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Kenneth Gibson
Convener
Finance and Public Administration
Committee
The Scottish Parliament
Edinburgh
EH99 1SP

31 August 2023

Dear Kenneth,

I thank the committee for their report *Effective Scottish Government Decision Making* and for all the work and engagement which has informed it and the recommendations within.

As a government, we are committed to supporting the building blocks of more effective decision making and of means of learning lessons – with others - in delivering improved outcomes for the people of Scotland.

I set out here a response which follows the themes in the report relating to Process, People and Performance and refer you to the accompanying response from John Paul Marks, the Permanent Secretary to the Scottish Government. Together these responses seek to address the Committee's recommendations.

The report highlights issues where further work is needed, and I undertake to report back to the Committee on these and other matters in due course.

The Scottish Government has experienced unprecedented challenges in recent years responding in real time to Covid-19 and to the conflict in Ukraine. These events changed the context and pace of decision making and there has inevitably been some risk of policy fatigue under these conditions.

We acknowledge the value in taking stock to fully understand the impacts of existing policies to ensure we as a government deliver as effectively as possible on the key missions and outcomes set out in the Policy Prospectus.

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We acknowledge that both continuous improvement activity and exercises to learn lessons - including from others - are valuable routes to develop the policy advice process and the transparency and accountability of decision making.

We recognise that such improvement work should take several forms and account for the wide range of Scottish Government activities. We agree that it should be normalised into the business of government - encompassing Skills and Professional Standards, Tools, Processes and Structures. **We commit to exploring how such reflective learning and sharing including more transparent monitoring and evaluation can be more fully embedded in Scottish Government to improve the accountability of government decision making. We will report back to the Committee in due course.**

I offer some examples here which I hope are useful to the Committee. These illustrate some of the actions already taken to improve effectiveness, transparency, and accountability in the development of policy and decision making, in line with the Committee's recommendations.

Impact Assessments form a crucial component of the approach to decision-making on the spectrum of activities that contribute to the Scottish Government's actions to improve the lives of the people of Scotland.

The approach we take to Impact Assessments draws together in a systematic way an assessment of a wide range of likely effects arising from a proposed policy. This includes in relation to inequality and protected characteristics, island communities, children's rights, businesses, and the environment. The Impact Assessments serve as a foundation for the evaluation of decisions, augmented by other appropriate evidence.

Impact Assessments support the Scottish Government in meeting its legal obligations, they inform the design and delivery of policies, embedding evidence early in the process and they improve the standard of decision-making. The way that we create and use these Impact Assessments is designed to enhance our commitment to transparency through their routine proactive publication.

The Chief Social Policy Adviser is leading a cross-government working group to deliver a programme that will streamline and improve Impact Assessment processes and will support our people in the effective application of these key tools as a critical decision making step. This group will also work to embed these practices through input on the development of the Policy Profession.

In addition, the Chief Social Researcher has established a cross-Scottish Government evaluation group to enhance the use of evaluation across Scottish Government policies. This group is reviewing evaluation practices, capacity, and capability across the Scottish Government.

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This work will be used to develop learning and development for policy professionals, in line with Policy Profession Standard 3.4, and will develop clearer guidelines for undertaking evaluations as a routine part of policy implementation. The Policy Profession standards are appended to this letter for reference.

This work is intended to improve the ways in which we evidence a clear system of assessing policy options and make decisions informed by evidence of their impact on individuals, communities, and places. **As we develop this work, the Scottish Government will be mindful of the helpful feedback generated during the Committee's evidence-gathering phase.**

We also recognise the value in being as open as possible about what we do and how, and we acknowledge the importance of being clear with stakeholders how their views, information and evidence is used to inform decisions.

As members of the Open Government Partnership, we are working alongside other governments by committing to the values of openness, transparency, accountability and citizen participation. A series of Action Plans were created, containing a set of commitments and we report regularly on progress against these.

Our 2021 to 2025 Action Plan was developed in collaboration with civil society and the public. Our progress is overseen by the Open Government Steering Group – this meets several times a year, observers are welcome, and we publish the minutes of each meeting.

We are interested to learn about approaches taken elsewhere to improve the way in which Ministerial decisions (and their basis) are communicated and made publicly available. We are supportive of processes that improve the quality, impartiality, openness, and robustness of advice to Ministers and will consider how we manage the tension between preserving private space for frank and free dialogue and advice to be offered and received, with the need to be transparent about the basis on which decisions are taken.

In relation to the Committee's invitation to the Scottish Government to consider adopting the principle of proactive publication of information on Cabinet decisions, these will continue to be communicated to Parliament and the public through established processes, with due reference to parliamentary scrutiny through Committee processes and parliamentary engagement.

We support the principles of FOI (Scotland) 2002 legislation by requiring behaviour which is open, transparent and which helps increase public participation in decision making. The Scottish Government has also consistently recognised that there is a need to maintain the appropriate private space required for Ministers and officials to consider often sensitive and difficult advice in order to reach well

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founded decisions. FOI law makes specific provisions to ensure the maintenance of that necessary space. **We remain committed to ensuring that the principles of openness and transparency are reinforced wherever possible, and to employing the exemptions within the legislation only where necessary.**

Process

The Committee seeks clarification concerning how we as Ministers assess the extent to which the Scottish approach to policy making has been adopted in the formulation of policy advice. The Committee also requests update on the work the Scottish Government has undertaken to legislate to further embed a long-term focus across the public body landscape.

The Scottish approach to policy making emphasises outcomes-based working, supported by less siloed organisational structures and greater collaboration and co-production. The approach promotes assets-based perspectives and partnership working. It derives from a focus on the following four priorities;

- i. a shift towards prevention;
- ii. improving performance;
- iii. working in partnership, and;
- iv. engaging and developing our people.

In evidence to the Committee, I and my colleagues highlighted examples which reflect this approach. The Scottish Government is undertaking significant improvement work in relation to our corporate services to develop our people and systems. This focuses on embedding a culture of continuous improvement and includes;

- actions as part of our People Strategy to focus on leadership development;
- our Estates Strategy;
- our Technology Roadmap to improve our core digital operations, and;
- our HR and Finance transformation programme, to build a more robust platform for data on people and finance.

I gave the example of working in partnership, through the National Advisory Council on Women and Girls and through the Delivery Board for the National Strategy on Economic Transformation to develop and deliver policy.

In assessing advice from civil servants, we have in mind a range of considerations, including how policies are expected to deliver on our three missions of equality, opportunity, and community – **and will continue to seek assurance that work toward these missions occurs in a way that is consistent with the Scottish approach to policy making.**

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The National Performance Framework (NPF) also serves as a means of appraising policy. As Scotland's wellbeing framework, it sets out an overall vision for national wellbeing through the National Outcomes. The NPF underpins policy and decision making within government, whilst also providing a framework for collaboration and planning of policy and services across Scotland's civic society.

The Scottish Government has begun its statutory review of the National Outcomes. This provides an opportunity to consider how to strengthen implementation of the National Outcomes, including through a proposed Wellbeing & Sustainable Development (WSD) Bill. The WSD Bill remains in the development stages and will embed wellbeing and sustainable development principles in decision-making.

In developing the WSD Bill, we are considering how the NPF can be further mainstreamed in the practices of government and public bodies. The WSD Bill may place strengthened duties on Scottish Ministers, public bodies, and local authorities to take account of the impact of their decisions on wellbeing and sustainable development. This is intended to ensure that all decision making meets high standards and effectively contributes to the National Outcomes.

Complementing this work, the Scottish Government is considering creating a Future Generations Commissioner for Scotland. This new role could form part of the oversight, support and accountability needed to accompany any strengthened duties.

In response to the Finance and Public Administration Committee's report on the NPF, we also committed to publishing an implementation plan which will detail plans for mainstreaming and raising awareness of the NPF. This will be informed by the engagement process and evidence gathered during the Review of National Outcomes and could support the WSD Bill through non-legislative measures to improve the use of the NPF in policy and decisions.

Ministers and officials will continue to engage widely to inform further development of the WSD Bill, and lessons will be sought from the approaches undertaken in Wales and internationally. **Further detail on the proposed WSD Bill will be set out in the autumn, after the completion of engagement on the Review of National Outcomes.**

The Committee requests that we clarify our approach to assessing the quality of engagement across different parts of government, identifying areas for improvement. The Committee notes in its report that a more systematic approach to consultation and engagement would ensure a more consistent experience for stakeholders – with a recommendation that the Scottish Government adopt an approach modelled on the Wales Centre for Public Policy (WCPP).

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Engagement with external advisors such as academics, the wider public sector and the private and third sectors all forms part of the policy development process. We already adopt a variety of approaches to obtain external input to policy development and implementation and have worked to bring in external views and evidence as early as possible.

The Scottish Government, in conjunction with the Scottish Parliament and a number of Scottish Universities, sponsors the Scottish Policy and Research Exchange – a brokerage that enables any policy area to access relevant academic expertise. In addition, a number of policy areas fund academic centres to undertake specific work. As part of the Policy Profession project, Policy Standard 1.2 will focus on increasing capability across the Scottish Government in the use of such bodies to obtain expert evidence and advice. **Over the coming months we will review the effectiveness of these arrangements and update the Committee in due course.**

People, Skills and Performance Standards

The report acknowledges the challenges associated with changes to Ministerial roles and duties and seeks detail concerning the extent to which incoming Ministers are supported by their peers to provide greater continuity in the Scottish Government's approach to policy development and prioritisation.

Incoming Ministers are offered information and guidance about their role and responsibilities as part of their appointment and induction. Incoming Ministers meet their Ministerial peers both formally and informally on a regular basis, both at a portfolio level and across Government, for example at Cabinet, or at regular Ministers meetings. Support for policy development is offered by both policy officials and Ministerial colleagues.

The Scottish Ministerial Code provides that the general principle of collective responsibility applies to all Ministers. Officials supporting Ministers play their part in enabling Ministers to work together effectively in a spirit of collective responsibility.

To this end, Ministers appointed from March 2023 have been subject to a new approach to induction, which encompasses briefings on the Scottish Ministerial Code and on propriety and ethics, with a strong emphasis on the role and value of transparency. This material reflects insight and shared lessons from all four UK administrations, with a group having convened in March 2023 to gather and share expertise.

The Committee's report, reflecting on evidence and witness testimony, notes the important role the relationship between Ministers and senior civil servants plays in fostering a culture of robust challenge and full and frank advice.

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Ministers and senior civil servants are committed to learning, evaluating, and improving delivery across Government, and constructive dialogue between Ministers and officials plays a key role in this.

In The Service of Scotland sets out core ways of working that have been shown to drive positive change effectively in the past - being people-centred, having a digital mindset, being driven by our values, and continually learning and improving. Our values of integrity, inclusivity, collaboration, innovation, and kindness build on the foundations of the Civil Service Code and are intended to make clear how officials working for the Scottish Government should act and work together across all parts of government - including how we engage with Ministers.

Taken together, our vision and values provide an important basis for the kind of culture described in the report - one that is supportive of full, frank, and informed advice, robust challenge and learning from mistakes.

As a practical example of actions that we are taking currently to make our organisational vision and values a reality, enabling a culture of continuous improvement has been identified as one of five strategic priorities for the Scottish Government's corporate transformation work this year. Our goal is to become an organisation where everyone feels empowered to challenge, innovate, collaborate, remove barriers and duplication, and improve processes.

Our internal communications regularly focus on promoting our ways of working and our values and encourage staff to integrate them into their work supporting Ministers in concrete ways. Since 2021 we have held an annual In the Service of Scotland all-staff event, supported by Ministers, which focuses on promoting dialogue and learning for all attendees and ensures the values and approaches to engagement set by service leadership are cascaded.

The Scottish Government's corporate governance system serves as an accountability framework and decision-making process that supports resource allocation and the delivery of Scottish Government outcomes, including through performance monitoring and review. It does this by creating clear processes, roles, and structures to support robust scrutiny and challenge.

Delegation of specific responsibilities takes place via the Permanent Secretary, who is accountable to the Scottish Parliament, and via the delegation of Portfolio Accountable Officer responsibilities to Directors General (DGs).

The Scottish Government's Corporate Board oversees the governance system and meets on a quarterly basis, providing advice to the Permanent Secretary. The minutes of each meeting are published on the Scottish Government website. The Assurance process is based on the 'three lines of assurance' model and participants include, in addition to front line policy officials, Scottish Government Non-

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Executive Directors, Internal Audit & Assurance, and Audit Scotland. Quarterly DG Assurance meetings provide an opportunity for timely challenge and input from across the three lines of assurance. Along with other independent sources of assurance, this input assists each DG in forming a balanced view on how effectively the governance, risk management and internal controls frameworks are functioning.

This approach builds on the wider governance and controls system – with the Scottish Public Finance Manual setting out expected best practice concerning the identification, ownership, management and reporting of risks in the course of handling public funds.

These reporting mechanisms and governance arrangements, in combination with Scottish Government policies and practices, embed meaningful scrutiny and robust challenge into the everyday business of government and prepare us for shared learning and reflection.

As Deputy First Minister, I am grateful to the Committee for leading the Inquiry and for the opportunity to contribute to this important discourse concerning such key functions of government. I also wish to note my thanks for the work undertaken by my predecessor at an earlier stage in the Committee’s deliberations.

I trust the responses set out here and in the accompanying letter from the Permanent Secretary to the Scottish Government provide assurance around our commitment to address the report’s recommendations and core themes.

I and my Cabinet colleagues remain committed to supporting the work of this Committee and undertake to report back on progress at a later date.

Best regards,

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Policy Profession Standards

Our competency framework
for professional development

The Policy Profession Standards describe the skills and knowledge required by policy professionals at all stages of their career and provide the competency framework for their professional development.





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2021 Update

The Policy Profession Standards set out the expectations of all policy professionals across the UK. The framework defines the skills, knowledge and activities required for each Standard as individuals progress from gaining foundational knowledge, to becoming a skilled practitioner, to being a policy leader. The framework provides a guide for the personal, professional and career development of the Civil Service Policy Profession.

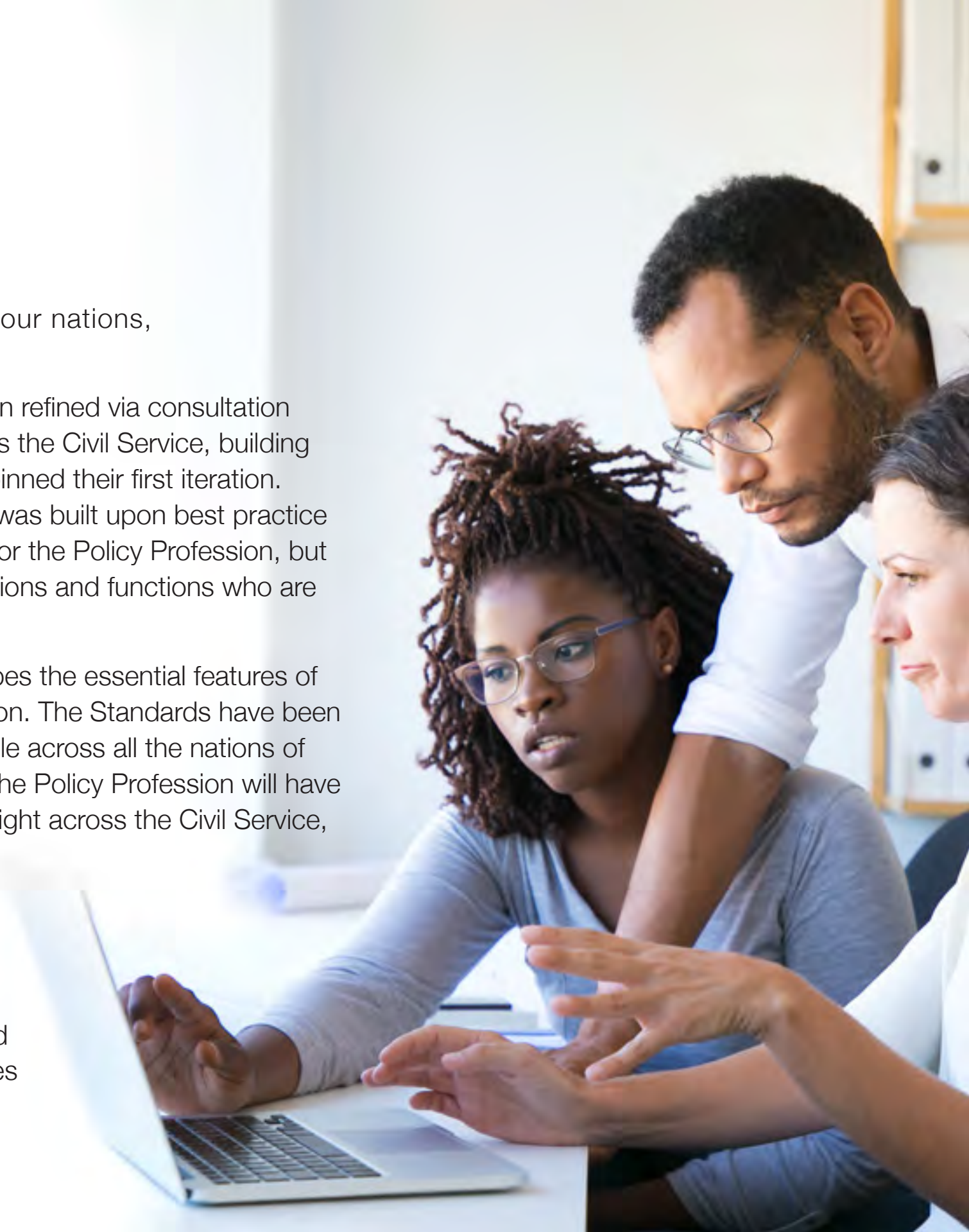
This document is an update of the framework, originally published in 2018. In this revised and refreshed version, the Standards are fewer and simpler. The aim is to make the framework easier to use and to ensure the Standards reflect the Civil Service needed to meet current and future challenges effectively.

The Policy Profession Standards are a competency framework for all UK Civil Servants involved in policy work and operating in a policymaking environment. By codifying the core skills of policy practice, the framework is designed to support the multidisciplinary teams so critical to effective policy making – bringing together the domain knowledge, system expertise and specialist skills required to solve public policy

challenges more effectively for our nations, communities and citizens.

The updated Standards have been refined via consultation with subject matter experts across the Civil Service, building on the evidence base that underpinned their first iteration. Consultation ensured the refresh was built upon best practice and emerging priorities, not only for the Policy Profession, but for all the multidisciplinary professions and functions who are partners in the policy process.

The Standards framework describes the essential features of policy practice in any administration. The Standards have been redesigned to be equally applicable across all the nations of the UK. This marks the first time the Policy Profession will have a common capability framework right across the Civil Service, with shared expectations in every nation. This framework for policy practice – what policy is and what skills it involves – is also useful throughout the public sector, where we continue to build partnerships across public services and tiers of government.



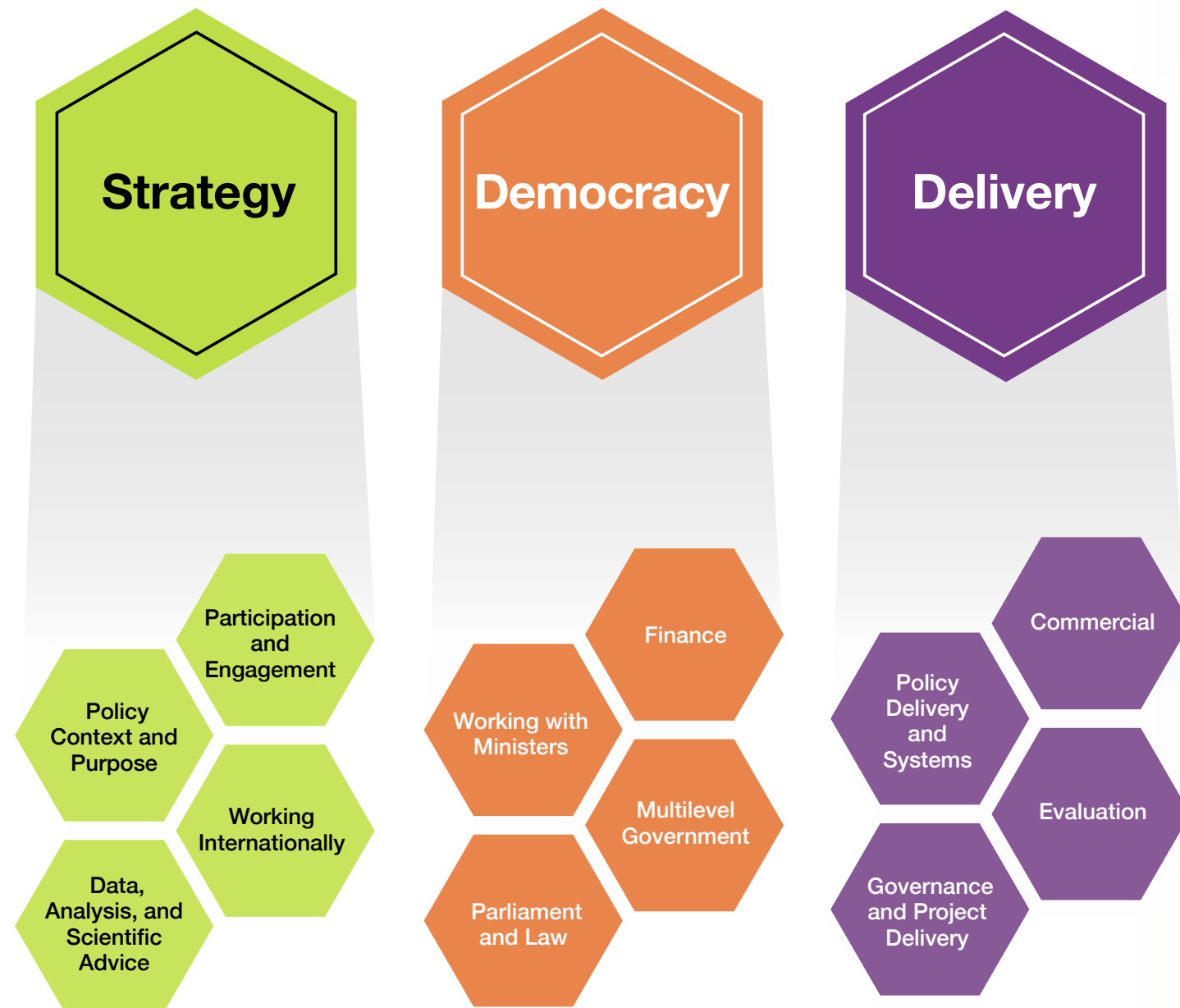


Using the Standards: The Three Pillars

The Policy Profession Standards framework is arranged around three pillars that comprise the key skills of all policy practice:

- **Pillar One: Strategy** – *using evidence and analysis.*
Generating, assessing and applying evidence and analysis to understand the context and develop new strategies.
- **Pillar Two: Democracy** – *understanding and supporting good governance.*
Understanding and supporting good governance and accountability through the production of robust and challenging advice to inform decisions.
- **Pillar Three: Delivery** – *designing policy implementation.*
Designing policy implementation and delivery systems in collaboration with delivery partners and users, including how policies will be evaluated and improved.

Each pillar contains four Standards with 12 Standards in total. These three pillars represent fundamental practices relevant to every policy area. The relevance of individual Standards will vary for each policy.





Using the Standards: The Three Levels

The Policy Profession Standards define the skills, knowledge and activities required for each Standard as individuals progress from gaining foundational knowledge, to becoming a skilled practitioner, to being a policy leader. These three levels of learning set expectations for what a policy professional can do for every Standard at any grade or career stage, from attaining a universal baseline of knowledge at level 1, to applying skills and knowledge in practice at level 2, to developing deep expertise at level 3.

- **Level 1: Developing** – The Civil Service expects all policy professionals to be aware of and understand all the Standards by their first Grade 7 role in any Civil Service organisation – this is Level 1 competency. Level 1 represents the baseline for Civil Servants and is relevant to roles at the EO, HEO, and SEO grades. The Standards framework is multidisciplinary, as baseline competency includes understanding when and how to involve other professions and functions.
- **Level 2: Practitioner** – As policy professionals progress they will have the opportunity to apply skills and knowledge and will become skilled practitioners, often leading policy areas and teams – this is Level 2 competency. Level 2 competency is not universal: policy professionals are not expected to be able to apply the skills and knowledge associated with every Standard. Instead they will

develop unique individual combinations of skills as a result of their career path.

- **Level 3: Expert** – Policy professionals may progress from skilled practice to developing deep expertise for certain Standards, becoming policy leaders and sometimes undertaking professional qualifications – this is Level 3 competency. At Level 3 competency, policy professionals can demonstrate exemplary skills and knowledge across the Civil Service.

These three levels of learning are not directly linked to grades, as individual career experiences usually result in colleagues operating at different levels in different skill areas, regardless of their position within the organisational hierarchy. Furthermore, most roles will span multiple levels of skills and knowledge. As a broad guideline, Level 1 is relevant to a typical role at the EO–SEO grades and should be attained before the first G7 role; Level 2 to G7–G6 grades; Level 3 to SCS grades. In practice most roles will require a higher level of specific technical skills or knowledge for some elements of the role, with these expectations defined at Level 2 and Level 3. The levels of learning are cumulative – level two and three capability assume that level one and two capability has already been attained and where this isn't the case assume that level one should be sought first.



Understanding the Standards

The Standards are designed to be used as a competency framework:

- by policy professionals, to understand expectations, and develop to meet them;
- by Civil Service organisations, to structure their capability-building, workforce planning, or performance management activities;
- by the Policy Profession Unit, to create a shared foundation for the support provided to professionals and the Civil Service.

Learning Outcomes

Each Policy Profession Standard has a set of learning outcomes. The learning outcomes provide a summary description of the skills, knowledge and activities included for each Standard and set out the overall expectations for that Standard.

We expect most policy professionals will use the Standards and their learning outcomes to guide professional development.

The learning outcomes for each Standard can be found in the next section, organised by pillar.

Detailed Descriptors

Each Policy Profession Standard also has a set of detailed descriptors. The detailed descriptors set out the specific skills associated with each learning outcome, at each of the three levels of learning, for each Standard.

The descriptors provide additional detail for those seeking a deeper understanding of the Standards, or those using the framework to support capability-building in their organisation. The detailed descriptors represent best practice for each Standard and were generated through consultation with subject matter experts and specialists across Civil Service organisations, professions and functions. The detailed descriptors for each Standard can be found in the annex.

2021 Policy Profession Standards				
Strategy	1.1 Policy Context and Purpose	1.2 Data, Analysis, and Scientific Advice	1.3 Participation and Engagement	1.4 Working Internationally
Democracy	2.1 Working with Ministers	2.2 Parliament and Law	2.3 Finance	2.4 Multilevel Government
Delivery	3.1. Policy Delivery and Systems	3.2 Governance and Project Delivery	3.3 Commercial	3.4 Evaluation



Pillar One: Strategy

1.1. Policy Context and Purpose

- Understand the policy process. Develop expertise within the policy area to operate credibly and effectively.
- Interrogate and explore underlying issues addressed by the policy, using systems thinking to model policy problems.
- Define the sought impacts and outcomes of a policy.
- Apply decision making tools to model policy options.
- Embed cross-cutting policy objectives and responsibilities.
- Challenge assumptions and explore different scales of impact, using futures techniques.

1.2. Data, Analysis, and Scientific Advice

- Apply research methods to model, test and improve policy solutions.
- Commission, understand and use data, evidence, and advice from analytical sources.
- Commission, understand and use data, evidence and advice from scientific and technical sources.

1.3. Participation and Engagement

- Commission, understand and use data, evidence and advice on the diverse needs of those affected by policy.
- Apply the principles and practices of relevant approaches such as co-production, user centred design and behavioural science.
- Enable participation by stakeholders in the policy process. Seek enhanced transparency and openness.
- Deliver effective external communication.

1.4. Working Internationally

- Understand the international context and the priorities and interests of all parts of the UK.
- Work within complex contexts to build relationships, influence and negotiate to advance UK interests.
- Work effectively with international bodies.
- Understand the role of international development work.
- Understand international trade implications for policy area.





Pillar Two: Democracy

2.1. Working with Ministers

- Deliver effective internal communication. Write for different audiences and purposes, including scrutiny.
- Work effectively with ministers. Understand the options for providing policy advice and how to challenge.

2.2. Parliament and Law

- Understand the legal framework applicable to your policy role within the Civil Service, know how to comply with essential regulations, such as equalities law, and how to work with legal risk.
- Understand the legislative process.
- Understand the role and functions of the relevant Parliament(s). Understand responsibilities to Parliament(s) and accountability of officials.

2.3. Finance

- Consider effective use of public money, value for money and fiscal sustainability in decisions.
- Understand how to manage risk and relevant accountabilities.

2.4. Multilevel Government

- Understand devolution in all parts of the UK. Understand the impacts, risks, and opportunities of intergovernmental relations.
- Work effectively with different levels of government in the UK, including local and regional government.





Pillar Three: Delivery

3.1. Policy Delivery and Systems

- Explore delivery options using data, evidence and advice on the needs of those affected by policy.
- Collaborate with cross sector partners to design implementation, using systems thinking, service design and organisation design.

3.2. Governance and Project Delivery

- Understand the delivery of the operations of government.
- Understand accountabilities to the organisation and how to manage risk.
- Plan, monitor and continuously improve policy delivery.

3.3. Commercial

- Understand commercial and procurement options and the impacts on policy decisions.

3.4. Evaluation

- Use evaluation throughout the policy process to generate evidence and learning that informs decisions and delivery.

