

## **Independent Adjudicator – Advert Scottish Government**

**ANNEX A**

### **Reference:**

**Remuneration:** £498 per day

**Location:** Edinburgh

**Closing date:** 15 November 2021 at midnight

### **Background**

Together with our recognised trade unions, we are establishing a procedure with external investigation and adjudication of formal complaints made by civil servants about a Minister's or former Minister's behaviour. The published Scottish Government implementation plan, in [response](#) to the review by Laura Dunlop QC, James Hamilton's Ministerial Code inquiry and the Scottish Parliament Harassment Committee's report, states that the procedure will be in place by December 2021.

### **The Role**

To fulfil this commitment, we are looking to appoint external adjudicators, who can be called upon to consider a formal complaint made under the procedure, to commission and review an investigation report, and to decide on appropriate action, making recommendations where appropriate to the Scottish Government.

### **Skills, Knowledge and Experience**

We are looking for experienced individuals, external to the Civil Service, with highly developed communication skills, sound judgement, and ability to handle issues sensitively. You will have the ability to make clear, balanced and constructive recommendations on potentially complex issues having analysed and evaluated the facts presented. Experience in people-related adjudication in the workplace would be highly desirable.

Please see the attached person specification for more information on the skills and experience required for the role.

### **Remuneration**

Adjudicators will be remunerated at a rate of £498 per day for work related to the assessment, investigation and conclusion of a formal complaint received. Reasonable travel expenses will be reimbursed. Attendance at some meetings will be required, for which there is the same level of remuneration.

### **Closing date for applications**

The closing date for applications is 15 November 2021. Application is by expression of interest by Curriculum Vitae.

### **Application information**

Please note that this is not a regulated public appointment, therefore the Public Appointments Team are unable to answer any queries in relation to this vacancy. For further information please contact [p&eteam@gov.scot](mailto:p&eteam@gov.scot).

## **Additional information**

- 1 Guidance to applicants
- 2 Person Specification

## **Person specification**

### **Adjudicator: External review of complaints**

#### Scottish Government, Propriety & Ethics function

Together with our recognised trade unions, we are developing a proposal for an external process for the investigation and adjudication of formal complaints about a Minister's or former Minister's behaviour. The published Scottish Government implementation plan states that the new procedure will be in place by December 2021.

In order to fulfil this commitment, we are looking to appoint external adjudicators, who can be called upon to commission and review an investigation report in response to a formal complaint of this nature. The requirement is to make decisions on the facts presented, and recommend a course of action to the Scottish Government which is appropriate and commensurate with the findings.

#### Essential criteria:

- **Communication skills:** the ability to report complex information with authority and clarity whilst handling issues sensitively, with empathy and understanding.
- **Sound judgement:** the ability to make clear, balanced and constructive recommendations on complex issues having analysed and evaluated the facts presented.
- **Personal resilience:** ability to make decisions on a complaint which may draw criticism and/or negative media coverage.
- **External to the Civil Service.**
- **Understanding of and compliance with confidentiality requirements in line with GDPR.**
- **Appreciation and understanding of the Civil Service values of honesty, integrity (personal, professional and organisation) objectivity and impartiality, including political impartiality, as set out in the Civil Service Code.**

#### Desirable criteria:

- **Experience of carrying out workplace adjudication in people-related matters in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.**
- **Understanding of the formal roles and responsibilities of civil servants and Ministers, including the duties of Ministers in relation to working with civil servants as set out in section 6 of the Scottish Ministerial Code (2018 edition) and the civil service values of integrity, honesty, objectivity, impartiality and political impartiality as set out in the Civil Service Code.**

Other requirements:

You must be available to adjudicate at short notice, and be able to attend related meetings when required, devoting preparation time as necessary. You will need to be committed to the role for a minimum of two years.

**Reference:**

**Remuneration:** £360 per day

**Location:** Edinburgh

**Closing date:** 15 November 2021 at midnight

**Background**

Together with our recognised trade unions, we are establishing a procedure with external investigation and adjudication of formal complaints made by civil servants about a Minister's or former Minister's behaviour. The published Scottish Government implementation plan, in [response](#) to the review by Laura Dunlop QC, James Hamilton's Ministerial Code inquiry and the Scottish Parliament Harassment Committee's report, states that the procedure will be in place by December 2021.

**The Role**

To fulfil this commitment, we are looking to appoint external investigators, who can be called upon to undertake an impartial collection of facts and evidence from the relevant parties, prepare a summary and submit a report for an external adjudicator to consider.

**Skills, Knowledge and Experience**

We are looking for experienced individuals, external to the Civil Service, with strong oral and written communication skills and ability to handle issues sensitively. Once an investigation has been commissioned, the investigator will be expected to manage the investigation, including planning, implementing and concluding the investigation report within agreed timescales.

Please see the attached person specification for more information on the skills and experience required for the role.

**Remuneration**

Investigators will be remunerated at a rate of £360 per day for carrying out an investigation in response to a formal complaint. Reasonable travel expenses will be reimbursed. Attendance at some meetings will be required, for which there is the same level of remuneration.

**Closing date for applications**

The closing date for applications is 15 November 2021. Application is by expression of interest by Curriculum Vitae.

**Application information**

Please note that this is not a regulated public appointment, therefore the Public Appointments Team are unable to answer any queries in relation to this vacancy. For further information please contact [p&eteam@gov.scot](mailto:p&eteam@gov.scot).

**Additional information**

- 1 Guidance to applicants
- 2 Person Specification

## **Person specification**

### **Investigator: External review of complaints**

#### Scottish Government, Propriety & Ethics function

Together with our recognised trade unions, we are developing a proposal for an external process for the investigation and adjudication of formal complaints about a Minister's or former Minister's behaviour. The published Scottish Government implementation plan states that the new procedure will be in place by December 2021.

In order to fulfil this commitment, we are looking to appoint a number of experienced investigators, who can be called upon to undertake an impartial collection of facts and evidence and complete a report in response to a formal complaint of this nature. The requirement is to establish the facts of the case, including any mitigating factors or other relevant information, and prepare a report for an external adjudicator to consider.

Once an investigation has been commissioned, the investigator will be expected to manage the investigation, including planning, implementing and concluding the investigation report within agreed timescales. They should be able to work autonomously, develop strong working relationships, be pro-active, comfortable working at pace, and have strong oral and written communication skills.

#### Essential criteria:

- Communication skills: the ability to communicate complex information with authority and clarity whilst handling issues sensitively, with empathy and understanding.
- Exceptional report writing skills and ability to take responsibility for bringing the investigation to a conclusion within agreed timescales.
- Strong analytical skills: the ability to analyse and evaluate complex issues and present the established facts clearly and coherently.
- Personal resilience: ability to undertake important work in a fast paced environment, frequently working under pressure to deliver results.
- External to the Civil Service.
- Understanding of and compliance with confidentiality requirements in line with GDPR.
- Experience of carrying out workplace investigations into people-related matters in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

#### Desirable criteria:

- Appreciation and understanding of the Civil Service values of honesty, integrity (personal, professional and organisation) objectivity and impartiality, including political impartiality.

Other requirements:

You must be available to conduct an investigation at short notice, and be able to attend related meetings when required, devoting preparation time as necessary. You will need to be committed to the role for a minimum of two years.

## **1. Application Guidance**

Please submit your Curriculum Vitae with a covering letter to [p&eteam@gov.scot](mailto:p&eteam@gov.scot). The CV must demonstrate clearly the evidence required to show how you meet the essential criteria contained within the Person Specification.

## **2. Fit and Proper Person Tests**

Candidates must provide the Selection Panel with sufficient information and evidence to enable them to feel confident that the person they appoint is a fit and proper person to take up the contract for service.

For these roles, the verifications in place for the fit and proper person tests are:

### **Verification of relevant information provided by the applicant**

- Evaluation of the evidence provided by you in relation to the skills and knowledge required for the role will be tested and further probed at interview.

### **Establishing that the individual is able to meet the time commitment required**

- If invited for interview, this will be fully explored with you to ensure that you can offer the appropriate assurance that you can undertake the commitment required of the role.

## **3. How we will handle your application**

- Initially your CV will be assessed against the essential criteria being tested at this stage to see whether you have the necessary skills, knowledge and understanding to perform the role. Based on this assessment, the applicants who most closely match the essential criteria will be shortlisted for interview.
- Applicants who are not selected for the interview stage of assessment will be advised of the outcome of their applications in writing.
- If invited to interview and you have a disability, it will be this point you should let us know (contact details will be provided in your invitation to next stage) if you would like particular arrangements to be made.
- If invited to the interview stage you will be asked questions by the selection panel to assess whether you can demonstrate that you have the skills, knowledge and understanding required for this role and which meet the essential criteria.
- If you are successful you will be invited in writing by the Director General for Corporate Services to accept the contract for service.
- All applicants invited to the interview stage will be advised in writing of the outcome.

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- Feedback will be offered to all applicants. Feedback will be based on:
  - the assessment of your merit in relation to the skills and knowledge required; and
  - the outcome of the fit and proper person test where appropriate.

### 4. Selection Timetable

The table below provides an indication of the selection process timeline;

| Stage In Process              | Date            |
|-------------------------------|-----------------|
| Date appointment publicised   | 1 November      |
| Closing date for applications | 15 November     |
| Date of interviews            | w/c 6 December  |
| Expected date of appointment  | w/c 13 December |

### 5. Nationality/Disqualifications

There is no bar on non-British nationals applying for and being selected for this role. However, you must be legally entitled to work in the UK.

Members of the Scottish Parliament, Members of Parliament, Members of the House of Lords and civil servants are not eligible to apply for these appointments.

We will also look for assurance that any appointments currently or recently held should not conflict with the ability to be impartial in this role.

### 6. Interviews

Interviews for this vacancy will be held by MS Teams.

### 7. Disclosure Certificate

The successful candidate will be required to obtain a valid Disclosure Scotland certificate to at least 'basic' level. The fee for a basic Disclosure Certificate is £25, this cost cannot be reimbursed by the Scottish Government. For further information on Disclosure Certificates, please visit the Disclosure Scotland website at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

### 8. Support and Development

If you are successful at interview and accept the appointment then you will be invited to an induction session that will include (but not be restricted to) the following information:

- the scope of the new procedure for complaints against Ministers or former Ministers;
- overview of relevant statutory and civil service codes and guidance
- organisational structure;

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- arrangements for managing investigations;
- arrangements for expenses.

## **9. Time Commitment**

Throughout the year, adjudicators and investigators will be required to commit to occasional meetings dealing with the implementation of the updated procedure. This could mean a greater time commitment in the first year with the majority of that time being towards the beginning of the year. In addition to this, attendance will be expected at facilitated sessions and workshops, which may cover issues such as the annual People Survey results and other corporate themes relevant to the role.

## **10. Location of Meetings**

Meetings will normally be held in central Edinburgh or via MS Teams.

## **11. Length of appointment**

This appointment will be for two years and there is the possibility of re-appointment, subject to evidence of effective performance.

**For any other information please contact the Propriety and Ethics team via the mailbox address: [p&eteam@gov.scot](mailto:p&eteam@gov.scot).**