

Citizen Participation and Public Petitions Committee

15th Meeting, 2022 (Session 6), Wednesday
9 November 2022

PE1862: Introduce community representation
on boards of public organisations delivering
lifeline services to island communities

Note by the Clerk

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| Lodged on | 24 March 2021 |
| Petitioner | Rona MacKay, Angus Campbell & Naomi Bremner on behalf of Uist Economic Task Force |
| Petition summary | Calling on the Scottish Parliament to urge the Scottish Government to introduce community representation on boards of public organisations delivering lifeline services to island communities, in keeping with the Islands (Scotland) Act 2018. |
| Webpage | https://petitions.parliament.scot/petitions/PE1862 |

Introduction

1. The Committee last considered this petition at its meeting on [26 October 2022](#), where the Committee took evidence from the Minister for Transport, and Fran Pacitti, Director of Aviation, Maritime, Freight and Canals, Transport Scotland. At that meeting, the Committee agreed to consider the evidence at a future meeting.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.

3. Written submissions received prior to the Committee's last consideration can be found on the petition's [webpage](#).
4. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
5. The Scottish Government's initial position on this petition can be found on the petition's [webpage](#).

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1862: Introduce community representation on boards of public organisations delivering lifeline services to island communities

Petitioner

Rona MacKay, Angus Campbell & Naomi Bremner on behalf of Uist Economic Task Force

Date lodged

24 March 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce community representation on boards of public organisations delivering lifeline services to island communities, in keeping with the Islands (Scotland) Act 2018.

Previous action

Raised issue with the MSPs Beatrice Wishart, Liam McArthur and Alasdair Allan.

Background information

One of the strategic objectives of the National Islands Plan is designed to empower island communities and strong local partnerships.

We believe that public organisations delivering lifeline services to island communities, such as the Highlands and Islands Airport Ltd (HIAL), should have representation from those communities on their boards. We also believe that this is in line with the National Islands Plan.

We believe this change will empower our communities based on a cohesive, place-based and holistic approach to policy. It will build economic, social and environmental considerations in an integrated approach to strategy for the infrastructure and services that support our lifeline services. We believe that local knowledge should be viewed as

an essential skill for the Boards of organisations accountable to the Scottish Government. Such knowledge would bring an appreciation and understanding of local community needs relevant to the service which is being delivered. In particular, we believe that local knowledge will bring insight to boards into economic and infrastructure development, local investment and planning, employment, housing, education and health and social care and how these relate to the service the public organisation provides.

This petition comes in the spirit of delivering active change as the communities have overseen community ownership transfers such that much of our land ownership and decision-making is now made in the islands and Caithness by communities themselves. We make this petition in the same belief that our communities should have ownership, through our place on boards, appointed on merit, over assets which are there to serve us. We want to create more local resilience in our communities through the decentralisation of strategic planning and decision-making.

HIAL is one example where this change could be applied. Its board meets regularly to provide strategic direction for the Company and is responsible for the determination of the company's strategic plan and direction. In particular, the board reviews safety, security, risk management, corporate governance, operational matters, financial management, business and commercial strategy, route development, pay, pensions and human resources.

It is the role of the HIAL board to challenge the senior management team on its strategy for the business and to provide guidance and support on aviation and non-aviation issues. The board is entrusted to provide leadership, direction, support and guidance to ensure that HIAL delivers and is committed to delivering its functions effectively and efficiently and in accordance with the aims, policies and priorities of the Scottish Ministers. The board is also responsible for appointing, with the approval of the Scottish Ministers, the Managing Director.

Major policy decisions are made at board level, drawing on information provided by the management team, the Scottish Government and other appropriate sources. There is, however, currently no specific requirement to draw on information from the Councils or communities that the decisions potentially affect.

Using HIAL as an example, we have set out how our petition aims could be achieved to increase community participation—

1. Reserving a place on the selection panel for the Chair of HIAL, for either the chair (or substitute) of the HITRANS or ZetTrans boards, and include island local authorities in the selection process;
2. Assigning three of the seats on the HIAL board to people who live in the communities served by the HIAL airports (we suggest a preference for island residents, on the grounds of air services being lifeline to islands, but commercially desirable for mainland areas);
3. One of these seats should be retained for a co-opted member from the HITRANS/ZetTrans Board. It is noted that this member while sitting on the HIAL Board would act only in the best interests of the HIAL 'company'; and/or
4. At least one Council allocated a place on the board, from either Western Isles Council, Orkney Islands Council or Shetlands Islands Council. Local authorities should not, however, be excluded from other appointments or limited to involvement just with these appointments, and again while sitting on the HIAL Board the member would act only in the best interests of HIAL, as is the case with members of NHS Boards drawn from local authorities.

We believe that this approach is in keeping with the principles of public appointments, namely appointed on merit, and committed to diversity and equality, with a board that is representative of the community that the organisation seeks to provide services for.

We believe that by having community and island representation on this, and other, boards will increase accountability and participation. This is consistent with principles of accountability, inclusion and community empowerment, and a more human rights-based approach. This would create ownership, monitoring and accountability, a fair and inclusive approach which is consistent with the Scottish Government's Purpose and National Outcomes.

Annexe B

Extract from Official Report of last consideration of PE1862 on 26 October 2022

The Convener: Good morning, and welcome to the 14th meeting of the Citizen Participation and Public Petitions Committee in 2022.

The first agenda item is consideration of continued petitions. The first of those is PE1862, which calls on the Scottish Parliament to urge the Scottish Government to introduce community representation on the boards of public organisations that deliver lifeline services to island communities, in keeping with the Islands (Scotland) Act 2018. The petition was lodged by Rona MacKay, Angus Campbell and Naomi Bremner on behalf of the Uist economic task force.

We last considered the petition on 4 May, and we thought that it would be useful to invite the Minister for Transport to provide further evidence. I am delighted that we have the minister, Jenny Gilruth MSP, with us today. I think that we are joined remotely—[Interruption.] Oh—she is with us now. Sorry. We also have Fran Pacitti, the director of aviation, maritime, freight and canals at Transport Scotland. I could not see the small type on her nameplate—once her job description is on there, there is little room left for her name. I welcome the minister and Ms Pacitti.

Members have a number of questions that they would like to explore. We are happy to move straight to them, unless there is anything that the minister particularly wants to say before we do.

The Minister for Transport (Jenny Gilruth): No. I am content to move on.

The Convener: I expect that it will be a relatively short evidence-taking session, because we are focusing on the issue in hand, so I thank you for your time.

I invite David Torrance to lead the questioning.

David Torrance (Kirkcaldy) (SNP): Good morning, minister. Do you agree with the former Minister for Transport, Graeme Dey MSP, that

“It is neither tenable nor credible that”—[Official Report, 7 September 2021; c 94.]

island residents are not represented on the boards of organisations that provide lifeline services to their communities?

Jenny Gilruth: I do not think that I have seen the quotation in context, and I would be grateful if the committee could share it with me. However, I recognise the need to do more in relation to islander representation on boards, in particular. The matter obviously predates my time in office but has affected island communities in recent

months. In a number of my interactions with island communities on different matters, predominantly in relation to ferry services, it has been raised consistently.

I should make the committee aware that one of the petitioners, Angus Campbell, has been asked to lead the consultation work in relation to project Neptune, so he is involved in some of the wider work to consult island communities on the governance and provision of ferry services. Some of that work might examine directly the issue that the petition is considering. However, on the principle of the member's question, I agree that there is more that we need to do in that respect.

In addition, last month, I updated the Parliament on two different appointments. Morag McNeill has been appointed as the chair of Caledonian Maritime Assets Ltd. Murdo MacLellan has been appointed as a non-executive director on the CMAL board, and he is an islander. That is progress, but I recognise that more needs to be done, and I am committed to working with Angus Campbell and others on how the Government delivers that.

The Convener: For information, I advise the minister that the source of Mr Torrance's quotation is a members' business debate from September 2021, led by Alasdair Allan, on reserved seats on boards for islanders. The minister was replying to Alasdair Allan in that debate.

Jenny Gilruth: Thank you.

David Torrance: Minister, you have suggested in written evidence that there are alternative ways for island communities to engage with public bodies other than through places on boards. Are those alternatives really fit for purpose? If they are, why do island residents continue to press for a voice on the boards of relevant public bodies?

Jenny Gilruth: That is a fair observation from David Torrance. As he highlighted, there are a range of different ways in which islanders can get involved in some of the board activity more generally, without necessarily sitting on the boards of the public bodies themselves. A good example of that is the CalMac ferries community board, which is chaired by Angus Campbell, who is one of the petitioners. Since January, I have worked closely with Angus on a number of issues with the Clyde and Hebrides ferries network. That board is a good example of how islanders' views can be taken into account, and there is not just the communities board for ferry services; a plethora of different boards exist in our island communities, particularly in relation to ferry services.

The committee might be aware that, in my update to Parliament on 9 September in relation to project Neptune, I outlined an alternative approach to resilience in relation to ferry breakdowns on the network, which looks to engage with a wide range of organisations as and when there are prolonged periods of disruption on the Clyde

and Hebrides network. Members will be aware of some of the challenges that have occurred in recent months.

For example, over the recess, I convened a resilience meeting. That considered engaging a number of different representative boards on the relevant island communities—not just people who work in CalMac and CMAL, but people who live in our island communities. As the minister, I hold a responsibility to engage with island communities when there are sustained periods of disruption.

There are other forums in which islanders can have their views taken into account. One is the ferries community board, which I mentioned, but other boards and mechanisms exist in island communities.

There is a requirement for us to consider what more can be done. There are upcoming appointments to the David MacBrayne board—I discussed that with Fran Pacitti prior to the committee—and the process for those appointments will be shared with me later today. I am keen to safeguard the capacity to make progress in the future. I have given examples of two recent appointments that have evidenced progress in the past year, but it is important that we continue to drive that progress as a Government. I look forward to receiving further information on those new appointments later today, and I would be more than happy to share with the committee further detail of what that process looks like.

David Torrance: Thank you for that, minister.

Alexander Stewart (Mid Scotland and Fife) (Con): Minister, in your written evidence, you talk about individuals needing the “skills, knowledge and experience” to ensure that a board does its work. However, that might limit the number of individuals who are able to participate in the process to those from a specific circle or a specific location. That causes some difficulty. Is there an opportunity for training to influence that process, so that individuals can be given extra support that gives them the chance? Otherwise, you will exclude individuals from the pool when it might be advantageous for them to get the chance to participate.

Jenny Gilruth: Absolutely. I recognise that we can do more in this space in relation to training and supporting the development of the skills and expertise that are required for such appointments. Fran Pacitti might want to say more on why that is so important, but I recognise that there are challenges in that respect.

Before I came to give evidence, I was not aware that the committee was all male. I look at it and wonder whether there might be more that all parties could do on female representation in the Parliament. There is a challenge for the Government in delivering that, and there is always a challenge for political parties in matters of representation. Fran may wish to say more about skills and expertise and about the current expectation of how the bodies would engage with and support the development of skills in the future.

Fran Pacitti (Transport Scotland): We recognise the challenge that you have highlighted. In previous recruitments, when we have sought to encourage applications from island communities, we have found that the combination of what can be specific technical skill sets and a geographic restriction, or the need for a knowledge of island communities, has limited the pool of applicants.

To counteract that, we have adjusted the approach. As you will see in the advert for non-executive directors for the David MacBrayne board, which will be published in the next few weeks, we have made it an essential criterion of one of those roles—essential, rather than desirable—that applicants have a good understanding or knowledge of the issues affecting island communities. That will allow us to widen the pool of applicants that we attract.

We have been far more proactive in how we publicise the roles and make people aware of the opportunities, so that we are promoting those opportunities not only in the well-worn professional press or media. We are advertising the roles in the Gaelic language, we are encouraging local authorities to disseminate the opportunities through their community frameworks, and we are getting the Scottish Islands Federation to help us in promoting those opportunities. We are encouraging island residents, in our routine engagement with them, to stimulate interest and awareness of the opportunities so as to encourage people to apply.

Jenny Gilruth: We are advertising on the vessels, too, are we not?

Fran Pacitti: We are.

Jenny Gilruth: That is quite important with regard to the opportunities that are available to island residents.

Alexander Stewart: Thank you.

Fergus Ewing (Inverness and Nairn) (SNP): The particular focus of the petition is on Highlands and Islands Airports Ltd. It generally asks that there be representation from islands on public bodies with a responsibility for lifeline services to islands, but, looking at the detail of what the petitioners seek, the particular focus relates to HIAL. I appreciate that the minister has responded quite a lot in relation to ferries, but I think that the focus is very much on HIAL.

What the petitioners have specifically suggested, as far as I can see, is that three seats should be allocated for specific island groups—the Western Isles, Orkney and Shetland—without excluding other island groups. I have just checked the web to see the size of the HIAL board, as one does not want to have boards that are overwieldy in numbers. The Cairngorms National Park Authority board, for example, has 25 members, which is too many, in my humble opinion. The HIAL board has only eight members, I think, although perhaps I have got that wrong—if I have, I apologise. Given that HIAL has a relatively small board, as far as I can see, an awful lot could be gained by adding the island voice.

I have not raised the issue with Inglis Lyon, and I am sure that, if HIAL representatives were here, they would say that they engage—and they have procedures for engaging with islands, of course, as we have heard before. I just wonder whether we could get a specific response, either today or after reflection and consultation with HIAL, which would be only fair to HIAL. I have not raised the matter with HIAL, nor have I raised it with you, minister, but it seems to me that what the petitioners are specifically asking for has a certain rationale and force behind it and could be accommodated without making the governance of HIAL unwieldy or cumbersome. It could add quite a lot of accountability and scrutiny, as well as a feeling of belonging on the part of people in the islands, who feel very remote and detached from things from time to time, as you will know, minister.

Jenny Gilruth: I am prepared to be wrong about this, but my reading of the petition is that HIAL is being used as an example of lifeline services to island communities and that the petition is not focused only on HIAL.

I think that, in relation to lifeline services to island communities, we are really talking about three boards: CMAL, David MacBrayne and HIAL. HIAL's board has six members, I think—not eight. If we were to add three members to it, its composition would alter significantly. I am not saying that I am against the proposal—I am sympathetic to it—but Fergus Ewing is right to say that I would like to speak directly to HIAL about it. It is a relatively small board. In fact, the membership of all the boards is relatively small. Some of the challenge therefore relates to how we can recruit people with the skills and expertise that Alexander Stewart was asking about while, at the same time, assuring islander representation.

I am happy to write to HIAL on the point that Fergus Ewing has addressed. I am not sure that I agree with the petitioners that three members of that board should come from island communities, given that it currently has only six members. However, we can do more to formalise islanders' voices on the boards, to ensure that they are properly heard and that their views are taken account of.

Fran Pacitti may want to say more about that, as she met HIAL last week.

Fran Pacitti: There are six non-executive members on the HIAL board at the moment, and there is an opportunity for us to recruit a successor to one of the incumbent non-executive directors in the coming months. We will apply the same principle that we have applied in relation to the David MacBrayne and CMAL boards—of seeking to encourage island representation to the extent that we can.

I commend HIAL for all that it does in its community engagement. In all 11 of the airports that it operates, it dedicates a significant resource to understanding the issues that affect the communities. However, that operational engagement—that discussion with island representatives on the operational issues that affect their specific communities—is no substitute for having that engagement at the strategic level and that customer focus at the board level.

I agree with the principle, and, from discussion with the HIAL chair, I know that there is an acceptance of it, so we will take that forward. As with all board recruitments, we will have to look at the composition of the board—the number of members and the total skills requirements—so that we get the right balance of skills to address the organisation’s strategic challenges at the time of recruitment.

Fergus Ewing: Thank you.

Convener, to do justice to the petitioners, it might be helpful if we shared some of the detail of their proposals. I have skimmed those here; I have not gone into them fully. Maybe we could copy them to the minister. Then, if she has any comments further to what was a generally positive response, we could see what those are.

The Convener: We can certainly do that. The information is in the public domain, but we can make sure that the minister is aware of it.

Paul Sweeney (Glasgow) (Lab): I thank both witnesses for coming today. What does the selection procedure for the boards of Caledonian Maritime Assets Ltd, David MacBrayne Ltd and Highlands and Islands Airports Ltd look like, and how is it determined? Obviously, there is a power structure in terms of who picks the people who go on those boards. How does that process work in practice?

Jenny Gilruth: I am happy to allow Fran Pacitti to talk you through the process. As the minister, I will need to sign off some of those appointments, but it might be best if Fran talks you through the technical detail of the requirements of the application process itself—for example, how candidates are sifted.

Fran Pacitti: The positions on all three boards are ministerial appointments—ultimately, the decisions are taken by ministers. They are regulated appointments, which means that the recruitment process is subject to the “Code of Practice for Ministerial Appointments to Public Bodies in Scotland” and is overseen by the Commissioner for Ethical Standards in Public life in Scotland. That ensures a degree of impartiality in the process.

The starting point for any of the recruitments is identifying the skill sets that are required on the boards. Those will change over time, depending on the particular challenge that each organisation faces. We will have in place a skills matrix for each of the boards, which we will review to identify the skills that are needed. We recognise that those include a knowledge of island life and that island representation needs to be at the forefront of the board’s consideration. We will use that matrix to identify the number of positions that need to be filled and the particular skills required for the vacancies that have arisen, and we will agree those with the ministers and with the ethical standards commissioner.

In some instances, the ethical standards commissioner asks that there be an island representative on the recruitment panel. That is a matter for the commissioner, based on the sensitivity of the recruitment. For example, there was an independent

panel member for the recent CMAL recruitment, and there will be one for the forthcoming David MacBrayne Ltd recruitment. The minister will sign off the recruitment panel.

Typically, the recruitment panel has a representative from Transport Scotland on it, who represents ministers as the shareholders' interest in the recruitment. If it is considered appropriate by the ethical standards commissioner, there is also someone who represents the commissioner's office, and a third panel member might ensure that there is diversity in the panel and that it contains particular skills and expertise. For example, when we are looking for someone with particular maritime knowledge or other skills, one of the panel members will reflect that requirement, so that we can adequately test it through the recruitment process.

In recent rounds of CMAL recruitment, we have sought to include island representation on the panel so that there is a fair assessment of the candidates' understanding of issues affecting island life. We have been supported in that process by Malcolm Burr, who is the chief executive officer of Western Isles Council. He has brought a great deal of insight to the assessment of applications and has offered us invaluable advice on improving how we market and increase awareness of the opportunities that exist.

We run the process that is set out by the commissioner's office. We advertise, we accept applications, we sift the applications and we test at interview. The panel makes recommendations to the minister, who has an opportunity to meet candidates should she wish to do so. Ultimately, it is a ministerial appointment, but those steps and measures are in place to ensure that the process is as transparent and inclusive as possible and to ensure that, although every one of these appointments is unique, there is consistency and transparency in how we appoint.

Paul Sweeney: It seems like a rigorous process for ensuring technical competence. I guess that there is a tension between the ideal of having representation and the fact that that is severely limited because of the population base that you can draw from.

I wonder whether there is a way of providing continuous professional development not just for the transport-related boards, but more widely across Government. For example, I am dealing with significant issues with community housing association boards in Glasgow, and there is a tension with the regulator, which says that a lot of the boards do not have the necessary technical competence, which creates pressure to take control away from communities. Is there a wider cross-Government approach to improving CPD opportunities for people who are eager to participate but who perhaps do not have the technical ability that is necessary to pass the selection panel?

Jenny Gilruth: The issue of a cross-Government approach does not sit with me, as the Minister for Transport. I am not sure which minister it sits with. I will take that idea

away and speak to officials about how we can better deliver that, because I recognise the tension that Paul Sweeney has identified.

There tend to be demographic and gender elements to board appointments, and, if we do not get the right people into those posts, it skews the representation of the public. There is an ask of Government around public appointments and how we can upskill the population and empower people to apply for those positions. I will take the matter away and speak to officials about taking a whole-Government approach. The responsibility does not sit with me, but I recognise the tension between getting the necessary skills and experience and taking cognisance of, in this instance, islanders' views on the delivery of lifeline services.

The Convener: Thank you, colleagues. That was very constructive. Thank you both for attending, minister and Ms Pacitti—I suspect that I got the pronunciation wrong the first time, in my confusion.