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Edward Mountain MSP  
Convenor  
Net Zero, Energy and Transport Committee

By email only.

19 September 2024

Dear Edward

## **APPOINTMENTS TO THE SCOTTISH LAND COMMISSION**

Thank you for the Committee's feedback on the papers for the current Scottish Land Commission (SLC) appointments round, which was included in the applicant information pack. Please accept my apologies for the delay in my response. I am pleased to confirm that the advertisements went live on 3 July 2024 and closed on 9 August, with interviews due to take place shortly.

It is for the Ethical Standards Commissioner to decide on the appropriate oversight level for a public appointments round. The Commissioner's decision is made having regard to the need for proportionality and to the assessment of risk. The Statutory Guidance on application of the Code sets out the factors the Ethical Standards Commissioner may consider in making their decision.

'The factors taken into account by the Commissioner may include:

- (i) the seniority of the appointments (for example, the chairs of public bodies)
- (ii) the level of public expenditure for which the public body is responsible
- (iii) the nature of the public body and its role and responsibilities
- (iv) the level of public interest in the functions of the public body
- (v) recent performance of the relevant directorates relating to public appointments
- (vi) the nature of any assessment activity delegated by the panel, and to whom that activity is delegated
- (vii) the extent to which the current composition of the board is reflective of society and
- (viii) concerns reported to the Commissioner either prior to or during the course of an appointment round."

Every request from the Scottish Ministers for an oversight level to be set is considered by the Commissioner on its individual merits.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



In the case of the Scottish Land Commission, the Commissioner noted in his decision on this case that:

- a high proportion of the board is being appointed
- there is significant political and public interest in the appointments
- there has been a high turnover in membership

The Commissioner anticipates that full oversight of appointment rounds subject to parliamentary approval is normally required to provide the necessary level of independent assurance, and was the case with the appointment round conducted in 2023. .

As a consequence of these factors, as well as the nature of the appointments being made, the Commissioner concluded that it was important to provide oversight and assurance at all stages of the appointment round in this case, and appointed an ESC adviser to sit as a full member of the selection Panel.

I will write to the Committee again in the autumn with information on the candidates that I am recommending for approval, including the requirements of section 11 of the Land Reform (Scotland) Act 2016.

Yours sincerely

**MAIRI GOUGEON**

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