



The Scottish Parliament
Pàrlamaid na h-Alba

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4 March 2025

Dear Kenneth,

The Committee's Report on Budget Scrutiny 2025-26 contains a number of recommendations and requests for the SPCB. This letter provides a response to those recommendations.

First, in terms of the recommendations related to future SPCB budget bids, these are welcome and we will ensure they are taken into account when preparing future bids.

At paragraph 202, the Committee requests an update on the specific recommendations in the Scotland's Commissioner Landscape report. A detailed update is provided in the annex to this letter.

Finally, at paragraph 204, the Committee requests further information regarding the development of the medium-term financial plan for Session 7. The Session 7 medium term financial plan will be developed based on the Strategy for Session 6. This Strategy will be agreed by the new SPCB in the summer of 2026, following the election. The medium-term financial plan will therefore begin from the second financial year of Session 7, 2027-28.

Yours sincerely,

DAVID McGILL
Clerk/Chief Executive

Annex – update on recommendations in the Commissioner Landscape inquiry

Written Agreement

As the committee is aware, the Written Agreement between the SPCB and the Convener's Group is currently being reviewed at official level and we will advise the committee of any changes that are made, in due course.

Shared Services

Details of shared services are as follows -

- **SPCB contracts** – where appropriate, officeholders are named parties in the SPCB's contracts. The officeholders have used a number of contracts including translation services, printing, professional property services (for the rent review at Bridgeside House) and DSE Assessor training. The officeholders have also benefited from free expert advice from procurement and BIT officials when undertaking their own procurement exercises.
- **officeholder contracts** – the officeholders share a number of contracts including payroll and internal audit. One of the main hurdles of joint procurement exercises is that contract end dates do not always align. Officeholder Services will be working with the officeholders to compile a list of contracts and when they end to identify opportunities for joint contracts and to benefit from any economies of scale.
- **co-location** - the following offices are co-located at Bridgeside House with the Ombudsman –
 - Children's Commissioner
 - Scottish Human Rights Commission
 - the Scottish Biometrics Commissioner, and
 - once appointed, the Patient Safety Commissioner for Scotland.
- **co-location** - The Scottish Information Commissioner has offered space in his office in St Andrews and the provision of shared services for any new officeholder with a small number of staff.
- **accommodation audit** – Officeholder Services is to undertake an audit of the officeholders' accommodation in 2025 to look for further co-location opportunities.
- **shared services at Bridgeside House** - the SPSO provides the Scottish Biometrics Commissioner and the Scottish Human Rights Commission with shared central services including finance, FM, payroll and HR.
- **meeting rooms** at Bridgeside House are available to officeholders, the SPCB and its staff and other organisations at nil cost.
- **SCOTS** – the officeholders are encouraged to use SCOTS which is the Scottish Government's IT platform for non-core departments which provides significant benefits including cyber security and records management.

- **GDPR – Data Protection Officer**, the SPCB provides the officeholders with a shared Data Protection Officer for GDPR purposes at nil cost.
- **business continuity training** – provided to the officeholders at nil cost.
- **audit advisory board services** – the SPCB's independent members provide AAB services to the officeholders at nil cost.

SPCB's governance role

The SPCB meets with the officeholders at least annually to hear directly from them. In addition, officeholders or accountable officers can be invited to attend an SPCB meeting to discuss a request for e.g additional funding.

Officials in Officeholder Services meet formally with the officeholders on a quarterly basis and have regular contact throughout the year. This allows for the sharing of information on what is and what is not going well.

Officeholder Services also meets with the Officeholders' Corporate Services Teams twice a year to share information and to encourage the use of the shared services agenda.

To further enhance the scrutiny of the officeholders, the SPCB considers that it would be appropriate for the officeholders to publish the areas discussed at their annual meetings with the SPCB and the formal quarterly meeting agendas.

It is worth mentioning that in addition to parliamentary scrutiny, the officeholders are subject to external and internal audit, whistleblowing procedures and media scrutiny.

Officeholder Evaluation

On the question of publishing material from annual evaluations, it may be helpful to provide some background on evaluations.

Annual evaluations were introduced to aid consideration of an officeholder for reappointment, as recommended by the then Procedures Committee in its 2006 Report entitled Procedures Relating to Crown Appointees. The committee may be aware that under the Scottish Parliamentary Commissions, Commissioners etc Act 2010, a change was made to the officeholders' establishing legislation to remove the reappointment provision and to instead provide for a single term up to a maximum of eight years. However, despite this change, the SPCB agreed to continue undertaking annual evaluations to provide it with independent information on whether an officeholder is fulfilling the functions of their post and meeting their objectives and for the officeholders, it provides them with constructive feedback on what is and is not working well and ensures any training and development needs are identified quickly and support can be provided.

In its 2006 Report, the Procedures Committee recommended that officeholders should be reappointed by the SPCB and in line with best practice, the SPCB should

have access to a concise and objective overview on an officeholder's performance undertaken by a suitable independent assessor.

The then Committee recommended that the criteria to be used for the assessment could include, fulfilling all the functions of the post as set down in the relevant legislation; competent management of workload, staff and budgets, and having a convincing forward plan to meet anticipated challenges. The committee thought that it would not be appropriate for the report itself to be publicly available, but they did think the criteria on which the assessment was based should be published.

The SPCB continues to agree with the committee's assessment that it would not be appropriate to publish the officeholders' evaluation reports given they contain sensitive personal data.

The SPCB is also not aware of any other public sector CEO's evaluation reports that are published.

The SPCB would however be happy to share with committees and others, the criteria on which the officeholders are evaluated to enable enhanced scrutiny by committees.