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Convener  
Net Zero, Energy and Transport Committee  
Scottish Parliament  
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3 October 2024

Dear Edward,

## Environmental Standards Scotland (ESS) – Appointment of Chair

I am writing to provide you and members of the Net Zero, Energy and Transport Committee (NZET) with an update on the process to appoint a new Chair to ESS.

### Context and Progress

In June this year, Cabinet Secretary Màiri McAllan provided members with detailed information on this appointment round and I note our subsequent communications in early July which confirmed the Committee's feedback, including the Committee's decision to reserve the option to meet with any proposed candidate under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 ("the 2021 Act") which requires Parliamentary approval of ESS Board Members.

As planned, the role was advertised in July and supported by a robust attraction strategy developed by ESS. Of the six applications received, the selection panel identified two candidates who demonstrated evidence which met the criteria tested.

Unfortunately, one candidate had to withdraw from the process as they were disqualified under Schedule 1, Paragraph 3 of the 2021 Act.

As this left only one candidate being shortlisted for interview, the selection panel consulted the Ethical Standards Commissioner on the possibility of re-advertising the role with a view to attracting a more competitive field.

The Commissioner has confirmed his support for this approach and has in turn granted a variation of the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (The Code) which allows for the appointment round to be paused and re-advertised in order that the opportunity may achieve more applicants.

### Revised Approach

In light of the Commissioner's approval and variation of The Code, the selection panel have agreed to re-advertise this appointment from 7 October 2024 until 5 November 2024 with shortlisting and interviews scheduled for the 11 and 27 November 2024 respectively.

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There will be no changes made to the role description or person specification and following guidance from the Commissioner, current applicants will be given the opportunity to amend their applications, submit a new one, or leave it to be considered as was originally submitted.

The attraction strategy will be further strengthened with a particular focus placed on academic networks and advertisements in national publications, including the Scotsman and the Herald.

### **Next Steps**

As a result of extending this appointment round, I expect to consider recommendations from the selection panel in early to mid-December and I will write to the Committee in January 2025 setting out who Scottish Ministers are recommending for appointment and seeking the approval of Parliament.

I will of course advise the Committee of any changes to this and I am grateful to the Committee for their continued engagement in this process.

Yours sincerely,

**GILLIAN MARTIN**

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