

Civil Service Support for Government Formation

Introduction

1. In keeping with established practice in Scotland and with the agreement of the First Minister, the Civil Service will stand ready to offer assistance to political parties and independent members represented in the Scottish Parliament to support the process of forming a government. Assistance will be available in the period between the Scottish Election on 5 May and the nomination of a First Minister by the Scottish Parliament.
2. Assistance will be offered without prejudice to and alongside the Civil Service's continuing duty to the existing First Minister and other Ministers who, in order to ensure the conduct of Government business, remain in office until the new Parliament nominates a candidate for First Minister who is appointed by The Queen.
3. The first Parliamentary meeting is scheduled for 12 May, when members will be sworn in and elect a new Presiding Officer, who oversees the nomination and appointment of a new First Minister. As you will be aware, a new First Minister must be nominated within 28 days of the Poll. The process of securing Parliament's nomination of a First Minister is dealt with by the parties and by Parliament and must take place in accordance with the Standing Orders of the Scottish Parliament. The Civil Service plays no role in the nomination process.

Principles

4. Civil Service support is designed to ensure that government formation discussions can be informed by advice on policy, delivery, legislative, constitutional and financial matters.
5. The use of Civil Service support for government formation is at the discretion of the political parties at all times.
6. Assistance will be provided in line with the Civil Service values of impartiality, honesty, objectivity and integrity.
7. Civil Service assistance will be provided on a confidential basis to each party involved in government formation discussions.
8. Information and advice provided will be on a privileged basis and solely for the purposes of government formation. It will not constitute formal advice to any Government subsequently formed and is expected to be kept confidential by the parties involved.
9. The information provided under these arrangements could be subject to Freedom of Information requests. Any such requests will be considered on their merits including the application of appropriate exemptions, for example section 30 of the Freedom of Information (Scotland) Act 2002 (prejudice to the effective conduct of public affairs).

However, in the event of an appeal the final decision on the release of information under these arrangements will be for the Scottish Information Commissioner.

Approach

10. For the parties concerned, the Civil Service will be able to:
 - a) assemble and summarise available information in a form that is most helpful to the discussions;
 - b) offer on request an assessment of the key issues arising from particular manifesto commitments, and the identification of common ground across manifestos; and
 - c) provide note-taking and other drafting support, including for the production of any Agreement or a Programme for Government document.

Media enquiries

11. During the government formation process, it will be for the Parties themselves to handle enquiries from the media and others. Specialist Civil Service communications staff can facilitate media engagement in the vicinity of any Government building where discussions are taking place but would not speak for the Parties.

Scottish Government
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