

Ethical Standards Commissioner

July 2024

Closing Date for Submissions –
Friday 30th August at 12 noon



Invitation to Tender

Information Pack for Potential Consultants
to act as Public Appointments Advisers

Up to four contracts available

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This document is available in alternative formats on request by telephoning 0131 347 3890 or emailing appointments@ethicalstandards.org.uk

This document is supplied purely for the purpose of assisting potential suppliers to respond to this invitation to apply to work with us as consultants. No part of this document may be reproduced or transmitted in any form, by any means (electronic, photocopying, recording or otherwise) for any other purpose.

Introduction

This invitation to tender is to provide consultancy support of the Commissioner's statutory requirements by advising and supporting recruitment panels who are making non-executive appointments to the boards of public bodies.



The Ethical Standards Commissioner is responsible for overseeing how the Scottish Ministers appoint people to the boards of public bodies. We also investigate complaints about the conduct of MSPs, Councillors and the board members of public bodies.

In relation to public appointments, the statutory role of the Ethical Standards Commissioner involves ensuring that the appointments (recruitment) process to select board members to sit on public body boards is fair and transparent. These public bodies (100 bodies in total) have responsibility for providing the governance oversight of vital services that affect us all. These touch every aspect of our lives; from health to housing, the environment to education, the economy to enterprise, the creative and cultural sectors to crofting, or policing to public transport.

This regulation is done by:

- publishing a code of practice to be followed when making non-executive appointments to the boards of public bodies
- examining the practices used during appointment rounds with a view to ensuring they comply with the code of practice
- encouraging increased board diversity by publishing and promoting a strategy to that end
- working to ensure that appointments are made fairly and openly and that everyone who may be interested in an appointment has the opportunity to apply
- investigating complaints about the public appointments process.

Introduction

The current Commissioner, Ian Bruce, was appointed in March 2023. In his capacity as acting Commissioner shortly prior to his appointment, he published a revised [Code of Practice for Ministerial Appointments to Public Bodies in Scotland \(the Code\) in October 2022](#). The Commissioner and his team of staff and consultant Public Appointments Advisers (PAAs) continue to work with the Scottish Government to encourage innovation in appointment practices, and specifically to increase the diversity of the people who serve on the boards of Scotland's public bodies.

The Commissioner has also recently published his [Strategic Plan for 2024-28](#) which includes the work to refresh the diversity strategy. Core to the strategic plan are the values under which the office operates. This is that every individual who comes into contact with the office will be treated with kindness, empathy and respect. It is expected that anyone who contracts with and carries out work on behalf of the Commissioner will hold the same values.

More information about the Commissioner, the work of his office and the Code of Practice can be found at www.ethicalstandards.org.uk/public-appointments.



Ian Bruce, Ethical Standards Commissioner

Public Appointments Advisers

Our current [Public Appointment Advisers](#) are published on our website.

Advisers provide independent scrutiny of the appointments process and are responsible for monitoring application of the code and, where appropriate, for highlighting any breaches. They also have a very important role to play in providing advice to officials and to selection panels on good practice in open, transparent and accessible recruitment and selection techniques.

To be effective in the role, it is essential that Advisers have well developed influencing and communication skills, are able to apply a Code or system of regulation in practical situations, and a significant and successful track record in promoting diversity and ensuring equality through providing advice on and taking an active role in recruitment and selection processes.

Public Appointments Adviser Role

Scope

The number of appointment rounds run in any one year is determined by Scottish Ministers. In the year 2023/24 there were 62 Adviser allocations to appointment rounds. 57 of these were overseen by one of our 12 Advisers. In 33 of those cases, the Adviser acted as a full panel member.

An Adviser may expect to be involved in four or more rounds per year. If no, or a limited number, of appointment rounds are instructed by Scottish Ministers in a year then Adviser input will be less or may not be required.

Scale

The complexity of each appointment round differs. Advisers can act in a number of different capacities, from advising a panel on good practice at the very earliest stages of planning for a round, through to acting as a full panel member – on a range of different appointment rounds to a range of different public bodies. A current list of regulated bodies is available to view on our website: <https://www.ethicalstandards.org.uk/regulated-bodies>.

Each round for each body should be designed to find a choice of suitable candidates for the appointing minister. It is our aspiration that each appointment round will be bespoke to the position to be filled, and that considerable tailoring is involved given to deliver that outcome. An appointment round that, for example, seeks suitable candidates to chair a public corporation should look very different to one that seeks candidates for a scientific position on an advisory body. Recruitment exercises should also be designed to redress the under-reflection of people who share protected characteristics. Our Advisers have to be both skilled at and comfortable with providing advice to selection panels in all types of situation, with a view to securing the right outcome for the body, the minister and ultimately the people that the body serves. Regulated bodies in Scotland are responsible for annual expenditure in excess of £22 billion.

Public Appointments Adviser Role Continued

Activities

The nature of the Adviser's role is to provide proportionate, external scrutiny of the appointments process on behalf of the Commissioner. It is also fundamentally concerned with spreading good practice in recruitment and selection by sharing information on, encouraging the use of and putting into place fair, open and accessible techniques that do not represent barriers for people from currently under-reflected groups. Activities will be varied but may include the following (this is not an exhaustive list):

- supporting selection panels to make appropriate decisions about the way in which appointment rounds should be conducted through ongoing dialogue and advice to panel members and attendance at pre planning and planning meetings
- Assisting panels with interpreting ministerial requirements for a position into a formal personal specification with appropriate assessment methods
- reviewing and auditing paper trails relevant to the appointment process
- attending other meetings as required as part of the appointments process such as shortlisting meetings
- providing concise reports to the Commissioner on findings of both good practice and poor practice
- Making appropriate interventions in cases in which a selection panel or others working in support of the panel either have contravened or appear as though they may contravene the requirements of the Code
- Sharing examples of good practice and alerting the Commissioner to evidence of non-compliance with the Code
- Responding timeously to requests for a view on matters considered urgent by the Scottish Government and/or the Commissioner.

Value of Contract

Advisers will be paid a VAT inclusive daily rate of £330 per day or a proportion for part thereof and all reasonable expenses incurred will be reimbursed. More information on the role of the PAA is included in the [Service Level Agreement](#) (SLA) that each works to. The average PAA earnings over the last three years (financial years 21/22, 22/23 and 23/24) was £6,100.00 per annum in fees for the provision of oversight, exclusive of out of pocket expenses.

GENERAL REQUIREMENTS

Travel

Subject to the decision of the selection panel, Advisers may be required to travel to and attend meetings which will generally be held in the offices of public sector organisations across Scotland (predominantly in Edinburgh and Glasgow). All reasonable travel expenses will be reimbursed in line with the ESC expenses policy.

Information Technology

The Commissioner's office uses MS Office software. Advisers will not be supplied with hardware or software and will be expected to have access to secure systems that will enable communication with the office, including completion of MS Word documents, the sending and receipt of emails, and participation in meetings using MS Teams. Tenderers invited to interview will be asked to complete a practical test using MS Word. In compliance with the Commissioner's IT Policy, successful tenderers will not be permitted to act on behalf of the Commissioner from outside the UK.

General Requirements

Applicable Policies

As specified in the [Service Level Agreement](#) that successful tenderers are required to sign, Advisers are required to work to the policies of the Commissioner. These include the Code of Conduct, IT policy and Equality, Diversity and Inclusion Policies. Copies of all relevant policies are published on the Commissioner's website and / or can be provided on request. Advisers are welcome to work to their own policies if these equal or better the content of the Commissioner's policies. Evidence of such policies would be requested at interview for those who wish to work to their own. Prospective tenderers should note that they are specifically excluded from holding a role on the board of a body to which the Commissioner regulates in respect of [appointments](#) or [conduct](#).

They should also declare any significant political or other activity they are (or have recently been) involved in which could be (or be seen to be) a direct conflict with the work of the Commissioner along with any other activity whether work or personal which could have the potential to bring the reputation of the Commissioner into disrepute. We will explore all potential conflicts at interview.

We uphold conduct and equality, diversity and inclusion policies rigorously.

Point of Contact

The primary contact at the Commissioner's office will be the Public Appointments Manager. Other members of the Commissioner's team, will also instruct work

Sub-Contracting

Tenderers should note that, due to the nature of the role, the use of sub-contractors will not be possible. As we are contracting with individuals, all tenderers are also asked to complete a [monitoring form](#).

Requirements for those wishing to apply

Successful Advisers will have the following attributes:

Requirements	
1.	A significant and successful track record in promoting diversity and ensuring equality through providing advice on and taking an active role in recruitment and selection processes.
2.	Well-developed influencing skills with a track record of persuading people, on occasion at a very senior level (such as board chair or senior civil servant), to adopt approaches that they may initially be wary of or sceptical about.
3.	Able to communicate effectively in writing and in person in a way that maintains good working relationships.
4.	Maintains high standards of ethical conduct, particularly in challenging circumstances.
5.	Ability to apply a code or system of regulation in practical situations.
6.	In the case of at least one of the positions to be filled, we consider it highly desirable for the successful tenderer to also be able to demonstrate a successful track record in conducting quality audits and/or retrospective reviews of recruitment practices and making improvement recommendations on the basis of findings. This is not an essential criterion for all tenderers. Tenderers who can demonstrate their match for this criterion and who are otherwise on a par with others will be given preference in relation to at least one of the agreements being awarded.

Criteria 1 and 2 are considered the most important to fulfilling the adviser role successfully. Tenderers who are otherwise equally matched but who can demonstrate an enhanced track record and ability in these areas will be given priority. Given the nature of the role we are also interested in the motivation of tenderers. These are high profile positions in public life in Scotland and we wish to attract tenders from people who are motivated to contribute to society.

It is expected that the evidence you provide against the selection criteria at each stage of the process will also demonstrate how your behaviours and approach have been guided by our values which are that we act ethically and with kindness and empathy and we value people; and this will be tested throughout the process.

The required format for tenders is set out below.

Tender Process

Tender submissions should demonstrate the fulfilment of the requirements in the following way:

1.

Cover Letter or Email	Include an explanation for why you wish to become an Adviser. Include your contact details, ideally inclusive of an email address and telephone number.
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2.

Tender Document	This should be no longer than 1000 words in total. The panel will discount text that exceeds this limit. Tenderers who wish to demonstrate that they also have attribute 6 may use up to 1250 words in total. It should include evidence relating to the attributes set out on page 10 as follows:
Attribute 1	The tender document should provide actual examples of success achieved by way of the application of good practice rather than a generalised description of roles held. The document should detail relevant career history and cite client satisfaction.
Attribute 6 (if applicable)	
Attribute 2	The tender document should provide actual examples of effectiveness rather than a generalised description of roles held. The tender document itself will also be assessed for clarity.
Attribute 3	

3.

Referees	We are looking for contact details for at least two referees who can verify ability in relation to attributes 1, 2 and 3 (and 6 if applicable). References will be taken up after interview. Please note that individual referees need not address each attribute but the combination of references must cover each attribute. Contact details can be provided on the monitoring form or attached to the tender document
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4.

Monitoring Form	We are asking all tenderers to complete a monitoring form . This information will not be provided to the selection panel and will not be reviewed or analysed until the entire tendering process is complete. We are asking tenderers to provide this information to review and assess the accessibility of our contracting practices.
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5.

Declarations	Please provide details of any potential conflicts as outlined on page 9 under “applicable policies”. Declaration of knowledge of any of the panel members on page 15 including a brief description of the nature of the relationship (business associate / friend etc).
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Tender Process

Following shortlisting of the tender documents, a number of tenderers will be invited to a second stage of assessment which will involve the methods set out below:

Practical Test.	Will assess the fulfilment of the requirements listed above in the following way:
Attribute 1 (and use of MS Word)	Track record in recruitment and selection: A simulated role description and person specification will be provided. Tenderers will be asked to suggest amendments to the specification, based on their knowledge of applying good practice. Tenderers will also be asked to include recommendations for a publicity strategy to fill the putative role and to identify appropriate application and assessment methods. The report will have to be produced in a specified format in MS Word.
Attribute 3	The summary report on the practical test itself will be assessed for its clarity.
Interview	Will assess the fulfilment of the requirements listed above in the following way:
Attribute 1	The panel will explore in detail: <ul style="list-style-type: none"> • the results of the practical tests • the examples provided in the tender document
Attribute 2	The panel will explore in detail the examples provided in the tender document. The panel will probe your skills in this area by reference to your answers to the scenarios posed along with the invite to interview. They may also asked for examples of previous situations where you have demonstrated this skill
Attribute 3	The panel will explore in detail the examples provided in the tender document and potentially ask for detail of other instances. The panel will also assess verbal communication skills.
Attribute 4	The panel will probe your propensity to act ethically by reference to your answers to the scenarios posed along with the invite to interview. They may also asked for examples of previous situations where you have demonstrated this skill. The panel will also conduct a review of your online footprint, inclusive of relevant social media.
Attribute 5	The panel will assess this at interview by exploring a number of scenarios which will be provided along with the invite to interview.
Attribute 6 (if applicable)	The panel will explore in detail the examples provided in the tender document and potentially ask for detail of other instances.

Procurement Timetable

Key Stage	Details	Date
Tender Submission		
Tender Publicised	The tender opportunity is publicised on our website and highlighted to selected organisations	Wednesday 3 July 2024
Expressions of interest	Although expressing an interest is not obligatory, we encourage potential tenderers to find out more about our business and raise any queries about the requirements or the tendering process at this stage by emailing appointments@ethicalstandards.org.uk to express interest in the tender process	
Closing date for expressing an interest		Friday 9 August 2024
Responses to queries received are circulated to those who expressed an interest	Our responses to all queries received during the above phase are circulated to all those who expressed an interest	Wednesday 14 August 2024
Tender submission date	Submissions should be tendered via email to appointments@ethicalstandards.org.uk .	12 noon on Friday 30 August 2024

Tender Process

Key Stage	Details	Date
Tender Assessment		
Tender submissions are assessed	The assessment panel will review the tenders submitted. Up to twelve tenderers will be short-listed to go through to the next stage.	2-20 September 2024
Tenderers informed if short-listed	Short-listed tenderers invited to interview during week commencing 7 October 2024.	23 September 2024
Optional Information event for shortlisted tenderers	Shortlisted tenderers will be invited to attend an optional information event, with the choice of joining us in person or virtually through MS Teams. The purpose of this event will be to introduce them to the staff members working for the Commissioner in the public appointments section of the office and to provide detailed information about the role of the Adviser, the Code and the public sector environment in which they may be working.	(in person) 2 October 2024 (online) 3 October 2024
Tender selection process	Shortlisted tenderers will be invited to attend for interview and practical test on one of three days.	7, 8, and 9 October 2024
Decision made on successful tenders		11 October 2024
Feedback	Available to all shortlisted tenderers on request	After 11 October 2024
Invitation to Induction event	The successful tenderers will be invited to attend an induction session where they will meet the advisers that they will be shadowing. The standard fee will be payable. New Advisers will thereafter 'shadow' other experienced Advisers.	30 October 2024
Anticipated start date	Successful tenderers will, subject to completion of stage 1 induction and shadowing, be added to the list of Advisers available to act on behalf of the Commissioner	On completion of shadowing

Assessment Panel

The assessment panel shall consist of any combination of the following potential panel members:

- **Ian Bruce** (Ethical Standards Commissioner)
- **Melanie Stronach** (Public Appointments Manager)
- **Amy Smith** (Public Appointments Officer)

Tenderers should declare if they know any members of the selection panel.

Key Contact

Contact details for further information or clarification are:

Public Appointments Team
(Melanie, Amy or Edith)
Ethical Standards Commissioner
Thistle House
91 Haymarket Terrace
Edinburgh EH12 5HE
E: appointments@ethicalstandards.org.uk
T: 0131 347 3890

Protecting your information

Your tender may contain personal data. We are committed to ensuring that personal data is managed safely, effectively and in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation. All material related to unsuccessful tenders will be deleted six months after the contract is awarded. Material related to the successful tender will be transferred to our contractor records. You can find out more about how we will handle your tender in our Privacy Policy available on our website.

Equality

The Commissioner and our staff are committed to building a culture that promotes equality and celebrates diversity. We aim to treat people as individuals and with respect and dignity. By taking this approach we commit ourselves to meeting the requirements of the Equality Act 2010 and as such will not tolerate unfair discrimination, victimisation or harassment. We will not tolerate any action the impact of which on an individual is discriminatory in nature. As an organisation who values diversity we will make reasonable adjustments for anyone who requires them in order to participate in the tendering process. All our tendering material can be made available in an alternative format if required. Our Equality, Diversity and Inclusion Policy is available to view on our website.