



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 26 April 2024  
SP Paper 572  
3rd Report 2024 (Session 6)

## **Social Justice and Social Security Committee**

# **Poverty and Inequality Commission: Public Appointments**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

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# Contents

<b>Introduction</b>	<b>1</b>
<b>Background</b>	<b>2</b>
<b>Nominations for appointment</b>	<b>3</b>
<b>Committee scrutiny</b>	<b>4</b>
<b>Summary of discussion</b>	<b>5</b>
<b>Approach to appointments</b>	<b>6</b>
<b>Recommendations</b>	<b>7</b>

# Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.

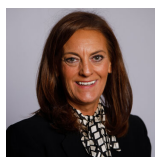


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# Introduction

1. This report details the Social Justice and Social Security Committee's scrutiny of the Scottish Government's nominated appointments to the Poverty and Inequality Commission.

# Background

2. The Poverty and Inequality Commission <sup>1</sup> was established on 1 July 2019 under the Child Poverty (Scotland) Act 2017 <sup>2</sup> ("the Act"). The Commission is an advisory non-departmental public body and provides independent advice and scrutiny to Scottish Ministers on poverty and inequality, with specific responsibilities in relation to child poverty.
3. The Act stipulates that there should be a Chair and between four and eight members appointed to the Commission and outlines the skills and experience desirable. Specifically, it stipulates that Scottish Ministers must have regard to the desirability of:
  - (a) securing that the Commission (taken as a whole) has experience in and knowledge of—
    - (i) the formulation, implementation and evaluation of policy relating to poverty and inequality,
    - (ii) research in connection with poverty and inequality,
    - (iii) working with persons experiencing poverty or inequality (or both), and
  - (b) the Commission's membership including persons who have experienced poverty or inequality (or both).
4. Under the Act, the Scottish Ministers may appoint a person as a member of the Commission only if the Parliament has approved the appointment (paragraph 1(3) of the schedule to the Act).
5. The Parliament's approval of statutory public appointments is given by resolution – that is, by the Parliament agreeing to a motion, lodged by the relevant minister. By convention, this is preceded by a process of scrutiny by the relevant lead committee. Typically, this is in two stages – scrutiny at an early stage of the draft specification for the post and the appointment plan, and then an opportunity to meet and assess the suitability of the Scottish Government's nominees for appointment.
6. The Commission currently consists of a Chair and five other members. The Chair (Professor Stephen Sinclair) and two of those members (Tressa Burke and Professor Suzanne Kirkpatrick) were appointed on a short-term basis in November 2023, with their current terms of office due to expire on 30 June 2024.
7. At its meeting on 16 November 2023 <sup>3</sup>, the Committee considered and agreed the Scottish Government's draft recruitment documentation for a new appointment round. This was conveyed to the Cabinet Secretary in a letter <sup>4</sup>. In addition, the Committee agreed to meet informally and in private with the Scottish Government's recommended nominees as a group, to inform its forthcoming report on the recommended appointments.

# Nominations for appointment

8. The Cabinet Secretary wrote <sup>5</sup> to the Committee on 28 March 2024 to advise that, following a competitive exercise, she had identified nominees for appointment as the Chair and as members. All nominees had agreed to be nominated for appointment and are listed below—

## Chair

- Professor Stephen Sinclair

## Commissioners

- Peter Cawston
  - Kim Dams
  - Taliah Drayak
  - Paul Fletcher
  - Professor Suzanne Fitzpatrick
  - Louise Hunter
  - Ross McQueenie
  - Rami Okasha
9. The letter from the Cabinet Secretary also included the person specification for both the Chair and Commissioner roles, as well as information from the candidates' applications and an extract of the Selection Panel's assessment for each of the nominees.



## Committee scrutiny

10. An informal private meeting was arranged for 18 April 2024 in which the Committee met with the Selection Panel Chair, Julie Humphreys (Deputy Director, Tackling Child Poverty and Financial Wellbeing, Scottish Government), to discuss the skills and attributes sought in the appointees.
11. This was followed by a second informal private meeting with the nominees, the aim of which was to enable Members to assess whether the nominees had the requisite expertise.
12. Finally, the Committee held a formal meeting in public where it discussed its views in the public meeting. The Official Report of that meeting<sup>6</sup> is available on the Committee's website. This is summarised in the section below.

## Summary of discussion

13. When discussing the suitability of the candidates, the Committee commented on the diversity of skills and experience they bring, indicating this was a strength and would enhance the work of the Commission. In addition, it noted the high number of applications and felt the appointment process had been thorough.
14. The Committee also highlighted comments made during the private session about work the Poverty and Inequality Commission will be involved with, and indicated it felt that the recommended appointees would work hard to deliver what would be needed.
15. In closing the discussion, the Committee agreed to recommend that the Scottish Government's nominated candidates be appointed.

## Approach to appointments

16. Subject to the Parliament approving the appointments, it was expected that the nominated Chair and seven of the Commissioners would take up appointment on 1 July 2024, with the eighth Commissioner taking up appointment on 1 December 2024.
17. The Committee, however, received a letter from the Cabinet Secretary for Social Justice on 19 April 2024 which set out the Scottish Government's planned approach to the appointments of Professor Stephen Sinclair and Professor Suzanne Fitzpatrick.
18. The letter stated that the Scottish Government proposes to extend the short-term appointments of Professor Stephen Sinclair and Professor Suzanne Fitzpatrick, rather than recruiting them as new appointees. This is to avoid their appointments being limited by the Act which states that a member can be appointed to the Commission for a period not beyond five years and can only be reappointed once. Also, the Ethical Standards Commissioner (ESC) Code of Practice for Ministerial Appointments to Public Bodies in Scotland<sup>7</sup> stipulates that the maximum time an individual can hold an appointment to the same role is eight years.
19. The letter notes that this approach is consistent with the ESC Code of Practice and the enabling legislation, and that the Ethical Standards Commissioner has requested "full transparency with both the public and the Parliament" regarding the appointments.
20. The Committee also understands from Scottish Government officials that the intention is to extend the current short-term appointments of Professor Sinclair and Professor Fitzpatrick by 4 years (half of the maximum 8-year period allowed under the ESC Code of Practice), so they would end on 30 June 2028.
21. The Committee has taken this into account when considering the public appointments to the Poverty and Inequality Commission.

# Recommendations

22. The Social Justice and Social Security Committee recommends to the Scottish Parliament that the candidates nominated by the Cabinet Secretary for Social Justice to the Poverty and Inequality Commission be appointed.
23. The Social Justice and Social Security Committee further recommends to the Scottish Parliament that the short-term appointments of Professor Stephen Sinclair and Professor Suzanne Fitzpatrick be extended to 30 June 2028.

- 1 [Poverty and Inequality Commission](#)
- 2 [Child Poverty \(Scotland\) Act 2017](#)
- 3 [29th Meeting of 2023 \(Session 6\) Thursday, November 16, 2023](#)
- 4 [Poverty and Inequality Commission Scottish Government's recruitment packs](#)
- 5 [Poverty and Inequality Commission – Nominations for Appointment as Chair and Commissioners](#)
- 6 [The Social Justice and Social Security Committee. Official Report, 18 April 2024](#)
- 7 [Code of Practice for Ministerial Appointments to Public Bodies in Scotland](#)

