



Appointment of the Chair and Non-Executive Directors of the Board of David MacBrayne Limited

Applicant Information Pack

Closing date for applications: 28 July 2021



Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

Applicant Pack	Page
Welcome letter	3
Information about David MacBrayne Limited and the roles	4
Gender Representation on Public Boards (Scotland) Act 2018	5
Reasonable Adjustment	5
Person specification	6-11
Remuneration, time commitment and length of term	12
Disqualifications and nationality	12
Key dates in the competition	13
Selection panel	13
Application process	13-14
References	15
Valuing diversity	15
Conflicts of interest	15
Assessment process	16-17
Expenses for attending interviews	17
Potential effect on benefits	17
Telling you about progress	17-18
Training and support	18
The fit and proper person test	18-19
Lobbying	20
Complaints	20
The Principles of Public Life in Scotland	20-21
Ethical Standards Commissioner	22
Scottish Government Public Appointments	23

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5 July 2021

Dear Applicant

Appointments to the Board of David MacBrayne Ltd

Thank you for expressing interest in joining the Board of David MacBrayne Ltd (DML). These positions offer a unique opportunity to play a major role in harnessing the expertise of the organisation to deliver lifeline ferry services to Scotland's island and remote rural communities. The communities that we serve are at the heart of all that we do.

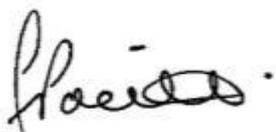
The Board currently consists of a non-executive Chair, five non-executive directors and two executive directors. Scottish Ministers, the sole shareholder, are looking to replace the Chair and up to three of the existing non-executive directors. Collectively, the Board's role is to provide overall strategic direction to the organisation to align with Scottish Ministers' priorities.

The Chair of the Board needs to be an excellent leader and be prepared to work with Ministers to agree strategic visions and priorities over time, and to articulate those to the Board and executive team, ensuring that they are embedded in the culture of the organisation. They will need to have excellent communication skills, have the ability to influence stakeholders at all levels and have the ability to oversee a media strategy in line with the shareholder's strategic vision and objectives. They will also be required to work with other organisations on behalf of Scottish Ministers, and show commitment to delivering organisational change.

All Board members (the non-executive Chair and Directors) must demonstrate a range of knowledge, skills and behaviours including: a strong focus on serving island and/or remote communities and experience or knowledge of the issues affecting them, excellent interpersonal and communication skills, the ability to constructively challenge, and strong analytical and decision making skills. If you feel that you have the skills required I would encourage you to apply. Full details of the skills and experience required for each position are set out in this pack.

I am happy to answer any further questions you might have. Alternatively, you may wish to contact the current Chair, david.mcgibbon@davidmacbrayne.co.uk or the DML Chief Executive at duncan.mackison@davidmacbrayne.co.uk.

Yours sincerely



FRANCES PACITTI

Chair and Non-Executive Directors of the Board of David MacBrayne Limited

Applicant Information Pack

Information about David MacBrayne Limited

With over 160 years' experience, David MacBrayne Limited (DML) is one of Scotland's longest continually running businesses. It is wholly owned by Scottish Ministers and is a key component of our transport network, providing lifeline ferry connectivity to our islands and remote communities. DML employs around 1500 people with an annual turnover of approximately £200 million. It transports more than five million passengers annually and operates 26 ports within the UK.

The company's mission is to provide transport and infrastructure services to communities, supporting the aims of the Scottish Government and to make a commercial return to its shareholder, the Scottish Ministers.

The Board comprises of six non-executive directors (including the Chair) plus two executive directors. There are a number of sub-committees including Audit and Risk, Remuneration and Safety.

DML's largest subsidiary company is CalMac Ferries Limited (CFL). CFL is the UK's largest ferry operator in terms of ships and destinations served and one of the largest transport operators in Scotland. It provides essential lifeline services and logistical support to island and remote communities, and currently operates the Clyde and Hebrides Ferry Services Contract, which runs until 2024.

About the roles

Through active, dynamic and creative leadership, the Chair will be responsible for ensuring strategic alignment with Scottish Ministers priorities, with absolute commitment to the island and remote rural communities, economies and businesses that they serve. The Chair will also have responsibility for overseeing the management of communications within DML and any subsidiary companies. The Chair will be expected to report regularly to the shareholder on delivery against strategic priorities. The Chair will be capable of working closely with Transport Scotland and Caledonian Maritime Assets Limited to ensure that ferry services are delivered on behalf of Scottish Ministers in a transparent and accountable manner, with clear focus on delivering value for money. The Chair will be accountable for delivery of a programme of organisational and culture change within DML and its subsidiaries. You will have the ability to lead discussions on complex issues, weigh up conflicting opinions and facilitate Board decisions consistent with the company vision set out on the DML website whilst meeting Ministerial objectives and expectations.

The Non-Executive Directors are expected to provide strategic direction to the company, ensuring Scottish Ministers' priorities are delivered. They will also maintain high standards of corporate governance and financial probity in line with their duties as Directors under the Companies Act and as Ministerial appointees to a public body. They will develop and maintain an appreciation of the political and policy context and of the needs and interests of ferry users and communities and scrutinise and approve the Group's strategic, corporate and business plans, investment and service development business cases, regular financial, operational and other reports and annual reports and accounts, including all committee reports. Non-Executive (Role one) will chair the Audit and Risk Committee and be responsible for overseeing and approving its work.

Further information

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

For further information about DML and the role, please contact the Director of Aviation Maritime and Freight and Canals Frances.Pacitti@transport.gov.scot, or the current DML Chair, david.mcgibbon@davidmacbrayne.co.uk or the DML Chief Executive duncan.mackison@davidmacbrayne.co.uk.

You can also find out more about DML at www.david-macbrayne.co.uk/.

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). If the appointing Minister wishes to choose a candidate because of a situation that was not specified in the applicant pack, the appointing Minister will ask the Ethical Standards Commissioner to make an exception to the Public Appointments Code of Practice.

Scottish Government Guidance on the Act is [available here](#).

Reasonable Adjustment

If you require a reasonable adjustment at any stage of the public appointments process, please contact with the Public Appointments Team on 0300 244 1898 or email public.appointments@gov.scot.

If you need any of the application pack documentation in an alternative format such as plain text, Braille or large print, please contact the Public Appointments Team by calling 0300 244 1898 or by emailing public.appointments@gov.scot.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

Person Specification

The person specification sets out the skills, knowledge and experience we are seeking for each position and indicates how and at which stage in the process each of the criteria will be tested. As it is important that there is the right balance of experience, knowledge and expertise on the Board, the appointing Minister will be taking into account which of these each applicant is able to demonstrate when selecting applicants for appointment.

The assessment includes consideration of the information you provide as part of the application process, i.e. a letter (setting out your information and evidence) a tailored CV and a short application form. The applicants who most closely meet the requirements set will be invited to attend for interview. where the selection panel will ask questions in order to allow you the opportunity to demonstrate that you have the skills, knowledge and experience required for the role or roles you have applied for. Those shortlisted for interview, will also be asked to undertake an additional task. Full details will be provided to those shortlisted.

Candidates may apply for one or more of the advertised roles, in which case evidence and information provided against each criterion should clearly state which role or roles to which it relates (See 'How to apply').

Chair Role

If you are applying to be the Chair of the Board, you must demonstrate evidence of the following:

Essential Criteria	What it means	Where it will be tested
Strong Leadership	<ul style="list-style-type: none">• ability to focus the organisation on agreed Ministerial priorities;• ability to articulate a clear and persuasive strategic vision for the organisation;• understanding/experience of how to shape organisational culture to reflect the strategic vision;• evidence of using strong interpersonal skills to inspire and motivate staff and stakeholders;• evidence of constructive challenge, showing tolerance and openness;	Application and interview (if invited).

Chair and Non-Executive Directors of the Board of David MacBrayne Limited
Applicant Information Pack

	<ul style="list-style-type: none"> • experience of partnership development and key stakeholder management. 	
Change Management	<ul style="list-style-type: none"> • ability to work with internal and external partners to communicate and deliver the shareholder's strategic vision for the organisation, including leading a culture change strategy; • a rigorous focus on service delivery and cost control in a challenging and evolving strategic/fiscal context. 	Application and interview (if invited)..
Knowledge and / or direct experience of the key issues, including senior level professional experience/understanding of Public Sector	<ul style="list-style-type: none"> • knowledge/understanding of tourism and economic and social regeneration, affecting rural and island communities. Experience in the successful delivery of high value contracts or services; • understanding of the frameworks within which a public sector body operates. 	Application and interview (if invited).
Governance	<ul style="list-style-type: none"> • direct experience of ensuring effective governance at senior management or board level; • an understanding of requirements under the Companies Act; • ability to articulate what board responsibilities are from a fiscal and legal perspective and can demonstrate direct involvement in the implementation of good governance principles; • an understanding of audit and risk management and the ability to demonstrate effective practical application of that understanding. 	Application and interview (if invited).
Analysis and decision-making	<ul style="list-style-type: none"> • evidence of making sound decisions in a complex and challenging environment; • experience of making those decisions based on robust financial data sources. 	Interview (if invited).

Chair and Non-Executive Directors of the Board of David MacBrayne Limited
Applicant Information Pack

Excellent communication, networking, influencing, mediation and conflict resolution skills	<ul style="list-style-type: none"> • experience of partnership development, key stakeholder management and internal team building. • Experience of employee relations in a complex organisation • ability to oversee a media strategy in line with shareholder’s strategic objectives. 	Interview (if invited).
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Non-Executive Director (Role One - Chair of the Audit and Risk Committee)

If you are applying for this Non-Executive Director role (Chair of the Audit and Risk Committee), you must demonstrate evidence of the following:

Essential Criteria	What it means	Where it will be tested
Governance and Audit/Finance	<ul style="list-style-type: none"> • experience of audit and risk management and understanding of financial discipline (this may be demonstrated by a relevant qualification or by relevant roles held where you can show the practical application of that understanding); • recent experience of chairing an audit and risk committee; • a relevant financial or accountancy qualification; • experience of managing procurement projects. 	Application and interview (if invited).
Analysis and decision-making	<ul style="list-style-type: none"> • can demonstrate effective decision making at a senior level; • comfortable in the analysis of highly complex (including financial) information where critical/important decisions are being made; • understands the wider strategic environment and takes account of this when making decisions. 	Interview (if invited)

Chair and Non-Executive Directors of the Board of David MacBrayne Limited
Applicant Information Pack

Knowledge and/or direct experience of the key issues	<ul style="list-style-type: none"> • knowledge/understanding of tourism and economic and social regeneration, affecting rural and island communities. 	Application and interview (if invited).
Interpersonal and communication skills	<ul style="list-style-type: none"> • strong interpersonal skills; • ability to challenge, show tolerance and openness; • ability to represent the organisation effectively to external stakeholders and inspire, lead and motivate a diverse range of audiences internally; • ability to oversee a media strategy in line with shareholder's strategic objectives. 	Application and interview (if invited).

Non-Executive Director (Role Two)

If you are applying for this Non-Executive Director role , you must demonstrate evidence of the following:

Essential Criteria	What it means	Where it will be tested
Health and safety	<ul style="list-style-type: none"> • experience of planning, oversight and risk assessment in relation to H&S in the maritime sector. • evidence of current or recent achievement in this area. 	Application and interview (if invited).
Analysis and decision-making	<ul style="list-style-type: none"> • can demonstrate effective decision making at a senior level; • comfortable in the analysis of highly complex (including financial) information where critical/important decisions are being made; • understands the wider strategic environment and takes account of this when making decisions. 	Interview (if invited).
Knowledge and/or direct experience of the key issues	<ul style="list-style-type: none"> • knowledge/understanding of tourism and economic and social regeneration, affecting rural and island communities. 	Application and interview (if invited).

**Chair and Non-Executive Directors of the Board of David MacBrayne Limited
Applicant Information Pack**

Interpersonal and communication skills	<ul style="list-style-type: none"> • strong interpersonal skills; • ability to challenge, show tolerance and openness; • ability to represent the organisation effectively to external stakeholders and inspire, lead and motivate a diverse range of audiences internally; • ability to oversee a media strategy in line with the shareholder’s strategic objectives. 	Application and interview (if invited).
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Non-Executive Director role (Role Three)

If you are applying for this Non-Executive Director role, you must demonstrate evidence of the following:

Essential Criteria	What it means	Where it will be tested
Experience/understanding of Public Sector	<ul style="list-style-type: none"> • experience in the successful delivery of high value contracts or services; • understanding of the frameworks within which a public sector body operates. 	Application and interview (if invited).
Procurement and asset management	<ul style="list-style-type: none"> • experience of managing procurement projects. • Asset management experience relevant to the work of DML 	Application and interview (if invited).
Analysis and decision-making	<ul style="list-style-type: none"> • can demonstrate effective decision making at a senior level; • comfortable in the analysis of highly complex (including financial) information where critical/important decisions are being made; 	Interview (if invited).

Chair and Non-Executive Directors of the Board of David MacBrayne Limited
Applicant Information Pack

	<ul style="list-style-type: none"> • understands the wider strategic environment and takes account of this when making decisions. 	
Knowledge and/or direct experience of the key issues	<ul style="list-style-type: none"> • knowledge/understanding of tourism and economic and social regeneration, affecting rural and island communities. 	Application and interview (if invited).
Interpersonal and communication skills	<ul style="list-style-type: none"> • strong interpersonal skills • ability to challenge, show tolerance and openness; • ability to represent the organisation effectively to external stakeholders and inspire, lead and motivate a diverse range of audiences internally; • ability to oversee a media strategy in line with the shareholder's strategic objectives. 	Application and interview (if invited).

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

Remuneration and Expenses

The Chair receives £363.00 per day with Non-Executive Directors receiving £320.00 per day. Expenses incurred as a result of carrying out the duties of the appointment, including reasonable travel and subsistence costs and dependant carer and childcare expenses, will be reimbursed.

The appointments are non-pensionable.

Time Commitment

The Chair is expected to devote around 1-2 days per week to the role with Non-Executive Directors expected to devote up to three days per month.

Length of the Appointment

The term of appointment for both the Chair and Non-Executive Directors positions will be for three years. The Chair and two Non-Executive Directors will be appointed in Autumn 2021 with the third Non-Executive Director appointed early in 2022.

There is the possibility of reappointment subject to evidence of effective performance and having regard to the skills, knowledge, understanding and experience required by the Board at the time. Any appointments and subsequent reappointments will not extend beyond a maximum of eight years.

Location of meetings

Board meetings are usually held at the Ferry Terminal in Gourock although they can be held in locations across the network. At the moment, meetings are taking place online.

Meeting dates going into 2022 have still to be agreed.

Nationality/Disqualifications

There is no bar on non-British nationals applying for and being appointed to the board of Executive Non-Departmental Public Bodies. However, you must be legally entitled to work in the UK.

Applicants will also be ineligible to apply for this appointment if they have already served a total of eight years as the Chair or as a Non-Executive Director of the Board of DML.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

Key dates in this competition

What happens	When
Appointment publicised	5 July 2021
Closing date for applications	28 July 2021
Shortlisting meeting	August 2021
When applicants will be advised of the outcome of the shortlisting meeting	August 2021
Interviews	A number of dates in September 2021
When Ministers will decide whom to appoint	October 2021
Date applicants will be advised of the outcome	October 2021
Expected date of appointments (subject to Ministerial approval)	Autumn 2021 and early 2022

Please note that if invited to interview, it is unlikely that we will be able to offer an alternative date.

The Selection Panel

The selection panel will comprise:

- Frances Pacitti (panel chair), Director of Aviation Maritime Freights and Canals, Transport Scotland;
- Andrew Thin, Chair of the Board, Scottish Canals and the Scottish Land Commission;
- Bill Smith, Public Appointments Adviser, 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.

Where an applicant and selection panel member have a close relationship the selection panel chair has to refer the matter to the Ethical Standards Commissioner. The Commissioner can decide that the selection panel member should not be involved in the assessment of the applicant concerned and may ask the selection panel member to take no further part in the appointment round.

You will be asked to let us know in your application if and how you know any of these selection panel members. This will help us to come to a view on the appropriateness of your being assessed by one or more of them.

Guidance on submitting your evidence

How to Apply

Application will be by a letter, setting out evidence of each criterion (each criterion should use no more than 400 words) and a tailored CV (maximum two sides of A4) for the role or roles you are applying for. Anything in excess of these limits may be disregarded in assessing your application. Your letter will be supported by a short application form that captures your personal details, declarations and equalities monitoring information.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

What you put in the letter and a tailored CV will be the evidence that determines whether or not you will be shortlisted for interview. You must, therefore, demonstrate clearly the evidence required to show how you meet the criteria set for the role or roles you are applying for.

Your completed letter, tailored CV and application form should be returned by email to: pa_applications_mailbox@gov.scot by the closing date of 28 July 2021.

Evidence

You should provide clear and succinct evidence. If providing examples, you should choose the ones which best demonstrate to the selection panel what it is you did and what specifically about your approach affected the outcome. The selection panel will not make assumptions about your examples so it is important you take the time to ensure that the evidence you are providing demonstrates fully how you meet the priority and essential criteria. 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 letter, CV and application form.

Guidance on submitting your personal details, declarations and equalities monitoring information

Your letter and tailored CV will be supported by a short application form that captures your personal details, declarations and equalities monitoring information. The letter and tailored CV will not be considered if it is not accompanied by the completed application form.

Personal details

You are asked to complete the section which provides details of your name and address and other personal details. This information will be passed to the selection panel.

Declaration

You are asked to complete the section which provides details of any other involvement in public life or potential conflicts of interest, which will be explored further with you at interview and checked as part of the final assessment. This information will be passed to the selection panel.

Equalities Monitoring Information

The Scottish Government is committed to appointment on merit, and to equality and diversity in public appointments. The Equalities Monitoring information is not passed to the selection panel. However, in the event of a tie break situation in respect of the Gender Representation on Public 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.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

All information supplied will be non-attributable, completely anonymous and 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.

References

We intend to take up references, should you be successful at interview, as part of the fit and proper person test for these appointments. Please, therefore, provide the name and contact details of your current or most recent employer. If this is not possible you should provide contact details of somebody who knows you in a professional, not personal, capacity.

The details, which should include their name, position and relationship to you and contact details, should be added to your letter which sets out the evidence for the role you are applying for.

Valuing Diversity

The Scottish Ministers are committed to diversity and equality and value very highly the benefits of having different points of view and experiences on our Boards. Accordingly, it is hoped to receive applications from a wide range of talented people irrespective of their religion or belief, sex, age, gender reassignment, disability, sexual orientation, race, political belief, relationship status or caring responsibilities.

We value very highly the benefits of having different experience and points of view on our Boards. Scottish Ministers particularly welcome applications from people with protected characteristics that are currently under-represented on DML, such as women, disabled people, LGBTI+ people, those from black and minority ethnic communities and people aged under 50.

If you have a disability within the meaning of section 6 of the Equality Act 2010 and require an adjustment at any stage of the public appointments process, please get in touch with the Public Appointments Team on 0300 244 1898 or by email at public.appointments@gov.scot.

Conflicts of Interest

You are asked to complete the section which provides details of any other involvement in public life or potential conflicts of interest, which will be explored further with you at the final assessment stage. If you are unsure whether you have a conflict of interest and would like to discuss this, please contact:

- the Director of Aviation Maritime and Freight and Canals Frances.Pacitti@transport.gov.scot, or the current DML Board Chair, david.mcqibbon@davidmacbrayne.co.uk or the DML Chief Executive duncan.mackison@davidmacbrayne.co.uk.

Unsuccessful Applicants/Feedback

Applicants who are not shortlisted for interview will be advised of the outcome of their applications in writing. Subject to the number of applicants, feedback may be available on request to those who did not reach interview.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

Assessment Process

Application

Assessment will happen in two stages. Firstly the selection panel will assess the evidence you have presented against the criteria for the role or roles you have applied for. The applicants who most closely meet these requirements will be invited to attend for interview.

Interview

The final stage of assessment will be an interview with the selection panel, where you will be asked questions in order to allow you the opportunity to demonstrate that you have the skills, knowledge and experience required for the role you have applied for. Those shortlisted for interview, will also be asked to undertake an additional task. Full details will be provided to those shortlisted.

We will continue to review how the interview will be undertaken in relation to guidance on physical distancing and depending on circumstances, this may result in interviews being carried out online using MS Teams. The selection panel will be as flexible as is possible to ensure that no candidates are disadvantaged by any alternative arrangements. If candidates have any concerns or restrictions with regards to interviews, either in terms of these being carried out face to face or online, please let the Public Appointments Team know by calling 0300 244 1898; or by emailing public.appointments@gov.scot. Full details, including arrangements for holding interviews remotely by video link if appropriate, will be provided to those candidates who are shortlisted.

Social Media

For those candidates shortlisted, the selection panel may consider information available in the public domain such as a check of social media activity/posts, printed and other media. In accordance with GDPR article 6 (1) (e) this information will only be used for the purpose of this application. For successful candidates this information will be retained and destroyed five years after your appointment term ends. For unsuccessful candidates this information will be destroyed after a period of five years. Any findings in this regard may be discussed with you during the interview as part of the Fit and Proper Person tests which are detailed at pages 17-18.

Reasonable Adjustments

We will contact you to agree an interview date with you. If you require a reasonable adjustment for the interview or other assessments at this stage, please let us know when you are agreeing the interview date so that we can put arrangements in place. If the interviews are held face-to-face, we will ensure that the building where the interview is held is wheelchair accessible. We can also make a range of other adjustments, for example coloured paper, an introduction to the building where interviews will be held so that you are familiar with the layout, and adjustment of the time in the interview stage for any practical exercises. This isn't an exhaustive list and you should contact the Public Appointments Team by emailing public.appointments@gov.scot if you have any questions.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

Feedback

Feedback will be offered to all applicants who are interviewed. Feedback will be based on:

- the assessment of your merit in relation to the skills, knowledge, experience and values required by the person specification; and
- the outcome of the fit and proper person test where appropriate (see the section entitled “Ethical Standards”).

Subject to the number of applicants, feedback may also be available on request to those who were not shortlisted for interview.

Recommended Candidates

For candidates being recommended for appointment, the selection panel will provide the relevant Minister with a summary of the evidence gathered during the process. The Minister can choose to meet those applicants prior to making a decision.

Pre-appointment checks

Candidates chosen by Ministers for appointment will be required to complete a pre-appointment check called the Baseline Personnel Security Standard (BPSS). This is a security check that is designed to provide Ministers’ with assurance about a candidate’s credentials and confirm their identity and residence. Some appointments also require a Protecting Vulnerable Groups (PVG) check.

Expenses for attending interviews

Although it is likely that your interview will be undertaken online using MS Teams, if restrictions are lifted and you are invited for interview face-to-face, you can claim for reasonable expenses incurred in attending. This includes dependent carer expenses. We expect the most efficient and economic means of travel to be used and reimbursement will normally be restricted to that amount. When an overnight stay is necessary, you must contact the Public Appointments Team by calling 0300 244 1898 or by emailing public.appointments@gov.scot in advance, for confirmation of current subsistence rates. A copy of our travel and subsistence rates and claim form can be provided to you on request. If invited for interview, the rates with a claim form will be included in the letter of invitation. Receipts must be provided in support of all claims.

Potential effect on benefits

Taking up a public appointment either paid or unpaid may have an effect on your entitlement to benefits or any benefits that you are in receipt of. This will depend on your individual circumstances, the type of benefit you receive and the appointment. You should seek advice from the office that deals with your benefit. Further information can be found at www.gov.scot/publications/public-appointments-and-welfare-benefits-information/.

What happens if you are appointed?

Should you be appointed, some of the information that you have provided will be made public in an announcement about your appointment. This will include:

- your name;
- a short description of DML;

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

- a brief summary of the skills, knowledge and experience you bring to the role;
- how long you have been appointed for;
- any remuneration associated with the appointment;
- details of all other public appointments you hold and any related remuneration you receive for them;
- details of any political activity declared by you;
- a statement that the appointment is regulated by the Ethical Standards Commissioner.

Training and support

Your induction will include (but not be restricted to) the following:

- your role and responsibilities;
- role of the body and arrangements for Board meetings;
- organisational structure of DML;
- internal and external communication in relation to DML business;
- role of, and relationship with, the Scottish Government Sponsor Team and Minister;
- budget and financial information;
- arrangements for remuneration and expenses.

Board Members will be supported and appraised by the Chair on an annual basis, with the Chair being appraised by a Scottish Government official. The Chair will also conduct a Board Effectiveness annual appraisal each year.

The Scottish Government's generic guide on the duties of board members of public bodies "*On Board*" will be made available to you. You can also download it from www.scotland.gov.uk/Topics/Government/public-bodies/On-Board. This guide is intended to help you in fulfilling your duties throughout the period of your appointment.

The Fit and Proper Person Test

Scottish Ministers and the public must feel confident that people to be appointed to the Boards of public bodies are fit and proper persons to take up these positions. In the context of public appointments a Fit and Proper Person is an individual who is 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 your application in relation to the skills, knowledge and experience required for the position, and further probe your evidence at interview if you're invited.
- If applicants provide information in support of meeting any of the criteria which details roles or qualifications held which is material to the selection panel's decision making, this information may be checked as part of the final assessment.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

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.

Determining that the applicant's appointment is not barred by reference to the constitution of the body concerned by way of, for example, criminal offences or other relevant matters:

- Information on disqualifications is provided in this pack material and you are asked to review this prior to submitting your application. We will confirm that you are not disqualified from taking up the role 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 and be bound by the members' code of conduct:

- You are expected to be bound by the DML Conduct and Standards policy and to apply the Principles of Public Life in Scotland if appointed. If you are invited to interview you will be asked to confirm your understanding of, and agreement to, the application of these principles.
- Confirmation that you have read the Conduct and Standards policy, that you understand it and agree to be bound by it in the event that you are appointed forms part of the declaration statement of the application form. By virtue of submitting the completed form you are declaring that the information provided is, to the best of your knowledge and belief, true and complete.
- Applicants are expected to embrace the nine Principles of Public Life in Scotland. These are included in this pack at pages 19-20. If invited to the final assessment stage, you will 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 11. If you're invited to interview you'll be asked whether you can meet this commitment.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

Lobbying

Appointees should be aware of the terms of the Lobbying (Scotland) Act 2016 as these may apply to their communications with MSP's, Scottish Ministers, Special Advisers and the Permanent Secretary who are covered by the terms of the Act. Applicants are expected to familiarise themselves with their obligations under the Act. For more information see www.lobbying.scot/.

Complaints

This appointment is regulated by the Ethical Standards Commissioner. If you have concerns with the way in which this appointment round was conducted, please contact the Public Appointments Team on 0300 244 1898 or email at publicappointmentcomplaints@scotland.gsi.gov.uk. Alternatively, details of our complaints procedure, can be found on the Appointed for Scotland website www.gov.scot/publications/public-appointments-making-a-complaint/.

The Commissioner's leaflet is included at the end of this information pack and provides more information on his regulatory role in relation to public appointments and about taking unresolved complaints further.

Please note that there is no appeal process.

The Principles of Public Life

People who wish to be appointed to roles in public life have to pass a Fit and Proper Person test which is described in more detail above. The Principles of Public Life in Scotland are as follows:

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.

Chair and Non-Executive Directors of the Board of David MacBrayne Limited Applicant Information Pack

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.

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
T: 0300 011 0550

contact
SCOTLAND
BSL



Public Appointments



Please contact us to find out more about this and other public appointments.

Public Appointments
Scottish Government
Area 3F (North)
Victoria Quay
Edinburgh
EH6 6QQ

Website: www.appointed-for-scotland.org
Email: pa_applications_mailbox@gov.scot
Telephone: 0300 244 1898

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