

**Appointment of  
Non-Lawyer and Lawyer Members**

**of the Board of**

**Scottish Legal Complaints Commission**

**Closing date for applications: 28 July 2022 at 5 pm**

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| --- | --- |
| **Applicant Pack** | **Page** |
| Welcome letter | **3** |
| Information about Scottish Legal Complaints Commission (SLCC) and the role | **5** |
| Time commitment | **8** |
| Remuneration and length of term | **9** |
| Person specification | **10** |
| Key dates in the competition | **14** |
| Disqualifications and nationality | **14** |
| Reasonable Adjustment | **14** |
| Conflicts of interest | **14** |
| Lobbying | **14** |
| Selection panel | **15** |
| Application process | **15** |
| Gender Representation on Public Boards (Scotland) Act 2018 | **16** |
| Valuing diversity | **16** |
| Expenses for attending interviews | **17** |
| The fit and proper person test | **17** |
| Assessment process | **18** |
| Pre-appointment checks | **18** |
| Training and support | **18** |
| Complaints | **19** |
| The Principles of Public Life in Scotland | **19** |
| Ethical Standards Commissioner | **21** |
| Scottish Government Public Appointments | **22** |

**Welcome Letter from Chair**

Thank you for considering applying to be a Member of the Scottish Legal Complaints Commission (SLCC) Board. Our legal and lay Board Members play an essential dual role at the SLCC: being members of a Board that ensures the good governance of the organisation, and members of Determination Committees, making important decisions on individual complaints.

Have a look round our website to find out more about the work of the SLCC in resolving and determining complaints early, efficiently and effectively and, in recent years, improving complaint handling across the legal professions: <http://www.scottishlegalcomplaints.org.uk>. You will find case studies of the issues we deal with, and examples of the impact our decisions can have.

**Why join us?**

As Chair, there are perhaps four reasons which I believe make this an exciting and rewarding time to join the SLCC:

1. **Renewal:** The Coronavirus situation has had a huge impact for individuals and for the legal sector, but the SLCC moved swiftly to digital and remote working, and continued to provide all our services throughout lockdown and what has followed. You will assist the organisation build further on this strong base, adapting to, and creating, a new future based on what we have learnt, and considering our IT and property needs (in light of an elective break clause in our lease in 2023).
2. **Improvement:** Throughout my time as Chair there has been an ambitious programme of process improvement, delivering real changes within the confines of the existing legislation. This included a move to ‘remote’ decision making on many cases, and investment in IT, all which proved fortuitous as the events of 2020 unfolded. However, there is always more to be done and a need to focus on efficiency and cost, and on quality, customer service and access for vulnerable consumers. You will work with a motivated and experienced executive team to set ambitions and assess progress.
3. **Impact:** You will join an organisation where your view matters and count. We have a diverse Board and staff, and believe in the value of discussion, different viewpoints, and constructive challenge. Diversity can come from your identity (gender, race, etc.), your thinking style, work experience, or your lived experience. As a smaller organisation your views in Board meetings will directly and immediately influence our work, culture, and how we engage with stakeholders. In Determination Committees your decisions will help clients resolve concerns and achieve redress, or assist lawyers in bringing closure to a concern which may have been raised genuinely but where the lawyer has delivered appropriate work.
4. **Reform:** There is the potential for significant legislative reform of complaints handling and regulation. The SLCC has been at the forefront of the debate, and many of our proposals influenced the outcome of a recent independent review. You will have the opportunity to influence the system for the next generation of lawyers and the public.

There is so much else we are proud of, from our successful outreach programme with the legal profession which sees us meet hundreds of lawyers each year, to our Independent Consumer Panel which aids our work. Or, from our focus on early consensual resolution (without a formal determination) to our nationally respected mediation service. All of this focussed on impartial, independent and fair complaint handing.

In addition we believe successful applicants will have a chance to build their governance skills in a smaller public body and to build their networks in the justice, ombudsman, regulation and public body sectors.

**Who we are looking for?**

The SLCC has two types of Member – lawyer and non-lawyer, with a majority of non-lawyer members. Lay members bring expertise from a number of different professions and sectors, and different life experience, and help ensure the SLCC is independent of the legal sector and credible to consumers. Legal members bring sectoral and transactional knowledge, and have a specific role in chairing Determination Committees. All member play an equal and valuable role in the scrutiny and the governance of the organisation. More details of the role are provided later in this information pack.

Previous Board experience is not a requirement of this appointment, and whilst we will look for some candidates with Board experience, we value those who can bring diversity of thought – be this from different professional and work experience, different identity, or different lived experience. We support many vulnerable complainers and lawyers facing the pressure of a complaint against them, and need to ensure we can reflect different needs of different users of our services. A full induction will be provided, alongside ongoing training and a collegiate and supportive Board and management team.

If you want to hear directly what it’s like to be a Member at the SLCC, please contact our Chief Executive Neil Stevenson, who can also arrange a chat with one of our current Members. Neil can be contacted at [Neil.Stevenson@scottishlegalcomplaints.org.uk](mailto:Neil.Stevenson@scottishlegalcomplaints.org.uk). Discussions are confidential and do not form part of the selection process.

If all of this sounds interesting, and you think you could contribute, please apply. It is not uncommon to later meet a ‘perfect’ candidate, who talked themselves out of applying because they assumed others might be a closer fit. Any Board is a team, and in this exercise in particular, with seven positions available, we are looking for a wide range of complementary and contrasting experience to help us deliver our role, and lead our ongoing improvement. So please apply.

Yours sincerely

**Jim Martin**

**Chair, SLCC**

**Information about the Scottish Legal Complaints Commission (SLCC)**

The Scottish Legal Complaints Commission (SLCC) is an independent statutory body providing a single point of contact for all complaints against legal practitioners operating in Scotland. The SLCC investigate and resolve complaints about inadequate professional services; refer conduct complaints to the relevant professional body and have oversight of complaint handling across the profession.

The SLCC operates independently of the legal profession and government and aims to resolve complaints early, efficiently and effectively and to improve complaints handling across the profession. Through this work we aim to improve trust and confidence in Scottish legal services.

There is a strong focus on early resolution, resolving cases without using our formal investigative or determination powers. A significant majority of cases are resolved after conciliation work by the SLCC lets the parties resolve the matter consensually, or through mediation.

The introduction of the [Legal Profession and Legal Aid (Scotland) Act 2007](http://www.legislation.gov.uk/asp/2007/5/contents) (the “2007 Act”) created the Scottish Legal Complaints Commission and the organisation opened for business on 1 October 2008. The [annual report and accounts](https://www.scottishlegalcomplaints.org.uk/search?search=annual+report+) has key facts and figures about our case numbers and outcomes, providing a useful summary and overview of the work of the SLCC.  Our [website](http://www.scottishlegalcomplaints.org.uk/) has more detail on all aspects of our work.

In the spring of 2020 the SLCC consulted extensively on a [new strategy](https://www.scottishlegalcomplaints.org.uk/consultation) for the organisation (to cover the period 2020 to 2024) and received feedback from a range of legal and consumer bodies, and on 1 July 2020 launched our new approach (although adapting our specific workplans to take account of the Coronavirus situation and the impact on the sector and users of legal services). Details of the strategy (and the first year’s operating plan and budget) are available on the SLCC’s website. The strategy is a significant milestone, representing a continuing commitment to the SLCC’s independent adjudication of complaints, but with a greater focus on customer service, quality, and an ongoing move to digital working.

As a public body, the SLCC is subject to [freedom of information](https://www.scottishlegalcomplaints.org.uk/contact-us/freedom-of-information/), [standards in public life](http://www.ethicalstandards.org.uk/) and [The Human Rights Act 1998](http://www.legislation.gov.uk/ukpga/1998/42/contents). However, we receive no public money and are responsible for our own finances, including setting our own [annual budget](https://www.scottishlegalcomplaints.org.uk/about-us/how-we-are-funded/our-budget). SLCC’s funding comes from the legal profession in Scotland through a levy, collected by the Relevant Professional Organisations; the [Law Society of Scotland](http://www.lawscot.org.uk/), the [Faculty of Advocates](http://www.advocates.org.uk/) and the [Association of Commercial Attorneys](http://www.commercialattorneys.org.uk/).

[Board Members](https://www.scottishlegalcomplaints.org.uk/about-us/who-we-are/our-board/) are appointed by Scottish Ministers in consultation with the Lord President of the Court of Session. Details of [Senior Staff](https://www.scottishlegalcomplaints.org.uk/about-us/who-we-are/senior-staff) are also available on SLCC’s website.

**The role of the board member**

Members play an essential dual role at the SLCC. In addition to forming the Board of the SLCC, they also make important decisions on individual complaints. Members can be involved at the start when considering if a complaint is one the SLCC can accept (this work is done by a single member acting alone, and at a time of your choosing). They are also involved at the end of the process when they make determinations to uphold, uphold in part or not uphold complaints (some of this work is done remotely at a time of your choosing within a given window, some will involve scheduled meetings or video conference calls).

The Board’s work covers all the elements of governance present in any organisation – reviewing financial statements, key performance indicators, progress with approved projects, risk registers and risk appetite, health and safety arrangements, and the overall performance of the organisation.

In addition to the Board, there are three formal committees which Board members sit on: Audit and Risk Committee, Remuneration Committee, the Health and Safety Committee. There will be other informal groups and working parties from time to time.

Board members are also involved in setting the organisation’s views on key policy issues affecting our work. An independent review of legal regulation reported findings in October 2018, and it adopted many recommendations from the SLCC. Since that time the SLCC has been part of the Scottish Government working party looking a consultation options for new legislation, and the Board will continue to be engaged in making proposals, engaging stakeholders, and responding to future consultations on detailed proposals for reform. New types of legal business, and new types of legal complaint, are soon to be authorised and members will be involved in finalising SLCC policy and progress in this area.

**Complaint handling**

Complaint handling does, of course, form the core part of SLCC’s work. Each year the SLCC receives around 1,200 complaints from members of the public and around half of those are resolved or accepted on for further investigation. Around 140 complaints per year progress to a full Determination Committee. The SLCC is a reactive service, last year complaints dropped a little due to the impact of the Coronavirus and the lockdown. In the previous four years complaints had increased. In both their Board and Determination roles members and the executive team must work to ensure incoming business can be dealt with fairly and appropriately.

Common areas of law are conveyancing, family, litigation, criminal and will and executries. Common issues relate to failure to communicate clearly, failure to provide important information, failure to give adequate advice and delays. All cases are assessed against the standards from the relevant professional bodies, our own statutory guidance, and our own policy guidance (for example, a ‘tariff’ for distress).

Because of this varied role, SLCC Members are offered a full induction along with regular training. They are supported by the management team, clerks and investigators, and the other staff of the SLCC.

**Review of Regulation of Legal Services**

As previously mentioned an independent review of the regulation of legal services was announced by the then Minister of Community Safety and Legal Affairs, Annabelle Ewing on 25 April 2017.

As the gateway for all legal complaints in Scotland, and with experience of over 13,000 cases, the SLCC had been lobbying for reform, and made significant proposals as to what that reform should look like, through our [***#ReimagineRegulation***](https://www.scottishlegalcomplaints.org.uk/reimagine-regulation.aspx) work. Whilst the 2007 Act the SLCC operates under represented a step forward at the time, many elements have not worked as intended, and overall the lack of flexibility in the process, particularly in relation to simple complaints, creates a process more costly than it needs to be. The SLCC was open about these issues, and drew on best practice in other sectors and its own data to propose solutions.

The review was chaired by Esther Roberton, and the SLCC had representation on the review panel, and submitted further evidence during the process – again available on our website following the ***#ReimagineRegulation*** link above.

[The findings](https://www2.gov.scot/Resource/0054/00542583.pdf) were published in October 2018. Many of these supported the SLCC’s view, including that the current system was not fully fit for purpose and needed reform. [A response from the Scottish Government](https://www.gov.scot/publications/scottish-government-response-fit-future-report-independent-review-legal-services-regulation-scotland/) was published in June 2019 welcoming the findings, but highlighting polarised views on them. To try to build greater consensus, Scottish Government formed a working party to develop options for further consultation, and the SLCC has two representatives on this group. A further consultation was issued in December 2021, we are currently waiting on the outcome.

**Further information**

For further information about the body and the role, please contact Neil Stevenson, Chief Executive at [Neil.Stevenson@scottishlegalcomplaints.org.uk](mailto:Neil.Stevenson@scottishlegalcomplaints.org.uk) . You can also find out more about SLCC at website at <https://www.scottishlegalcomplaints.org.uk/>.

Duties and responsibilities

Please refer to the [principles of public life](https://www.ethicalstandards.org.uk/publication/code-practice#annex-one-%E2%80%93-the-principles-of-public-life-in-scotland) these apply to all members of public body boards.

Further information about how a board member should discharge their duties is provided here: [On Board A Guide for Board Members of Public Bodies in Scotland](file:///C:\Users\berna\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\V57USG4E\On%20Board%20A%20Guide%20for%20Board%20Members%20of%20Public%20Bodies%20in%20Scotland)

**Time Commitment**

In total, the time commitment for all work will be:

* around 14 days of fixed attendance (meeting or video calls, although with each meeting usually being a half day).
* around 8 days of work you can complete at home, at a time to suit yourself, and usually in one or two hour blocks.

This broken down into the following:

**Formal board meetings and informal workshops**

* There are usually six formal Board meetings a year.  These take place on a Tuesday morning.
* Four of the formal meetings focus on quarterly performance data, and two on other key elements of the governance cycle (budget and planning, and annual accounts), alongside other agenda items occurring.
* In addition, there are around eight informal Board workshops a year, generally these take place on a Monday (prior to the formal Board on Tuesday), but two support long-term planning and take place separately.  The workshops allow wider discussion, provide any requested training or development, and allow open policy discussions at an early stage of development. They also ensure regular contact for the Board.
* Meetings are usually held in Edinburgh, however, in line with current Scottish Government health guidelines for tackling Covid-19, meetings are currently held remotely via video conferencing. We are currently considering how to manage physical attendance at meetings in the future but we encourage applications from all areas of the country.

**Committees and working parties**

* Committees (Audit, Remuneration, Health and Safety) meet three to four times a year.
* Members may serve or one or two committees.
* There is occasional use of working parties, but these have always been for two or three meeting to deliver a specific outcome, and are not a standing commitment for members.
* Some of this business may well continue by video conference even after restrictions reduce.

**Determination work involves:**

* Eligibility decisions (single member) – working alone, in your own time, on a single ‘sift’ decision approximately six to eight cases per quarter
* Remote Determination Committees (3 members) (RDC) - working alone, in your own time, on one to five cases approximately) eight or nine times per year
* Determination Committee Meeting (3 members) (DCM) – physical or video conference meeting, on one to six cases, approximately five or six times per year

Holidays can be accommodated for this work. In the first year, attendance may be a little higher to support initial induction and training.

**Length of the Appointment**

Appointment will be for a single term of five years. Thereafter you can only apply to be on the Board again after a minimum gap of three years. No re-appointments are made to the SLCC Board.

If appointed you will be expected to take up your position on either **1 January 2023.**

**Remuneration and Expenses**

**Members** receive **£219.92** 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 appointment is non-pensionable.

**Person Specification**

**Do you want to play your part to develop good professional legal practice in Scotland?**

To enable the SLCC Board to work effectively and efficiently it is vital we have people with a variety of skills and experience from all walks of life – previous board experience is **not** required. The SLCC need members with certain specific skills and personal qualities. You may have gained your experience / knowledge by working, being active in your community, in a voluntary capacity or just through your own personal life experience – we have explained exactly what we will be looking for and how they will be tested in this section.

Scottish Ministers particularly welcome applications from people with protected characteristics that are currently under-represented on the Boards of public bodies such as: women, disabled people, LGBTI+ people, those from minority ethnic communities and people aged under 50. Specifically for the SLCC, applications from people who reside outwith the Central Belt of Scotland would be welcomed. Travel commitments are minimised by the regular use of video conferencing for many meetings.

This appointment round seeks 1 lawyer member and 1 non-lawyer member to begin their appointment on **1 January 2023**.

The lawyer member must have practiced for at least **ten years** within any, or any combination, of the following categories:

* Solicitors
* Advocates
* Conveyancing or Executry practitioners
* Persons exercising a right to conduct litigation or a right of audience acquired by virtue of section 27 of the  
  Law Reform (Misc Provisions) (Scotland) Act 1990

In practice non-lawyer members become familiar with the Commission’s processes for handling complaints, consider their appropriateness and make recommendations for their improvement, if applicable and will act objectively and impartially in determining complaints.

Lawyer members Chair the Determination Committees, and any subsequent meetings of the committee, to ensure complaints are determined objectively and impartially by the Committee and that proper process is followed and that sufficient reasoning is developed.

**Lawyer Member role only**

To apply for the **Lawyer Member** role you must be able to demonstrate the following priority skills/experience.

|  |  |  |
| --- | --- | --- |
| **Priority skills/experience** | **What does this mean?**  **The panel is looking for evidence that most closely matches the following:** | **How will this be tested?** |
| **Solicitor, advocate, conveyancing practitioner or executry practitioner, persons exercising a right to conduct litigation or a right of audience experience** | * You must have practiced for at least 10 years in any or a combination of these roles. | You will be asked to provide an overall statement, in no more than **300 words**, that demonstrates how you have gained and used this experience.  You will also be asked questions about your experience of this if invited to interview. |

**Lawyer Member and Non-Lawyer Member roles**

Successful candidates will be able to **meet all of the following essential** criteria:

|  |  |  |
| --- | --- | --- |
| **Essential criteria** | **What does this mean?**  **The panel is looking for evidence that most closely matches the following:** | **How will this be tested?** |
| **Understanding of governance** | * Understanding can be gained from within the public or private sector or through involvement within a charity or a member of a committee * Understands what governance is and be able to define this in very broad terms but no need for any direct experience * Appreciate the board’s role in ensuring effective governance | In the application you will be given **300 words** to provide a statement to demonstrate this criteria.  During the **interview**, we will be asking you to give us some practical examples to demonstrate your understanding of governance. |
| **Good communication skills** | * Being focused and succinct in your communication with good listening skills. * Able to adapt your style appropriately for different situations. * Good written skills. | We will assess your written skills from the completion of your written application.  We will assess your oral skills at the interview. |
| **Analysing information and good decision making ability** | * Ability to make sound decisions using complicated and sometimes conflicting information. * Demonstrate how you arrived at a rounded and considered judgement. * Ability to defend decisions made. | In the application you will be given **300 words** to provide a statement to demonstrate this criteria.  During the **interview**, we will be asking you to give us some practical examples to demonstrate this criterion. |
| **Challenging the decisions of others in a constructive and supportive way.** | * Confident in questioning evidence and debating issues. * Ability to express your opinions constructively in a group setting * Ability to change the status quo and encourage new thinking | In the application you will be given **300 words** to provide a statement to demonstrate this criteria.  During the **interview**, we will be asking you to give us some practical examples to demonstrate this criterion. |
| **Working collaboratively and constructively within a team.** | * Ability to reach consensus, even if it goes against a personal view * Ability to build and maintain relations within the organisation or other groups | In the application you will be given **300 words** to provide a statement to demonstrate this criteria.  During the **interview**, we will be asking you to give us some practical examples to demonstrate this criterion. |
| **Recognition of the need to reflect and promote diversity** | We need someone who:   * Values and promotes diversity * Identifies and respects other peoples' values or opinions | In the application you will be given **300 words** to provide a statement to demonstrate this criteria.  During the **interview**, we will be asking you to give us some practical examples to demonstrate this criterion. |

For both roles, applicants will be asked to provide a brief career/role history (to help contextualise the evidence provided). This should be **no more than 2 pages.**

**Before you apply**

Please consider the following requirements

**Nationality/Disqualifications**

Non-British nationals can apply for and be appointed to a public body board but they must be legally entitled to work in the UK.

By virtue of the [Scottish Parliament (Disqualification) Order 2020](https://www.legislation.gov.uk/sdsi/2020/9780111046029), a member of the Scottish Parliament may not also hold a public appointment for public bodies listed in the schedule to that order. If applying for a Scottish public appointment, former ministers and senior crown servants (director general level and above) should seek advice from the [Advisory Committee on Business Appointments (ACOBA).](https://www.gov.uk/guidance/new-business-appointments-for-senior-public-servants)

Applicants will also be ineligible to apply for this appointment if they have already served a total of five years as the Chair or a Member of the Scottish Legal Complaints Commission Board.

**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 Catherine Devlinat [catherine.devlin@gov.scot](mailto:catherine.devlin@gov.scot).

**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/](http://www.lobbying.scot/SPS?AspxAutoDetectCookieSupport=1).

**Reasonable Adjustments**

If you require a reasonable adjustments 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](mailto: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](mailto:public.appointments@gov.scot).

The appointment process

**Key dates in this appointment round**

|  |  |
| --- | --- |
| **What happens** | **When** |
| Appointment publicised | 1 July 2022 |
| Closing date for applications | 28 July 2022 |
| Shortlisting meeting | 10 August 2022 |
| When applicants will be advised of the outcome of the shortlisting meeting | 12 August 2022 |
| Interviews | 23/24/25 August 2022 |
| When Ministers will decide whom to appoint | By 31 October 2022 |
| Date applicants will be advised of the outcome | 31 October 2022 |
| Expected date of appointment (subject to Ministerial approval) | 1 January 2023 |

**The Selection Panel**

The selection panel will comprise:

* **Neil Rennick, Director of Justice, Scottish Government**
* **Jim Martin, Chair, Scottish Legal Complaints Commission**
* **Jan Marshall, Independent Panel Member, former Deputy Director, Civil Law and Legal System, Scottish Government**
* **Dr. Bernard Horsford, 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.

**How to apply**

Our dedicated public appointments website allows you to apply online: [Appointment Listings at Scottish Government (icims.com)](https://pa-scottishgovernment.icims.com/jobs/search?hashed=-625948220&mobile=false&width=1140&height=500&bga=true&needsRedirect=false&jan1offset=0&jun1offset=60)

There is a two stage application process. First of all, please click on the **Apply for this job online** link at the top right hand side of the advert in our online portal, where you should complete contact details, monitoring information and declaration of interest. The second stage is to download and complete the Application Form, a link to which can be found in the advert. Your completed application form should be emailed to [PA\_Applications\_Mailbox@gov.scot](mailto:PA_Applications_Mailbox@gov.scot) with ‘SDS application’ in the title of the email.

**Applications should be submitted by 5 pm on 28 July 2022.**

If you experience any difficulties, please contact the Public Appointments Team by calling 0300 244 1898 or by emailing [Public.appointments@gov.scot](mailto:Public.appointments@gov.scot).

**Your Application**

Assessment will happen in two stages. Firstly the selection panel will assess the evidence you have presented against the criteria that are being tested at this stage. The applicants who most closely meet these requirements will be invited to attend for interview.

Your application is the key document which will determine whether or not you will be invited for interview. You must, therefore, be able to demonstrate how you meet the priority, essential and desirable criteria as laid out in the person specification.

**Self-Assessment – Suitability**

Please note that we may contact you to seek clarification or further information on the contents of your application.

Please study the person specification. You will see that we are asking you to demonstrate that you have the skills, knowledge and experience that have been identified as being priority and essential for this role. When asked to provide examples, please draw on those from your working and/or personal life, or through your participation with a private, public, voluntary or community organisation.

Further information and examples on completing a competency based application form, and advice on preparing for an interview, can be found here: [www.gov.scot/collections/public-appointments](http://www.gov.scot/collections/public-appointments).

**Anonymised Applications**

As we are seeking anonymised applications, your personal details will not be shared with the selection panel during the shortlisting stage. Please do not worry about referring to named events/activities and employment in your application. It is accepted that there will be situations where this is necessary. It is left to the individual’s judgement and disclosure of such information will not count against you.

**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 or checked as part of the final assessment.

**Equalities Monitoring Form**

The Scottish Government is committed to appointment on merit, and to equality and diversity in public appointments. Information from the monitoring information is not shared with 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.

All information 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.

**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 chose 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) Guidance on the Act is [available here.](https://www.gov.scot/publications/gender-representation-public-boards-scotland-act-2018-statutory-guidance-2/)

The Scottish Legal Complaints Commission already meets the ‘gender representation objective’.

**Equality and Diversity**

The Scottish Government is committed to appointment on merit, diversity and equality for public appointments.

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 the Board of SLCC, such as disabled people, LGBTI+ people, those from minority ethnic communities and people aged under 50.

If you have a disability as defined in 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 Scottish Government Public Appointments Team by telephoning 0300 244 1898 or by email at [public.appointments@gov.scot](mailto:public.appointments@gov.scot).

**Interview**

The final stage of assessment will include 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.

**Expenses for attending interviews**

You can claim for reasonable expenses. 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 telephoning 0300 244 1898 or by emailing [public.appointments@gov.scot](mailto: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. Receipts must be provided in support of all claims.

**The Fit and Proper Person Test**

Scottish Ministers and the public must feel confident that the people appointed are fit and proper persons to take up these positions. The appointments process will assess applicants suitability against the [nine principles of public life in Scotland](https://www.ethicalstandards.org.uk/publication/code-practice#annex-one-%E2%80%93-the-principles-of-public-life-in-scotland).

The panel will check that:

* Conduct to date has been compatible with the public appointment;
* There are no inappropriate or unmanageable conflicts of interest;
* There is no bar to appointment by a requirement set out in the constitution of the body;
* That applicants can meet the time commitment.

**Social media checks**

The selection panel may consider information available in the public domain such as a check of social media activity/posts, printed and other media for those who are invited to interview. The selection panel will discuss this as part of the ‘fit and proper person checks.’

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.

**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;
* the outcome of the fit and proper person test **where** appropriate.

**Recommended Candidates**

Scottish Legal Complaints Commission members are appointed by Scottish Ministers after consultation with the Lord President of the Court of Session, in accordance with Schedule 1, para 2 of the Legal Profession and Legal Aid (Scotland) Act 2007 and on the advice of a selection panel.

Following the interviews, the Chair of the selection panel will provide information on the selection process, the selection panel’s recommendations and a copy of the candidate summaries to the Lord President. Thereafter, Scottish Ministers will be provided with the same information, along with the Lord President’s views to make an informed decision on whom to appoint. The appointing Minister can choose to meet candidates prior to making a decision.

**Pre-appointment checks**

Candidates chosen by the Minister for appointment will be required to complete a pre-appointment check which will include checks of residency, identity documents and a [Disclosure Check](https://www.mygov.scot/disclosure-types). Some appointments also require a [Protecting Vulnerable Groups check (PVG)](https://www.mygov.scot/pvg-scheme?via=https://www.disclosurescotland.co.uk/disclosureinformation/pvgscheme.htm). There is a small cost for these checks but this will be reimbursed by the board.

**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 SLCC;
* 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 SLCC;
* internal and external communication in relation SLCC 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 ongoing basis.

**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](mailto:publicappointmentcomplaints@scotland.gsi.gov.uk).

Details of our complaints procedure, can be found on the Appointed for Scotland website [www.gov.scot/publications/public-appointments-making-a-complaint/](http://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.

**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 below. 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.

**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.

**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.

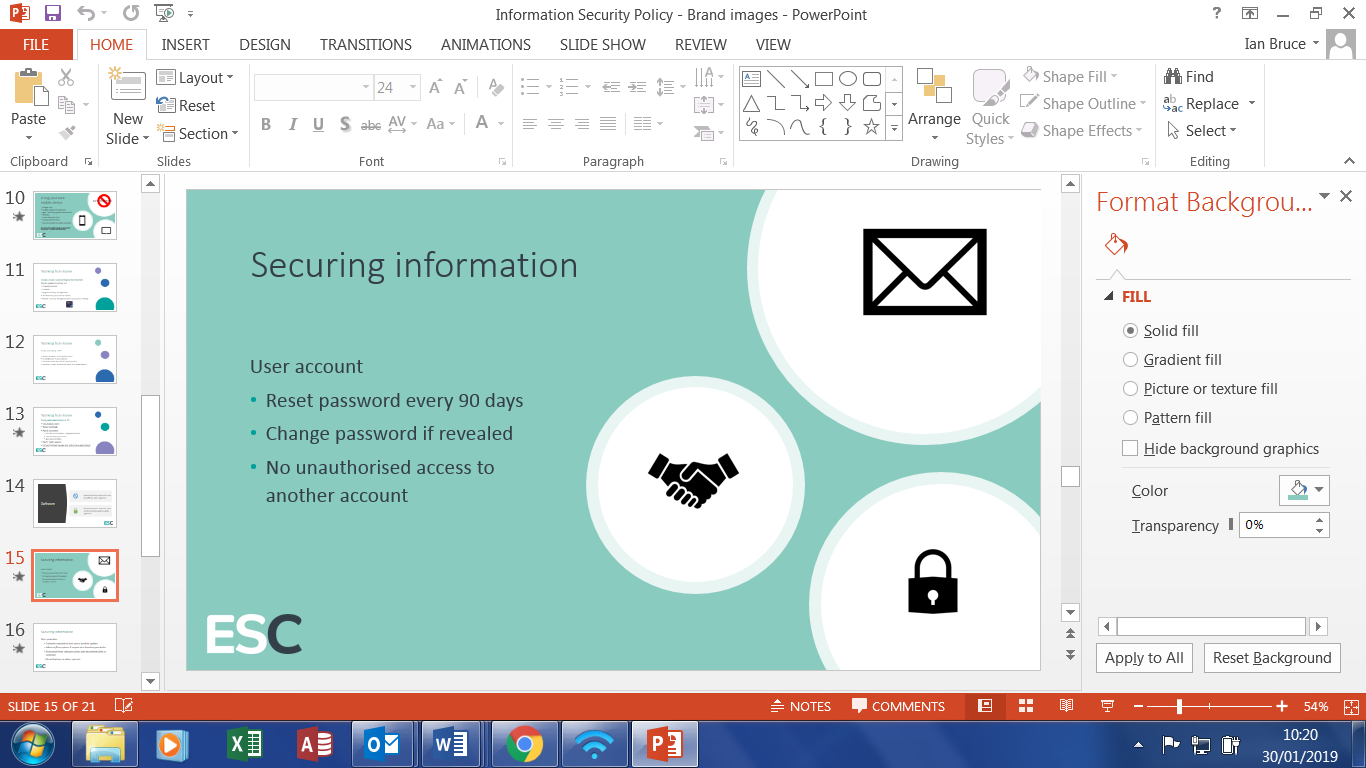
This leaflet is sent to everyone who applies for a regulated public appointment in Scotland so that they know that the process is regulated and what to do if things go wrong.

**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 E: appointments@ethicalstandards.org.uk**

**91 Haymarket Terrace T: 0300 011 0550**

**Edinburgh**

**EH12 5HE**

[Public Appointments](http://www.appointed-for-scotland.org/)



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

[www.appointed-for-scotland.org](http://www.appointed-for-scotland.org/)

[pa\_applications\_mailbox@gov.scot](mailto:pa_applications_mailbox@gov.scot)

Telephone: 0300 244 1898

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