



The Scottish Parliament
Pàrlamaid na h-Alba

Màiri McAllan
Cabinet Secretary for Net Zero and
Energy

**Net Zero, Energy and Transport
Committee**

c/o Clerk to the Committee
Room T3.40

The Scottish Parliament
Edinburgh
EH99 1SP

By email only

netzero.committee@parliament.scot

27 June 2024

Dear Màiri,

APPOINTMENT TO ENVIRONMENTAL STANDARDS SCOTLAND

Thank you for your letter of 17 June providing details of the proposed approach to appointment of a new chair for Environmental Standards Scotland (ESS).

You asked the Committee to consider the Role Description, Person Specification and the Parliamentary Scrutiny Statement of the draft application pack. We considered this at our meeting on 25 June.

The Committee was content with the Role Description and Person Specification. We suggest this could be strengthened with emphasis on the independent nature of the Chair of ESS.

The Committee has agreed to:

- Consider information on the proposed candidates from the Scottish Government;
- Reserve the option of hearing from proposed candidates once identified. We have proposed an update to the Parliamentary Scrutiny Statement at Annexe of this letter. If the Committee decides it wishes to hear from nominees once known, this may be:
 - Informally – this will not be part of a formal Committee meeting;
 - Formally in private – this will be part of a Committee meeting and will be in private; and
 - Formally in public – this will be part of a Committee meeting and will be in public. This will mean the session will be broadcast and available to view afterwards. A transcript (Official Report) will be produced and this will form part of Parliamentary records.

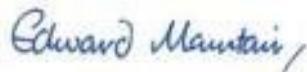
- Consider and come to a view on whether the process followed and the proposed appointments are satisfactory; and
- Make this view known to the Parliament prior to a Chamber motion on the approval of candidates.

On publication of materials we have agreed to:

- Publish the draft application pack and this response to this once the position has been advertised;
- Publish information received on the nominee upon the conclusion of the Committee's consideration of the appointments process by annexing this in a report to the Parliament; and
- Publish any other information received from the Scottish Government in connection with appointments to the role of Chair of ESS upon receipt in line with the [Committee's privacy notice for correspondence](#).

The Committee also seeks confirmation of whether the Commissioner for Ethical Standards in Public Life in Scotland has appointed a Public Appointments Adviser to oversee this appointment round and if so, what risks have been identified and to which stages an adviser has been appointed.

Yours sincerely,



Edward Mountain MSP
Convener

Net Zero, Energy and Transport Committee

Annexe – Proposed new wording for Annex C – Parliamentary Scrutiny

Under the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Scottish Ministers may appoint individuals to ESS only if the Scottish Parliament has approved the appointment. Consequently, the Scottish Parliament will consider the appointment of the individual Scottish Ministers have assessed as being most able for this Chair role.

The candidate selected by the appointing Minister will be considered by the Scottish Parliament's Net Zero Energy and Transport Committee (the Committee). This may involve meeting the Committee to discuss the nominees' relevant skills and experience. This may be formal or informal (in either public or private as the Committee decides). This part of the appointment process may be held to satisfy Committee Members that the ESS Chair, and ESS Board as a whole, has the range of skills and experience required to undertake its duties. A formal invitation will be issued by the Committee with further details prior to the session if required.

Following its consideration of the nominee, the Committee will report its findings to the Scottish Parliament and there will be a Chamber motion and vote on the approval of candidate, which may comprise of a short parliamentary debate. The candidate would not be expected to attend this.

If nominated for appointment by the Minister, information from the candidate's application form and a summary of the evidence from the assessment process will be shared with the Committee and will be published on the Scottish Parliament website via the Committee's report after consideration of the appointment. This will include how the candidate's skills contribute to the requirement on the Scottish Ministers that ESS, as a whole, has experience and knowledge in the attributes set out in UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 and will confirm the candidate's suitability for public appointment, including the results of the fit and proper person test.

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. However, if the Committee indicates it would like to meet with the candidate, the candidate's contact details; email address and phone number, will be passed to the Clerks to that Committee in order that they can issue an invitation.

By applying for this Chair role, candidates agree to the sharing of this data for the above purposes only.