

# Consumer Scotland

Information pack for applicants for the positions of  
Chair and Members of the Board

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Dear applicant,

### **Appointment of initial Chair and Members to the Consumer Scotland Board**

Thank you for your interest in joining the very first board of Consumer Scotland, a new body dedicated to protecting the interests of consumers in Scotland.

The Consumer Scotland Act 2020 sets out the operation of this body however it is for the new board to set its own work priorities, based on evidence of where there is most harm, and in collaboration with other consumer organisations where desirable. Although established by Scottish Ministers, Consumer Scotland will be an independent body, answerable to the Scottish Parliament.

The importance of consumers to the economy cannot be underestimated accounting for 60% of GDP. They have the power to drive competition and innovation, and are vital for developing an economy that is inclusive, and an environment that is sustainable. They must be protected from unfair exploitation, information asymmetries and systemic practices that can make it difficult for them to make choices that are right for them. If appointed to the board, you will not only have the responsibility of delivering the functions of Consumer Scotland from early 2021, but you will have the unique opportunity of ensuring that the consumer voice is heard and acted upon in decision-making the length and breadth of Scotland.

The information in this pack should answer any questions you have about Consumer Scotland and the board roles. However, if you do have any further queries or would like to discuss any of the positions in more detail, please contact Neil Ritchie, head of the Consumer, Competition and Energy Company Services Unit in the Scottish Government, at [neil.ritchie@gov.scot](mailto:neil.ritchie@gov.scot) or on 0131 244 7250.

Thank you again for your interest in these positions.



**JAMIE HEPBURN**  
Minister for Business, Fair work and Skills

# INFORMATION ABOUT CONSUMER SCOTLAND AND ROLE DESCRIPTIONS

## BACKGROUND INFORMATION

An Independent Working Group in 2015, which brought together consumer expertise from across Scotland and the UK, urged the Scottish Government to establish a public body dedicated to protecting consumers. The Working Group's recommendations were predicated on the assumption of devolution for all four pillars of consumer protection (advocacy, advice, enforcement and redress), however only advocacy and advice were devolved.

Some estimates say that consumers account for more than 60% of GDP, and we know that they are vital for a strong, sustainable and inclusive economy. Through their choices, they can encourage businesses to be ethical, efficient and innovative. However, to realise this potential, consumers must understand their rights; be capable of exercising them; and have a strong voice to champion them when they are not being treated fairly. Consumer Scotland will be that voice.

It will be an evidence-led, investigative body that will focus on proposing specific solutions rather than simply highlighting that harm exists. It will work with existing consumer organisations, conducting investigations into the most serious issues of consumer harm in Scotland, and providing leadership across a fragmented landscape. Through its analysis and co-ordination of data, it will provide an intelligence led approach to addressing consumer detriment, which will improve how consumer harm is both detected and prevented.

Consumer Scotland has the overarching general function of providing consumer advocacy and advice with a view to achieving the following outcomes:

- reducing consumer harm in Scotland,
- increasing the confidence of consumers in Scotland in dealing with businesses supplying goods and services,
- increasing the extent to which consumer matters are taken into account by public authorities in Scotland,
- promoting sustainable consumption of natural resources, and other environmentally sustainable practices, in relation to the acquisition, use and disposal of goods by consumers in Scotland, and
- otherwise advancing inclusion, fairness and prosperity and other aspects of wellbeing in Scotland.

Consumer Scotland will be a non-ministerial department, consisting of a Chair and between two and four other Members. It will appoint a Chief Executive, and other staff members.

## ROLE DESCRIPTION

### Introduction

The Board is responsible for ensuring that Consumer Scotland, as an entity, fulfils the aims and objectives set for it by the Act. We are hoping to receive applications from a wide range of people irrespective of the religion or belief, gender, gender identify, age, disability, sexual orientation, ethnic origin, political belief, relationship status or caring responsibilities. Scottish Ministers particularly welcome applications from groups currently under-represented on Scotland's Public Bodies such as women, young people, disabled people, those from black and minority ethnic communities and people under 50.

### Roles and Responsibilities

The Chair will be expected to:

- Establish the overall strategic direction of Consumer Scotland within the legislative framework;
- Provide leadership and governance to Consumer Scotland, working with Members to ensure that Consumer Scotland's strategic objectives are met;
- Ensure that the functions of Consumer Scotland are delivered in an effective, transparent and accountable manner;
- Chair scheduled and ad hoc Consumer Scotland meetings, and contribute by reading papers, participating in group discussion, and help to reach a consensus view;
- Represent Consumer Scotland to politicians (including Scottish Ministers), the media and other stakeholders as required; and
- Cultivate excellent working relationships with the Scottish Government, the Scottish Parliament and other key organisations.

Members will be expected to:

- Work with the rest of the Board to ensure that Consumer Scotland's strategic objectives are met;
- Attend scheduled and ad hoc Consumer Scotland meetings, and contribute by reading papers, participating in group discussion, and helping to reach a consensus view;
- Work with the rest of the Board to ensure that the functions of Consumer Scotland are delivered in an effective, transparent and accountable manner;
- Work with the rest of the Board to develop framework documentation, operating procedures and an indicative work plan for Consumer Scotland.

On Board was published by the Scottish Government in 2014 and revised in 2017. The aim of this guide is to provide new chairs and board members with much of the basic information that you will need to understand the role of a Board Member of a public body. The document provides the principles of corporate governance, sets out the roles, responsibilities and relationships as well as the effective financial management and expected standards of behaviour that you will adhere to.

If you would like more information about these roles, or an informal discussion about them please contact Neil Ritchie – [neil.ritchie@gov.scot](mailto:neil.ritchie@gov.scot).

## **Time commitment**

It is currently intended that these appointments will be formally effective from the week commencing 01 April 2021 (the specific date is yet to be confirmed).

At present, it is expected the time commitment will be up to 50 days per year for the Chair and 24 days per year for Members. As Consumer Scotland is a brand new public body, it is expected that the time commitment will be greater in the first six months to twelve months while operational practices are developed and implemented. There may also be periods going forward when pressures of business can require additional time.

## **Location**

A location for Consumer Scotland has yet to be established. The Board do not need to continually meet or work at the main location, though, and meeting space can be found across Scotland if necessary.

## **Remuneration/expenses/allowances**

The Chair role will be remunerated at the gross daily rate of £306 per day and the Member role at £225 per day. The Chair and Members will also receive reimbursement for reasonable travel expenses and reasonable child care/carer costs incurred whilst undertaking Board duties.

These appointments are not pensionable.

## **Length of Term of Appointment**

These appointments will be for up to 3 years in the first instance (to be determined upon appointment). On the expiry of the appointment, the successful candidate is eligible for reappointment subject to evidence of effective performance, satisfying the requirements of the person specification for the role at the time of reappointment and Ministerial approval. The maximum term a person can serve, is 5 years.

## **Disclosure of Interests**

All Board members are required, whenever requested by Scottish Ministers to do so, to provide them with such information as they consider necessary for the purpose of enabling them to be satisfied that the member continues, and has continued, to have no financial or other interests likely to affect prejudicially the performance of their functions as a member.

## **Political Activities**

All Board members are required to declare any political activities and affiliations to Scottish Ministers as part of the overall appointments process.

This information is gathered in order to comply with section G1 of the Code of Conduct for Ministerial Appointments to Public Bodies in Scotland, published October 2013 by the Commissioner for Ethical Standards in Public Life in Scotland, and is collected under the provisions of GDPR Article 6 (1) (e) and in compliance with GDPR Article 9 (2) (g).

## **Lobbying (Scotland) Act 2016**

Appointees should be aware of the terms of the Lobbying (Scotland) Act 2016 as these may apply to their communications with MSPs, Scottish Ministers, Special Advisers and the Permanent Secretary who are covered by the terms of the Act. You are expected to familiarise yourself with your obligations under the Act. Further information can be found at the [Lobbying Register](#).

### **Confidentiality**

During and after the termination of the successful candidate's appointment, he or she will be subject to an obligation of confidentiality in relation to any information of a confidential nature which has come to the successful candidate's knowledge in the course of their appointment with and related to their activities as a Board Member.

### **Termination of Appointment**

The appointment of the Board member, may be terminated prior to the expiry of the term of office mentioned in the appointment letter.

The Board member is entitled to resign his/her appointment to Consumer Scotland by giving written notice to Scottish Ministers. In accordance with the conditions set out in the relevant letter of appointment, Scottish Ministers have the power to remove the Board member from office if they are satisfied that the member:

- is insolvent;
- is or has been disqualified as a company director under the Company Directors Disqualification Act 1986;
- is or has been disqualified as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005;
- is or has been disqualified under any disqualification provision analogous to either of those mentioned above, anywhere in the world;
- has been absent from three consecutive Board meetings without the permission of Consumer Scotland; and
- is otherwise unfit or unable to discharge the functions of a member.

### **Standards of Conduct**

As this is a new body, the successful candidates will work to establish a framework for Consumer Scotland to operate under. This will include any relevant procedures to allow it to carry out its functions and, if required, a code of conduct for the membership.

### **Training and Support**

All new members will receive:

- An induction pack;
- A meeting with the head of the Scottish Government sponsor team and officials setting up the body;
- A meeting with support staff; and
- Tailored additional information and support identified as a result of the first phase of induction.

## **Person specification**

The tables overleaf provide more detail on what we are looking for and indicate how and at which stage in the process each of the requirements will be tested. None of the requirements sought need to have been gained by working on a Board. You may have a natural aptitude in these areas and/or have gained them through your professional experience; by being active in your community; by working in the voluntary sector; or through other personal experience.

You are welcome to apply for more than one position, and can apply for any combination of roles, however you must complete a separate application form for each position. For example, should you wish to apply for both the Chair and Member position, you must complete the individual application forms for each of the roles.



## PERSON SPECIFICATION - CHAIR

### What skills, experience & personal qualities do we need the Chair of Consumer Scotland to have?

As Chair of Consumer Scotland, you will need to be able to demonstrate the personal qualities, skills and experience listed in this person specification. We have explained exactly what we are looking for and how this will be tested.

In providing the evidence sought, you can draw on examples from your working and/or personal life, or through your participation with a private, public, voluntary, charity or community organisation.

It is important to note that to be considered for appointment you must, by the end of the process, meet **all of the essential criteria** for the role.

ESSENTIAL PERSONAL QUALITIES, SKILLS AND EXPERIENCE	WHAT DOES THIS MEAN?	HOW WILL THIS BE TESTED?
<b>1. Board governance and performance management</b>	You may have public, private or third sector experience within an organisation of any size and will be able to evidence: <ul style="list-style-type: none"> <li>• Experience of ensuring effective governance at board level.</li> <li>• Ability to articulate what board responsibilities are from a fiscal and legal perspective and can demonstrate direct involvement in implementation of good governance principles.</li> <li>• An understanding of audit and risk management and be able to demonstrate effective practical application of that understanding.</li> </ul>	We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b> where we will also ask you to give an <b>oral presentation</b> to a set question which will be issued to you in advance.
<b>2. Communications &amp; influencing skills</b>	<ul style="list-style-type: none"> <li>• Direct experience of effectively building strong relationships with senior leadership, acting as an ambassador to gain support for strategies or organisations.</li> </ul>	We will have a discussion with you during the <b>interview</b> .

	<ul style="list-style-type: none"> <li>• An adaptable communication style to represent/promote the organisation to a wide range of stakeholders including: politicians, staff, external stakeholders, and the media.</li> <li>• A strong track record of fostering open, constructive debate among colleagues and stakeholders.</li> </ul>	
<b>3. Leading and successfully implementing change</b>	<ul style="list-style-type: none"> <li>• Experience of setting up a new department/function or organisation.</li> <li>• Direct responsibility for successfully implementing change within a large department/function or organisation.</li> <li>• Experience of putting in place a governance framework, programmes and policies to support change.</li> <li>• An in depth understanding of why culture change might be important.</li> </ul>	We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b> ..
<b>4. Longer term planning / seeing the bigger picture</b>	<ul style="list-style-type: none"> <li>• Experience of providing strategic leadership, considering long term vision and setting appropriate goals.</li> <li>• Direct experience in formulating strategy at an executive level within an organisation, and overseeing its implementation.</li> <li>• Robust experience of navigating complex landscapes or systems and situating strategies and decisions in them.</li> </ul>	We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b> .

## CONSUMER SCOTLAND

### PERSON SPECIFICATION – MEMBERS (GENERAL)

**Consumer Scotland** are looking to recruit **up to 3 new general Board members** and have identified the particular requirements for this new Board.

We are looking for people who can show knowledge, experience and expertise in **three areas** and would be able to bring these skills to the Board. We have explained below exactly what we will be looking for and how these will be tested. **Please read this carefully.**

In providing the evidence sought, you can draw on examples from your working and/or personal life, and /or through your participation with private, public, voluntary, charity or community organisations.

It is important to note that to be considered for appointment you must, by the end of the process, meet **ONE of the THREE PRIORITY ESSENTIAL CRITERIA, and all of the GENERAL ESSENTIAL CRITERIA for these roles.** Candidates who feel they can evidence more than one priority essential criteria are being asked to demonstrate the one they feel they can meet most strongly in their written application.

Candidates are asked to identify the priority essential criterion you can fully evidence. The application form also asks you to identify any other priority essential criteria you can evidence and we will ask you questions about this at interview, should you be selected.

The Minister will appoint the combination of candidates who together most closely meet the three priority criteria for selection. In the event that candidates provide evidence of equal merit against the Priority Essential criteria, the Panel will then take into account the strength of the evidence presented against the General Essential criteria in determining the candidates to be recommended as most able to fulfil these roles.

## PRIORITY ESSENTIAL CRITERIA

Priority Knowledge, Experience & Expertise – all applicants must provide evidence of **ONE** of these at application stage

PRIORITY - ESSENTIAL PERSONAL QUALITIES, SKILLS AND EXPERIENCE	WHAT DOES THIS MEAN?	HOW WILL THIS BE TESTED?
<p><b>1. You have experience of working to improve outcomes for consumers.</b></p>	<ul style="list-style-type: none"> <li>You have a breadth of understanding at an executive level, (staff/board or committee) knowledge of the consumer protection system, and the current challenges and opportunities consumers face.</li> <li>You understand the role consumer attitudes and actions play in achieving policy outcomes, and you recognise that they can both face and drive change.</li> </ul>	<p>We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b> where we will also ask you to give an <b>oral presentation</b> to a set question which will be issued to you in advance.</p>
<p><b>2. Finance</b></p>	<ul style="list-style-type: none"> <li>We need a person who has experience of working in finance, audit or risk, who would be able to offer advice to the Board and also participate in the Finance, Audit or Risk Committees.</li> </ul>	<p>We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b>.</p>
<p><b>3. Governance</b></p>	<ul style="list-style-type: none"> <li>Board level experience of being responsible for ensuring a Body's strategic objectives are met.</li> <li>Experience of holding a senior team to account for their performance.</li> <li>Direct experience of the principles of effective governance within the public, private or third sector.</li> </ul>	<p>We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b>.</p>

## GENERAL ESSENTIAL CRITERIA

Skills / Experience / Personal Qualities - all candidates must demonstrate all of these:

GENERAL - ESSENTIAL PERSONAL QUALITIES, SKILLS AND EXPERIENCE	WHAT DOES THIS MEAN?	HOW WILL THIS BE TESTED?
<p><b>1. Analysis and Decision-making</b></p>	<ul style="list-style-type: none"> <li>• Experience of analysing and articulating complex information to reach conclusions that are clearly explained.</li> <li>• Experience of making decisions in a politically sensitive area while remaining politically neutral.</li> <li>• Robust analytical skills, with the ability to think through the implications of decisions before coming to a final position.</li> </ul>	<p>We will have a discussion with you during the <b>interview</b>.</p>
<p><b>2. Longer term planning / seeing the bigger picture</b></p>	<ul style="list-style-type: none"> <li>• Experience of contributing to the development of a strategy or business plan.</li> <li>• The ability to identify a range of priorities, challenges and risks within different timeframes and can evaluate their potential impact.</li> <li>• Demonstrable experience of working to achieve long term aims of an organisation and ensuring that your decisions and actions supported it.</li> <li>• Experience of situating decisions and strategies in a wider system, and analysing how those decisions and strategies will affect and be affected by that wider system.</li> </ul>	<p>We will have a discussion with you during the <b>interview</b>.</p>
<p><b>3. Working cooperatively and collaboratively</b></p>	<ul style="list-style-type: none"> <li>• The ability to work with others to achieve consensus, actively seeking out views of colleagues and sharing knowledge at every opportunity.</li> <li>• A record of actively working to build relationships across boundaries both within and among organisations.</li> </ul>	<p>We will assess this through your <b>written application</b>. We will discuss this further with you during the <b>interview</b>.</p>

<b>4. Communicating, influencing and constructive challenge</b>	<ul style="list-style-type: none"><li>• An ability to adapt your communication style to different audiences.</li><li>• Evidence of challenging effectively within a diverse team or committee situation.</li><li>• Experience of helping others to consider their own position in a non-confrontational way.</li></ul>	We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b> .
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## CONSUMER SCOTLAND

### PERSON SPECIFICATION – VULNERABLE CONSUMER MEMBER

We are particularly looking for someone who is currently or has experience of being a **vulnerable consumer** to play a full and equal role alongside your fellow Board members. **We are not seeking someone to represent vulnerable consumers on our Board.** We have explained below exactly what we are looking for and how this will be tested. **Please read this carefully.**

In providing the evidence sought, you can draw on examples from your working and/or personal life, and /or through your participation with private, public, voluntary, charity or community organisations.

It is important to note that to be considered for appointment you must, by the end of the process, meet **the PRIORITY ESSENTIAL CRITERION, and all of the GENERAL ESSENTIAL CRITERIA for this role.**

#### PRIORITY ESSENTIAL CRITERION

Priority Knowledge, Experience & Expertise – **all** applicants must provide evidence of this criterion

PRIORITY - ESSENTIAL PERSONAL QUALITIES, SKILLS AND EXPERIENCE	WHAT DOES THIS MEAN?	HOW WILL THIS BE TESTED?
<b>1. You have personal experience of the difficulties faced by vulnerable consumers.</b>	<ul style="list-style-type: none"><li>• You understand that a person may be a vulnerable consumer when circumstances cause that person to have fewer options, or to be more at risk of harm, than a typical consumer – for example by virtue of age, mental or physical health, economic circumstances, geography, caring responsibilities, or because of a bereavement. The characteristics or circumstances which may result in a person being a vulnerable consumer may be short-term, long-term or permanent.</li><li>• You may have experience of being a vulnerable consumer yourself, or you may have experience of dealing with vulnerable</li></ul>	We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b> where we will also ask you to give an <b>oral presentation</b> to a set question which will be

	consumers through, for example, your work or caring responsibilities.	issued to you in advance.
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## GENERAL ESSENTIAL CRITERIA

Skills / Experience / Personal Qualities - all candidates must demonstrate all of these:

GENERAL - ESSENTIAL PERSONAL QUALITIES, SKILLS AND EXPERIENCE	WHAT DOES THIS MEAN?	HOW WILL THIS BE TESTED?
1. Analysis and Decision-making	<ul style="list-style-type: none"> <li>• Recognising when information is limited and where more information might be needed.</li> <li>• Able to balance a number of different considerations and explain how conclusions have been reached.</li> <li>• Identifying some of the implications associated with what they are considering – priorities, risks, opportunities etc.</li> </ul>	We will have a discussion with you during the <b>interview</b> .
2. Governance	<ul style="list-style-type: none"> <li>• Understands what governance is and be able to define this in very broad terms but no need for any direct experience.</li> <li>• Appreciate the board’s role in ensuring effective governance.</li> </ul>	We will have a discussion with you during the <b>interview</b> .



<p><b>3. Working cooperatively and collaboratively</b></p>	<ul style="list-style-type: none"> <li>• Ability to work with others to achieve consensus, actively seeking out views of colleagues and sharing knowledge at every opportunity.</li> <li>• You actively work to build relationships across boundaries both within and among organisations.</li> </ul>	<p>We will assess this through your <b>written application</b>. We will discuss this further with you during the <b>interview</b>.</p>
<p><b>4. Communicating, influencing and constructive challenge</b></p>	<ul style="list-style-type: none"> <li>• Able to adapt your communication style to different audiences.</li> <li>• Evidence of challenging effectively within a diverse team or committee situation.</li> <li>• Helping others to consider their own position in a non-confrontational way.</li> </ul>	<p>We will assess this through your <b>written application</b> . We will discuss this further with you during the <b>interview</b>.</p>

## **Assessment for the Chair role**

Assessment will happen in two stages. Firstly, the selection panel will assess your written application which will ask for evidence of three of the essential skills/experience.

Then applicants who most closely meet these requirements will be invited to attend the final stage of assessment to further test all of the required criteria. This will involve an interview including an oral presentation (up to 5 minutes) to a set question which will be issued to applicants in advance.

The presentation and interview will assess all the required skills, experience and qualities. The selection panel will also ask follow up questions to find out more about your relevant experience and about the depth of your knowledge. More information on assessment methods is available from this hyperlink: <https://www.ethicalstandards.org.uk/how-apply>

**PLEASE NOTE:** The successful candidate must meet ALL of the 'Essential skills & personal qualities'.

## **Assessment for the General Member role**

Assessment will happen in two stages. Firstly, the selection panel will assess your written application which will ask for evidence of one of the priority skills/experience and two of the general essential criteria listed in the person specification on pages 12 to 14 above.

Then applicants who most closely meet these requirements will be invited to attend the final stage of assessment to further test all of the required criteria. This will involve an interview including an oral presentation (up to 5 minutes) to a set question which will be issued to applicants in advance.

The oral presentation and interview will assess all the required skills, experience and qualities. The selection panel will also ask follow up questions to find out more about your relevant experience and about the depth of your knowledge. More information on assessment methods is available from this hyperlink:

<https://www.ethicalstandards.org.uk/how-apply>.

**PLEASE NOTE:** The successful candidates need only meet ONE of the 'Priority skills/experience', but must meet ALL of the 'General essential skills & personal qualities'.

## **Assessment for the Vulnerable Consumer Member role**

Assessment will happen in two stages. Firstly, the selection panel will assess your written application/personal letter which will ask for evidence of the priority essential criteria and two of the general essential criteria listed in the person specification on pages 15 to 17 above.

Then applicants who most closely meet these requirements will be invited to attend the final stage of assessment to further test all of the required criteria. This will involve an interview including an oral presentation (up to 5 minutes) to a set question which will be issued to applicants in advance.

The oral presentation and interview will assess all the required skills, experience and qualities. The selection panel will also ask follow up questions to find out more about your relevant experience and about the depth of your knowledge. More information on assessment methods is available from this hyperlink:

<https://www.ethicalstandards.org.uk/how-apply>.

**PLEASE NOTE:** The successful candidates must meet the 'Priority skills/experience' criteria, and ALL of the 'General skills & personal qualities'.

## How to apply

Please apply by downloading the application form from our website.

Completed application forms must be submitted to [pa\\_applications\\_mailbox@gov.scot](mailto:pa_applications_mailbox@gov.scot) by **Midday on 11 December 2020**. Late applications will not be considered.

If you experience any difficulties accessing our website, or in the event that you require the application form in a different format, please contact the Public Appointments Team on 0131 244 1898, the team can also be contacted by email at [public.appointments@gov.scot](mailto:public.appointments@gov.scot).

The application form seeks information about you and the skills, knowledge and experience you have that are relevant to the role. The Person Specification details the skills, knowledge and experience we are seeking and indicates how and at which stage in the process each of the criteria will be tested.

You should provide clear and succinct information about yourself and how you meet the criteria that are being tested at this application stage. When being asked to demonstrate a skill, you should give specific examples which best demonstrate to the selection panel what it is you did, the reasons for your actions, the skills you used and what specifically about your approach affected the outcome. When being asked to demonstrate knowledge, understanding or experience, you should describe how you gained this, the breadth and depth of this knowledge, understanding or experience and any situations where you have used this.

The selection panel will not make assumptions about your evidence so it is important that you take the time to ensure that you are comfortable with the information you are providing in respect of your application. Be clear and succinct in your answers as there are word limits for each section, which will help the selection panel to consider your ability to communicate effectively. You may be asked to expand on your answers if you are invited to interview, so it is a good idea to retain a copy of your application form.

You are welcome to apply for more than one position, but you need to complete separate application forms for each position.

**Chair application** – To apply for the Chair position, you need to complete the Chair application form. In your application form, you are required to provide evidence of:

- two of the essential criteria detailed in the table on pages 9 and 10. These are criterion **1** (board governance and performance management) and **4** (longer term planning/seeing the bigger picture).

**Members application** – To apply for the Members position, you need to complete the Members application form. In your application form, you are required to provide evidence of:

- one of the priority essential criteria from the table on page 12, and

- two of the general essential criteria detailed in the table on pages 13 and 14. These are criteria **3** (working cooperatively and collaboratively) and **4** (communicating, influencing and constructive challenge).

**Vulnerable members application** – To apply for the Vulnerable Members position, you need to complete the Vulnerable Members application form. In your application form, you are required to provide evidence of:

- the priority essential criterion detailed in the table on pages 15 and 16, and
- two of the general essential criteria detailed in the table on pages 16 and 17. These are criteria **3** (working cooperatively and collaboratively) and **4** (communicating, influencing and constructive challenge).

Further information and examples on completing a competency based application form can be found in the hints and tips section of the Appointed for Scotland website <https://www.gov.scot/publications/how-to-apply-for-a-public-appointment/>.

## **GENDER REPRESENTATION ON PUBLIC BOARDS (Scotland) Act 2018**

The Gender Representation on Public Boards (Scotland) Act 2018 sets a 'gender representation objective' that a board should have 50% of non-executive members who are women. In circumstances where there are two or more equally qualified candidates (a tie break), at least one of whom is a woman and one who isn't, then section 4(3) of the 2018 Act requires the appointing Minister to appoint a woman if doing so will result in the board achieving (or making progress towards achieving) the gender representation objective. In a tie break the appointing Minister can choose to appoint a candidate, who is not a woman, on the basis of another characteristic or situation and can give preference to that candidate (section 4 (4) of the 2018 Act). Scottish Government Guidance on the Act is [available here](#).

## **EQUALITIES MONITORING FORM**

The Scottish Government is committed to appointment on merit, and to equality and diversity in public appointments. The equalities monitoring information is not provided to the selection panel.

However, in the event of a tie break situation in respect of the Gender Representation on Boards (Scotland) Act 2018, the appointing Minister will have access to the monitoring information of **only** those candidates involved in the tie break in order to best inform their decision on whom to appoint.

The information gathered from equalities monitoring is very important and helps to ensure that everyone is treated fairly, without discrimination because of age, disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other relevant details. All equalities monitoring questions are optional. You are not obliged to answer any of these questions but the more information you supply, the more effective our policy development will be. All information supplied will be treated in the strictest confidence, in line with the principles GDPR Articles 6(1) (c) and (e), which are the lawful bases for processing, and GDPR Article 9 (2) (b) so we can comply with a legal obligation which is the condition for processing. It will not be placed on a personal file.

## **Selection Panel**

The selection panel will be:

- Sue Kearns, Deputy Director, Consumers and Low Carbon, Scottish Government (Panel Chair)
- Ian Tait, Water Industry Commission for Scotland (Independent Panel Member)
- Alasdair Hay, Former Chief Fire Officer, Scottish Fire & Rescue Service (Independent Member)
- Sue Young, Public Appointments Adviser, Office of the Ethical Standards Commissioner

To make sure that the process is transparent, and the appointment is made on merit, the selection panel will declare if they know anyone who has applied for these appointments.

## **Nationality**

If you're a non-British national you can apply for, and be appointed to, the boards of Public Bodies. However, you must be legally entitled to work in the UK.

## **Disqualifications**

Applicants will be ineligible if they are:

- (a) a member of the Scottish Parliament,
- (b) a member of the House of Commons,
- (c) a member of the House of Lords,
- (d) a member of the National Assembly for Wales,
- (e) a member of the Northern Ireland Assembly,
- (f) a member of the European Parliament,
- (g) a councillor of a local authority,
- (h) the holder of any other relevant elective office within the meaning of paragraph 1(8) of schedule 7 of the Political Parties, Elections and Referendums Act 2000,
- (i) a member of the Scottish Government,
- (j) a Minister of the Crown,
- (k) an office-holder of the Crown in right of Her Majesty's Government in the United Kingdom,
- (l) an office-holder in the Scottish Administration,
- (m) a civil servant,
- (n) the person is insolvent,
- (o) the person is or has been disqualified as a company director under the Company Directors Disqualification Act 1986,
- (p) the person is or has been disqualified as a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005, or
- (q) the person is or has been disqualified under any disqualification provision analogous to either of those mentioned in (o) and (p), anywhere in the world.

## **Telling you about progress**

If you aren't invited to interview you will be told about the outcome of your application in writing.

If you're invited to interview you'll be offered feedback. It will be based on:

- the assessment of your merit in relation to the skills, knowledge and experience required by the person specification and;
- where appropriate, the outcome of the fit and proper person test (there are more details about the test on page 25).



## Key dates for these appointments

What happens	When
Date appointment publicised	Friday 13 November 2020
Closing date for completed applications	Midday on Friday 11 December 2020
Date of shortlisting meeting to select applicants for next stage	11 January 2021
Date outcome of shortlisting meeting will be relayed to applicants	w/c 11 January 2021
Latest date applicants can request feedback following shortlist	29 January 2021
Dates for interviews	25 January 2021, 03 February 2021 and 08 February 2021
Date by which the Minister for Business will decide whom to appoint	w/c 15 March 2021
Date by which applicants will be informed of the Minister's decision	w/c 15 March 2021
Latest date applicants can request feedback following interview	31 March 2021
Start date	01 April 2021

## Expenses for attending interviews

Due to current guidance on physical distancing interviews will be held by video link. The selection panel will be as flexible as is possible to ensure that no candidates are disadvantaged by these arrangements.

If you're invited for a face to face interview you can claim for reasonable expenses involved in attending. This includes childcare and dependent carer expenses. We expect you to use the most efficient and economical means of travel, and the amount we reimburse will normally be restricted to this. If you need to stay overnight you must contact the Scottish Government Public Appointments Team on (Freephone) 0300 244 1898 or at [public.appointments@gov.scot](mailto:public.appointments@gov.scot) in advance for confirmation of current subsistence rates. If you're invited for interview these rates, and a claim form, will be included in the invitation letter. You must provide receipts to support all claims.

## Potential effect on benefits

Taking up a remunerated public appointment may affect any benefits you receive. This will depend on your individual circumstances so you should seek advice from the office that pays your benefit. Information can be found at [www.gov.uk/browse/benefits](http://www.gov.uk/browse/benefits).

## Valuing Diversity

The Scottish Ministers are committed to diversity and equality.

The public appointments process promotes, demonstrates and upholds equality of opportunity for all applicants.

Scottish Ministers particularly welcome applications from groups currently under-represented on Scotland's public bodies, such as women, disabled people, those from black and minority ethnic communities and people aged under 50. Please complete our monitoring form when you apply. This helps us to ensure that the appointments process is accessible to everyone.

For more information about public appointments and other vacancies please visit the dedicated public appointments website at [www.appointed-for-scotland.org](http://www.appointed-for-scotland.org).

## **ETHICAL STANDARDS**

### **About the Commissioner and this regulated competition**

This appointment is regulated by the Ethical Standards Commissioner (the Commissioner). If you have concerns about the way this appointment round was conducted, please contact Public Appointments Team (PAT) (contact details are in this pack) in the first instance. The Commissioner's leaflet is included at the end of this section and provides more information on his regulatory role in relation to public appointments, and about taking unresolved complaints further.

### **The Principles of Public Life in Scotland**

If you want to be appointed to roles in public life you have to pass a Fit and Proper Person test which is described in more detail below.

Part of the test involves agreeing to apply the Principles of Public Life in Scotland if you're appointed.

The Principles of Public Life in Scotland are:

#### **Duty**

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the public body of which you are a member and in accordance with the core tasks of that body.

#### **Selflessness**

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

#### **Integrity**

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

### **Objectivity**

You must make decisions solely on merit when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

### **Accountability and Stewardship**

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the public body uses its resources prudently and in accordance with the law.

### **Openness**

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

### **Honesty**

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the public body and its members in conducting public business.

### **Respect**

You must respect fellow members of your public body and employees of the body and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of your public body.

## **The Fit and Proper Person Test**

Scottish Ministers, and the public, must feel confident that people being appointed to the Boards of public bodies are fit and proper persons to take up these positions. This means people who are suitable for appointment because they meet the requirements of the role, and their past or present activities (and/or behaviours) mean that they are suitable to be appointed.

The fit and proper person test is an on-going process with checks built into different stages of the appointment round. These are designed to collect the necessary information and evidence. For these appointments, the checks in place for the fit and proper person tests are:

Verification of relevant information provided by the applicant:

- We will test the evidence you provide in relation to the skills and knowledge required in your application, and further probe it at interview if you're invited. If you're invited to interview you will also be asked to complete a practical exercise on the day. Further information will be provided to those invited to interview.

Ensuring that the applicant's conduct to date has been compatible with the public appointment in question:

- We will confirm that you understand: the work of the body, the nature of the appointment and that you're not aware of having committed any offence, or performed any act, that's incompatible with the position that you're applying for. We will do this using the declaration statement on the application form. By submitting your completed application you're declaring that the information provided is, to the best of your knowledge and belief, true and complete.

Confirmation that the applicant has no inappropriate or unmanageable conflicts of interest incompatible with their appointment:

- You're asked in your application to complete questions about potential conflicts of interest.
- If you're invited for interview, further assessment will be through questioning that you understand what is meant by a conflict of interest. We'll ask you to confirm that, to the best of your knowledge, you don't have any conflicts of interest that are incompatible/unmanageable. We'll ask for additional information if you've declared a conflict of interest in your initial application.
- You will also be asked at the application stage to declare if you've had any political activity in the past five years.

Ensuring that the applicant agrees to apply the Principles of Public Life in Scotland:

- Consumer Scotland will expect Members to observe the nine Principles of Public Life in Scotland listed on pages 24 and 25. If you're invited to interview, you'll be asked to confirm your understanding of, and agreement to, applying these principles.

Establishing that the individual is able to meet the time commitment required:

- The time commitment involved for the role is given on page 5. If you're invited to interview you'll be asked whether you can meet this commitment.

## Conflicts of Interest

Conflicts may relate to situations where there's a clash between your role on the Consumer Scotland board and your professional or personal interests.

Also if you and a panel member have a close relationship the selection panel chair must let the Commissioner know. The Commissioner can decide that the panel member shouldn't be involved in your assessment, and may ask the panel member not to take part in the appointment round.

You can get more guidance on conflicts of interest relating to suitability for appointment by visiting the Commissioner's website at:

[www.ethicalstandards.org.uk/publication/conflict-interest-leaflet](http://www.ethicalstandards.org.uk/publication/conflict-interest-leaflet).

If you want to know if you have a conflict that would bar you from being a member of Consumer Scotland before you apply, then you should contact Neil Ritchie to discuss your concerns at [neil.ritchie@gov.scot](mailto:neil.ritchie@gov.scot).

## APPOINTMENT

### What happens if you're appointed?

If you're appointed, some of the information that you've given us will be made public in a media release about your appointment. It will include:

- your name
- a short description of Consumer Scotland
- a brief summary of the skills, knowledge and experience you bring to the role
- how long you've been appointed for and the time commitment
- any remuneration associated with the appointment
- details of any other public appointments you hold and any related remuneration you receive for them and their time commitment
- details of any political activity in the last five years you declared
- a statement that the appointment is regulated by the Ethical Standards Commissioner. (the Commissioner)

## Complaints

Please note there is NO appeal process in respect of the Public Appointment process.

You can find out about our complaints procedure on the Appointed for Scotland website: <https://www.gov.scot/publications/public-appointments-making-a-complaint/>.

Or you can contact Public Appointments, Area 3F North, Victoria Quay, Edinburgh EH6 6QQ; Freephone 0300 244 1898 or email at

[Public\\_Appointments\\_Complaints@gov.scot](mailto:Public_Appointments_Complaints@gov.scot).

# Ethical Standards Commissioner

## Who We Are

This leaflet is about the work of the Ethical Standards Commissioner, as it relates to public appointments, and the Commissioner's office. The Commissioner regulates appointments to the boards of many of Scotland's public bodies. The Commissioner is wholly independent of the Scottish Parliament and the Scottish Government.

## What We Do

Every one of us living in Scotland benefits from the essential services provided by our public bodies. Their boards play a vital role in guiding and shaping these services. Our job is to oversee appointments to these boards to help ensure that the people who serve on them are appointed on merit, using methods that are fair and open. That oversight is usually provided by one of the Commissioner's Public Appointments Advisers. Whilst we regulate the process used to make appointments, it is run by civil servants on behalf of the Scottish Ministers. Our website has a list of the bodies that we regulate and also has useful information on applying for a public appointment.

This leaflet is sent to everyone who applies for a regulated public appointment in Scotland so that they know that the process is regulated and what to do if things go wrong.

**Making a complaint about a public appointment** Anyone who believes that an appointment has not been made appropriately or who has concerns about the appointment process itself can make a complaint.

If you have a complaint about a public appointment you first have to complain to the Scottish Government and give its officials a chance to respond. If you are unhappy with the Scottish Government's response to your complaint you can then ask the Commissioner to investigate the matter for you.

If you are in any doubt about whether we can deal with your complaint, or if you want advice before raising a formal complaint, please contact us using the details provided below. You can read in more detail about the way in which we deal with complaints by downloading our complaints leaflet from our website. We can send you the leaflet in another format if you would prefer.

Our website also tells you what to do if you want to make a complaint.

**Ethical Standards Commissioner**  
Thistle House  
91 Haymarket Terrace  
Edinburgh  
EH12 5HE

**E: [appointments@ethicalstandards.org.uk](mailto:appointments@ethicalstandards.org.uk)**  
**T: 0300 011 0550**

contact  
SCOTLAND  
BSL

