made appropriately or who has concerns about the appointment process itself can make a complaint.

If you have a complaint about a public appointment you first have to complain to the Scottish Government and give its officials a chance to respond. If you are unhappy with the Scottish Government's response to your complaint you can then ask the Commissioner to investigate the matter for you.

If you are in any doubt about whether we can deal with your complaint, or if you want advice before raising a formal complaint, please contact us using the details provided below. You can read in more detail about the way in which we deal with complaints by downloading our complaints leaflet from our website. We can send you the leaflet in another format if you would prefer.

Our website also tells you what to do if you want to make a complaint.

Ethical Standards Commissioner
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

E: appointments@ethicalstandards.org.uk
T: 0300 011 0550

contact
SCOTLAND
BSL

