



Commissioner for Ethical Standards  
in Public Life in Scotland

# Service Level Agreement

*between*

«Title» «Forename» «Surname»

(A Public Appointments Adviser for the Commissioner for Ethical  
Standards in Public Life in Scotland)

and

The Commissioner for Ethical Standards in Public Life in Scotland

**Commissioner for Ethical Standards in Public Life in Scotland**

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# Commissioner for Ethical Standards in Public Life in Scotland

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# Commissioner for Ethical Standards in Public Life in Scotland

## 1. Signatories to the Agreement

This document is a Service Level Agreement (SLA) between the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) and «Title» «Forename» «Surname», a Public Appointments Adviser working for CESPLS as a consultant. This agreement does not represent an employment contract and is not intended to set up the relationship of employer / employee (or worker) between the CESPLS and the Public Appointments Adviser:

### Signatories to this agreement

Signed on behalf of CESPLS:	
	Commissioner for Ethical Standards in Public Life in Scotland
Signed by the Adviser:	
	«Title» «Forename» «Surname»
Please provide your VAT registration number (if applicable):	

## 2. Introduction

The CESPLS has contracted with a range of suitably qualified consultants who provide oversight of the regulated public appointments process and advice on innovation in appointment practices. The oversight is intended to facilitate compliance with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the Code) and with its associated guidance. Advice on good practice and innovation in appointment practices is considered critical to the advancement of application of the Code in relation to improving diversity on public body boards.

The SLA sets out the responsibilities of consultants when providing their services to the CESPLS.

## 3. Service Delivery and Service Requirements

The following sets out the service delivery and service requirements for Advisers.

i) Advisers are expected to work to the policies of the CESPLS, or to have equivalent policies of their own that are satisfactory to the CESPLS, and to display the highest standards of practice and probity when undertaking their work. For reference, the particular policies of the CESPLS that set out these expectations are included in the following documents (copies can be provided on request):

- Equal Opportunities Policy
- Code of Conduct<sup>1</sup>
- Confidentiality Policy
- Data Protection Policy
- Out of Pocket Expenses Policy for Advisers
- Charging and Travelling Time Policy for Advisers
- Secure Handling, Storage and Retention of Records Policy

Advisers should also note the CESPLS policy position that, during the period of their appointment with the CESPLS, they are not permitted to provide oversight of unregulated appointment rounds in Scotland. The required additional standards of anticipated conduct, and behaviours to be displayed by Advisers whilst overseeing public appointment activity, are set out in Appendix One.

- ii) Advisers are required to keep up to date with developments in the field of public appointments. The CESPLS will facilitate this by running at least two one day training events per year. The CESPLS will give reasonable notice of these events. Attendance at the training events is not obligatory. Payment is made to Advisers for attendance at the usual daily rate.
- iii) Advisers are required to have a detailed knowledge of the Code of Practice and associated guidance and to refer issues requiring interpretation of the Code to the CESPLS.
- iv) The CESPLS will be the first point of contact for the Scottish Government when a request for regulatory oversight is received. The CESPLS will offer Advisers opportunities to scrutinise appointment rounds on receipt of such requests from the Scottish Government. The CESPLS is not obliged to offer any assignment to a given Adviser and Advisers are not obliged to take any assignments offered to them.

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<sup>1</sup> To comply with this policy, the Adviser must complete and submit to the CESPLS a declaration of interests form. The Adviser is responsible for advising the CESPLS of any relevant changes to their interests.

- v) At the point of assignment, the CESPLS will provide the Scottish Government and the Adviser with brief details of the assignment and will forward the Adviser's contact details to the sponsor directorate. The CESPLS will also provide a written briefing to the Adviser setting out information on the body and the assignment. The Adviser is responsible for becoming familiar with this material before undertaking their role.
- vi) When providing scrutiny of any appointment activity, the Adviser's role is to enable compliance with the Code by either:
- providing oversight, advice and proactive support during planning for the appointment round, or
  - taking a full and active role in the appointment round as a member of the selection panel.

At the point of assignment the CESPLS will inform the Adviser in which capacity they will fulfil their role.

In either case the Adviser is required to draw instances of potential non-compliance to the attention of the responsible person. This will usually be the chair of the selection panel and/or a senior civil servant. It is anticipated that the responsible person will take steps to ensure that the Code is complied with. Where the responsible person, for whatever reason, is unable or unwilling to address any instance of potential or actual non-compliance highlighted by the Adviser, the Adviser will

- set out the relevant facts in writing
- provide this to the responsible person and
- copy the correspondence to the Commissioner.

Whether to take action in response to such a report and the form that any such action might take are matters for the Commissioner.

- vii) Advisers must issue an invoice and expenses claim form (with relevant supporting receipts) at the end of their participation in an appointment round or other type of assignment. The paperwork must be submitted to the CESPLS within one month.
- viii) The CESPLS will make payment to the Adviser within 21 days of receipt of the above and in accordance with the Adviser charging and travelling time policy. The CESPLS reserves the right to withhold payment if, in the opinion of CESPLS, the services have not been delivered to a satisfactory standard. Payments will be made by BACS transfer. The agreed rate of remuneration is £275 per full day, payable to the nearest half day (as defined in the charging policy), (inclusive of VAT where this is chargeable), plus all agreed out of pocket expenses. Expenses claims will only be paid when they comply fully with the CESPLS's out of pocket expenses policy. The Adviser is responsible for the payment of his / her own tax and national insurance.
- ix) The CESPLS may occasionally contact Advisers and offer them an opportunity to carry out other ad-hoc activities for the CESPLS. Examples of such opportunities may include, but are not limited to, thematic reviews of the public appointments process, scrutiny of reappointments and promotions and complaint investigations. The CESPLS is not obliged to offer such work to all Advisers and no Adviser is obliged to take on such work when it is offered. When an Adviser does take up such ad-hoc work, the service standards set out at (i) apply and payment will be made on submission of an invoice at the completion of the project concerned (see vi and vii). Ad hoc work will be chargeable at an hourly rate pro-rated to the equivalent of the appropriate daily rate.

## 4. Nominated Officer

For the purposes of this agreement, the nominated officer of the CESPLS is the Public Appointments Manager.

The role of the nominated officer is to:

- promote compliance with the Code and guidance by identifying and arranging for training sessions and exchange of information, including details of changes to the Code of Practice
- cascade relevant information to the sponsor directorates, to the Advisers and to other stakeholders in the field of public appointments
- oversee the gathering of information to monitor adherence to the SLA

The contact details for the nominated officer are as follows:

Ian Bruce  
Public Appointments Manager  
The Commissioner for Ethical Standards in Public Life in Scotland  
Thistle House  
91 Haymarket Terrace  
Edinburgh  
EH12 5HE

Telephone: 0131 347 3897

E-mail: [i.bruce@ethicalstandards.org.uk](mailto:i.bruce@ethicalstandards.org.uk)

## 5. Monitoring and Reviews

The Nominated Officer will monitor the adherence of Advisers to this agreement and will draw service delivery failures to the attention of Advisers if these arise. In coming to a view on the extent to which this agreement has been adhered to the Nominated Officer will refer to

- the views of participants in the appointments process, whose feedback on whether the Adviser met the requirements of this agreement will be gathered and
- the results of any other reviews conducted into a given appointment.

Section three and Annexe one set out the CESPLS's specific service requirements. Annexe one or a variation on this document will be used to gather feedback from participants.

Based on the extent of the Adviser's adherence to the SLA's requirements, the Commissioner will decide whether to:

- revise this agreement or
- maintain the agreement for another year

## 6. Duration and Termination

### Duration

This agreement will last for 12 months from [XX/XX/20XX](#) and subject to the ongoing business needs of the CESPLS will be renewed yearly thereafter unless terminated in accordance with the Termination section below.

### Termination

Either party may terminate this agreement on giving twenty working days' written notice. This agreement does not represent an employment contract and there are no mutual obligations to either supply or complete work in its terms.

The CESPLS reserves the right to terminate the agreement immediately by written notice in the event of a serious breach of the agreement's terms. The agreement will be reviewed in keeping with the reviewing and monitoring arrangements set out.

## 7. Indemnity

The Scottish Parliamentary Corporate Body (SPCB) has undertaken to indemnify an Adviser who acts honestly and in good faith in connection with this agreement and in the course of their work for the CESPLS against any loss (including legal costs and expenses), or liability, reasonably incurred or suffered arising from any claim, suit, demand, action or proceeding by any person against the Adviser PROVIDED ALWAYS THAT this indemnity shall not apply where such loss or liability was caused by any unlawful or negligent act or omission by the Adviser.

## Annexe One – Public Appointments Adviser Review Form

### Public Appointments Adviser Review Form (2013 code)

To be completed by the chair of the selection panel and additionally, where applicable, the chair or representative of the public body who is serving as a member of the selection panel (each should complete a separate form).

Public Body:	Completed By:
Adviser:	Position:
Type of Appointment (e.g. Chair/member):	Contact Tel No/Email:
Date:	Signature:

The Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) has a service level agreement with each Adviser. We are happy to provide selection panels with a copy to make clear the standard of service expected. In this context, please rate the contribution the Adviser made during the appointment round.

Did the Adviser ...		Strongly Agree	Agree	Disagree	Not Applicable	You may wish to consider the following when answering this question. Did the Adviser ...
1	Advise effectively on compliance with the Code of Practice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>offer informed guidance to the directorate and/or panel on interpreting the Code to ensure compliance</li> <li>seek guidance from the CESPLS where necessary</li> </ul>
2	Respond timeously to requests for an opinion on matters pertaining to Code compliance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>give timely responses to correspondence and communication</li> </ul>
3	Communicate effectively	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>ask questions and pass comments in a constructive manner</li> <li>behave courteously towards the selection panel members and others involved in the process</li> </ul>
4	Act independently and with integrity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>demonstrate he/she was prepared to question others on application of the code</li> <li>raise appropriate concerns at potential breaches of the code</li> </ul>
5	In the case of high risk rounds only; assess applicants effectively against the requirements of the role	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>demonstrate an understanding of the role requirements and the evidence presented by applicants and assess effectively</li> <li>question effectively and operate professionally at interview</li> </ul>



We welcome your constructive comments on whether the Adviser worked to the agreed service standard. We use your comments to:

- capture your perspective on the quality of the service provided
- identify areas for Adviser development and training (individual and collective)
- ensure that the quality of the advice and oversight provided by Advisers is consistent and consistently improved on.

Please use the free text box overleaf to provide your constructive comments about the Adviser's contribution. We would also be grateful for your views on your satisfaction with the Scottish Government's public appointment process and for you to provide constructive comments or suggestions you may have about the process. Thank you.

<b>Comments and feedback on the Adviser's contribution</b>				
Please circle or highlight one number between 1 and 5 to indicate your satisfaction with the contribution of the Adviser where 1 is very dissatisfied 3 is neutral and 5 is very satisfied.				
1	2	3	4	5
Please write any constructive comments you may have in the space below:				
<b>Comments on the Scottish Government's public appointments process</b>				
Please circle or highlight one number between 1 and 5 to indicate your satisfaction with the public appointments process where 1 is very dissatisfied 3 is neutral and 5 is very satisfied				
1	2	3	4	5
Please write any constructive comments you may have in the space below:				

Please return the completed form, **within 5 working days** of receipt to:  
The Commissioner for Ethical Standards in Public Life in Scotland  
Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HE  
or email [i.bruce@ethicalstandards.org.uk](mailto:i.bruce@ethicalstandards.org.uk) (telephone: 0131 347 3897)

To be completed by the chair of the selection panel and additionally, where applicable, the chair or representative of the public body who is serving as a member of the selection panel.