

# Ethical Standards Commissioner

## Q&A for regulation of public appointments

This information will help you understand what a regulated public appointment is, the role of the Ethical Standards Commissioner and what to expect during the application process. We also provide information on how to request feedback or make a complaint.

### What is a public appointment?

It is a Ministerial appointment to the Board of a public body. Public bodies play an important role in performing certain functions on behalf of, or alongside, the Scottish Government. Not every appointment to a public body is regulated – this is determined by law. Where an appointment is regulated, it is overseen by the Ethical Standards Commissioner who play an important role in the process, and we keep an updated list of [regulated bodies](#) on our website.

### What are the roles of the Commissioner and the Government?

The role of the Ethical Standards Commissioner is to monitor and regulate the process used to make appointments to the boards of Scotland's public bodies. We seek to ensure that it is done in a way that is fair, open and based on merit.

We do not run the appointments process.

The appointments process and final selection is made by Scottish Ministers. The Scottish Government has a dedicated Public Appointments Team, who organise and run appointment rounds on the Minister's behalf, to select the most appropriate people to serve as board members.

All current vacancies are available on the [Scottish Government's Public Appointments website](#). You can also register your interest in upcoming appointments and apply through the [Scottish Government website](#).

### What is the Code of Practice?

The [Code of Practice for Ministerial Appointments to Public Bodies in Scotland](#), produced by the Ethical Standards Commissioner, is an important tool in securing the appointments of the right people for the right roles. Every appointment should comply with the Code of Practice, and any [formal guidance](#) issued by the Commissioner. If it doesn't comply in a material way then the Commissioner has to report that to the Scottish Parliament.

The Code is rooted in good practice in recruitment and selection. It is intended to help selection panels design appointment rounds that deliver the skills, knowledge and experience needed as well as being welcoming and accessible to people from all backgrounds. A new Code was published in 2022 and is focused on enabling more creative and ambitious approaches to attracting and appointing the best new board members from the widest possible pool of applicants.

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The new Code is based on the following principles: **Merit; Accountability; Openness, Transparency and Integrity; Equality, Diversity and Inclusion; Respect.** Each of the principles is intended to contribute to an appointments process that is focussed on successful outcomes, meaning a good appointment that meets the needs of the board and increases diversity.

## What are Public Appointment Advisers?

[Public Appointment Advisers](#) (PAAs) are appointed by the Commissioner. Like the Commissioner, they are independent of and do not answer to Ministers or public bodies. Before an appointment round commences, the Commissioner decides on the involvement (or oversight) that the assigned PAA will have. The assigned oversight is based on a range of factors, including the body and its functions. Depending on the oversight level assigned, PAAs can provide support to the selection panel during the planning phase or they can provide support as a full selection panel member.

## What should you expect when applying for a regulated appointment?

During the appointments process you can expect to be assessed against the requirements set out in the person specification published in the application pack. It is only the requirements outlined in the person specification that will be assessed and considered. The application pack and any associated publicity material will be clearly drafted using simple and easy to understand language. A fit and proper person test will be carried out to ensure you are a suitable candidate, although the form that the fit and proper person test takes may vary between rounds. You can also expect a clearly outlined timeline of activity for each appointment round, such as interview date(s) which should allow you to plan your time.

If you are successful, your appointment will be announced publicly on the [Scottish Government's Public Appointments webpage](#).

It is important to remember that every round will be different. For example, every board will have its own set of needs and skillsets, specific to their current board makeup and strategic priorities. The number of selection panel members can vary, and an individual panel member may also be appointed to provide a fresh perspective or to represent a group with a specific interest. Sometimes the appointing minister will wish to meet with short-listed applicants, but this won't always happen.

Most importantly, the principle of 'Respect' for applicants, detailed in the Code of Practice, should mean that the applicant journey from application to, where successful, appointment and induction should be a positive experience. Even if unsuccessful, you should feel that the time you have spent on applying has been appreciated.

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## How do I receive feedback on my application?

The provision of meaningful feedback to people is a key element of the principle of Respect in the Code of Practice. If you apply for a post and are not invited for interview, you can request feedback on your application within a specified time limit. All interviewees should be given feedback on their performance on request. This feedback should be constructive and specific to your experience.

## How do I make a complaint?

If you are unhappy with your experience during a recent appointment round, have concerns about the process or if you believe an appointment has not been made appropriately, you can raise a complaint. Complaints should be [raised with the Scottish Government](#) in the first instance so that officials have a chance to respond. If you are unhappy with their response you can ask the Commissioner to investigate for you.

If you would like any advice before raising a formal complaint, please [contact us](#) using the details provided on our website. You can also read in more detail about the way in which we deal with complaints on our website. We can send you this in another format if you would prefer.

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