

Iain Donald
request-727312-b7bb3b7f@whatdotheyknow.com

Our Reference: 202100157648

12 March 2021

Dear Iain Donald,

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 15 February 2021 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for;

- 1. Did Robert Scott declare that he is a Director of the USA based National Fire Protection Association?
- 2. Did Robert Scott declare that he is a Director of his personal consultancy company Ribband Star Consultancy Ltd?
- 3. When the new HMIFS position will he be permitted to continue his Directorship role in the above Companies?
- 4. What was the application process for the appointment?
- 5. Who was on any interview panel and on any other meetings held in relation to the post, who was part of the selection process?
- 6. How many applicants applied for the position and how many were shortlisted for the post.
- 7. Please provide a copy of the contract of employment for Robert Scott?
- 8. Please provide the criteria for which all applicants were scored against for the role of HM Chief Inspector.
- 9. Please provide a copy of the Person Specification, Job Description and Advert for the position.

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Response to your request

I enclose a copy of some of the information you requested.

Points 1 - 3

All civil servants are expected to conduct themselves in accordance with the Civil Service Code and its core values of integrity, honesty, objectivity and impartiality. A summary of the Code forms part of the SCS contract.

The Scottish Government requires members of the Senior Civil Service (SCS) to register their interests and those of close family members. We recognise the potential benefits to be gained from colleagues participating in outside activities including additional employment or self-employment. All staff are permitted to engage in activities in their private lives, out with the duties of their role within the Scottish Government.

There are robust procedures in place regarding registering their interests, which ensures that any interests that are registered are scrutinised for any potential conflict and, if necessary, appropriate measures are put in place to mitigate that conflict.

SCS Contracts and Permitted Outside Interests

SCS contracts, and the associated guidance which forms part of their terms of employment, specify that all must declare and register the following interests.

- business interests (including directorships), not only personal, but also of close family members
- shareholdings or other securities/financial interests which civil servants or members of their close family hold – where these are trusts, for example PEP, ISA, only the holding organisation needs to be declared. Senior civil servants aren't required to register cash ISAs
- any other financial interest where there is the potential for a conflict of interest to arise as a result of a civil servant's official position (excluding bank and mortgage providers)
- private interests in organisations where there could be the potential for a conflict of interest to arise, for example membership of clubs, societies and other organisations

Each interest is considered for any potential conflict of interest to ensure that there can be no suggestion of bias or the use of an official position to further personal interests.

If there is a potential conflict of interest a range of actions that could be taken, including but not limited to:

- delegating the affected colleague's responsibilities to another
- declaring any relevant interests at all meetings to which the interest relates
- recording potential conflicts in the minutes of meetings
- excluding the affected colleague from meetings (or parts of meetings) which discuss matters related to their interests
- moving to another post in the Scottish Government where the conflict would not arise
- disposing of the interest

The appropriate actions are agreed with the line manager in writing. In addition, members of the SCS

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are prompted to discuss any conflict of interests as part of the appraisal process at both in year and end year points. They are also reminded about the need to register their interests as part of the induction process when they join the organisation and whenever they move to a new post. In terms of independent audit, the Register of Interests for SCS is viewed by Audit Scotland on an annual basis, and an annual report is provided to Scottish Government Audit and Assurance Committee.

In relation to the Robert Smith's previous or current roles, an exemption under section 38(1)(b) of FOISA (personal information) applies to the information requested because it is personal data of a third party, i.e. you have asked for details of a specific individuals' current employment and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption. Whilst I cannot comment on the details of the outside activities of a specific individual, I can confirm that Robert Smith is aware of the above guidance.

Points 4, 5, 6, 8 & 9

The recruitment process to appoint the new HM Fire Service Inspector in Scotland (HMFSI) was chaired by Joe Griffin, formerly Director for Safer Communities, now Director General Education and Justice, Scottish Government (SG), he was supported in the recruitment process by Gillian Russell, Director of Health Workforce (SG), Robert Benson, Former Board members of SFRF, Alasdair Hay, Former Chief Fire Officer and Lorraine Halliday, HR Business Partner (SG). In line with the Civil Service Commission Recruitment Principles all selection for appointment to the Civil Service must be made on merit on the basis of fair and open competition. The role was externally advertised from 16 November 2020 to 6 December 2020. There were 5 applications and the Panel selected 4 candidates for assessment and final interview, but one candidate decided to withdraw prior to interview. The remaining 3 candidates were invited to assessment followed by final Panel interviews on 1 February 2021. The assessment included a Stakeholder Engagement Panel and psychometric assessment, these were carried out by Veredus. The Stakeholder Engagement Panel was attended by Kirsty Darwent, Andy Watt and Karla Stevenson from Scottish Fire and Rescue Service, Gill Imrie, HM Chief Inspector of Constabulary Scotland, Wendy Wilkinson, Deputy Director, Scottish Government and Brian McKenzie, HM Fire Service Inspectorate.

The candidate pack containing the full job description is attached.

Point 7

In relation to the SCS Contract, an exemption under section 38(1)(b) of FOISA (personal information) applies to the information requested because it is personal data of a third party, i.e. you have asked for details of a specific individuals' employment contract and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

Your right to request a review

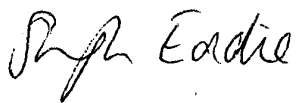
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If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Nicola Richards, Director, People Directorate, Scottish Government, E1 Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review in accordance with FOISA as soon as possible, and not later than 20 working days from the day following the date we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely



Shonagh Eadie
PEO : Talent and SCS Development

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
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