



STANDARDS COMMISSION  
S C O T L A N D

**AND CHIEF INVESTIGATING OFFICER**

**CORPORATE PLAN**

**2010 / 2013**

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## **1. Introduction**

- 1.1 The Standards Commission for Scotland (“the Commission”) was appointed by Scottish Ministers on 27 January 2002 in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the 2000 Act”) and has been set up to encourage high ethical standards in public life through the promotion and enforcement of Codes of Conduct for Councillors and Members of Devolved Public Bodies.
- 1.2 The Commission comprises a Convener, four Commission Members and its Office, led by the Secretary to the Commission.
- 1.3 The 2000 Act also established the post of the Chief Investigating Officer (“CIO”) who is appointed by Ministers.
- 1.4 The CIO’s functions as provided for by the Act are to:
  - investigate cases in which a councillor or member of a devolved public body may have or is alleged to have contravened the Councillors' or, as the case may be, the Members' Code
  - decide whether to report the outcome of any investigation to the Commission
  - report to the Commission on the outcome of investigations.
- 1.5 The Commission’s functions as provided for by the Act are to:
  - receive reports from the CIO on the outcome of his investigations and determine whether to:
    - direct the CIO to carry out further investigations
    - hold a hearing or
    - take no action
  - hold a hearing to determine whether a councillor or member of a devolved public body may have or is alleged to have contravened the Councillors’, or as the case may be, the Members’ Code
  - where the members of the Commission find that a councillor or member has breached the relevant Code, to determine, in accordance with the Act, the sanction to be applied
  - issue guidance to councils and devolved public bodies:
    - to assist them in promoting high standards of conduct and
    - on the Commission’s relationship with them in carrying out its functions under the Act.

## **Codes of Conduct**

- 1.6 There is one Code of Conduct for all Councillors. There are also Codes for appointed Members of each of the designated Devolved Public Bodies. These are adapted from a model Code to reflect the functions and characteristics of the individual body.
- 1.7 The Codes of Conduct have a key role in setting out, openly and clearly, the standards of conduct that must be applied by those in public office. This is vital to

reinforce and strengthen public confidence in Councillors and members of the Boards of Devolved Public Bodies.

- 1.8 The Councillors' Code of Conduct applies to the Councillors of all of Scotland's 32 Local Authorities.

There are 1222 Councillors in total.

- 1.9 As at 1 April 2010 individual Codes of Conduct have been made and approved for 109 Devolved Public Bodies. These Codes of Conduct currently apply to:

- National Bodies
- NHS Boards
- Colleges of Further Education
- National Parks
- Regional Transport Partnerships
- Community Justice Authorities

There are approx 1556 Members of Devolved Public Bodies in total.

### **The Corporate Plan**

- 1.10 The Commission and the CIO are separate bodies who each operate independently. However, the CIO reports to the Commission on the outcome of his investigations and the Commission then determines, in the case of a finding of breach, whether or not to hold a Hearing. Their combined statutory duties under the Act provide for investigation and adjudication in relation to alleged breaches of the Codes of Conduct. Therefore, to provide the complete picture in relation to the ethical standards framework introduced by the Act, the Commission and CIO have produced a joint Corporate Plan.

- 1.11 The plan describes the aims and strategic objects of the Commission and the CIO, including key targets which we have set for ourselves. The Plan also sets out the Commission's and CIO's key objectives for the period up until 2013 as far as it is possible to establish them at this stage.

## 2. Mission

The Commission is an independent body which encourages high ethical standards in public life through the promotion and enforcement of Codes of Conduct for Councillors and those appointed to the Boards of Devolved Public Bodies.

The Commission works with local government and public bodies, as well as other key stakeholders, to build confidence in the ethical standards of those elected or appointed to public life.

The CIO is an independent office holder who has responsibility for the investigation, and referral to the Commission, of alleged breaches of the Codes of Conduct for Councillors and those appointed to the Boards of devolved public bodies.

### **3. Values**

- 3.1 The Commission and CIO have each adopted the values and principles which underpin the Codes of Conduct. These are:

#### **Duty and Public Service**

Holders of public office should uphold the law and act in accordance with the law and the public trust placed in them. They should act in the interests of the public body and all the communities served by it.

#### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so to gain financial or other material benefit for themselves, their family or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to any outside individual or organisations that might seek to influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making appointments, awarding contracts or recommending individuals for rewards and benefits, holders of office should make choices on merit.

#### **Accountability and Stewardship**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about decisions and actions they take. They should give reasons for their actions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

## **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **Respect**

Holders of public office must respect all other holders of public office and employees of the public body and the role they play, treating them with courtesy at all times.

#### 4. Key Themes

1. Fairness and Impartiality
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It is essential to confidence in public services in Scotland that the Commission in its adjudicatory role and the CIO in his investigatory role act, and are seen, to act fairly, independently, impartially and properly.

2. Working with Others
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The maintenance of the highest ethical standards in public life throughout Scotland cannot be achieved by the Commission alone. It is a joint effort, requiring partnership working with all those involved in public life in Scotland.

## **5. National Purpose, Strategies and Outcomes**

- 5.1 The Scottish National Purpose is to focus Government, and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. To achieve this, the Government has set National Outcomes to which all public bodies in Scotland will contribute.

The Commission and Office of the Chief Investigating Officer acknowledge that the key purpose of encouraging and enforcing high ethical standards in Public Life may be considered to have limited direct contribution to the majority of the key national outcomes. However, the enforcement of high ethical standards in public life impacts on people's confidence and trust in public office holders, and this confidence and trust is important to enable public bodies and councils to produce the best outcomes for their organisations and the people they serve. Therefore indirectly the work of the Commission and the Office of the CIO contributes to all of the national outcomes. In particular:

### **National Outcome 15**

**Our public services are high quality, continually improving, efficient and responsive to the needs of local people**

The Commission and the Office of the Chief Investigating Officer support the delivery of high quality public services intrinsically through their purpose of encouraging and enforcing high ethical standards in Public Life and, within their own organisations by applying 'best value' principles in the discharge of their functions, promoting Accountability and Stewardship, Selflessness and Honesty as constituent parts of their adopted Values, promoting Openness and Honesty as constituent parts of their adopted Values and having clear and accessible complaints procedures in place.

### **National Outcomes 9 and 11**

**We live our lives safe from crime, disorder and danger**

**We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others**

The key function of the Commission and the Office of the CIO is to promote and enforce high ethical standards in public life. Public Office holders with high ethical standards will have the trust and confidence of the public and will provide reassurance that decisions they are making are fair, unbiased and just. Enforcing high ethical standards and codes of conduct ensures that people must account for their actions and take responsibility for them.

The Commission and the Office of the Chief Investigating Officer will ensure that the ethical standards framework will be fully, but proportionately, applied so that the highest standards of conduct are applied to those in public office.

## **National Outcome 12 and 14**

**We value and enjoy our built and natural environment and protect it and enhance it for future generations**

**We reduce the local and global environmental impact of our consumption and production**

Within the two organisations the Commission and Office of the CIO work to limit their consumption of energy and other resources and, where possible, work to reduce the environmental impact of their activities.

### **Measuring Performance**

The Commission and the Chief Investigative Officer maintain a set of key performance indicators agreed with Scottish Government. These assist to assess contributions to the National Purpose and Outcomes, form the basis of internal performance appraisal, and are the subject of discussion with Government at regular liaison meetings. They are also reported publicly in the Commission / Chief Investigating Officer joint annual report.

## 6. Key Objectives

### The Standards Commission for Scotland

6.1 The Commission's key objectives are as follows:

1. To be, and to be recognised as, a respected body on ethical standards in public life

2. To assist councils and public bodies to promote the highest ethical standards of conduct and promote awareness of the Ethical Standards Framework

3. To issue appropriate best practice guidance and promote training on the ethical standards framework

4. Where Hearings are held to determine whether a breach of a Code has occurred, to do so and take any enforcement action necessary, timeously and in accordance with legislative requirements and the values of the Commission

5. To obtain information from the CIO concerning the discharge of the CIO's functions

6. To operate efficiently, economically and in accordance with the principles of best value and other Scottish Government initiatives, offering a high quality, continually improving service which is responsive to people's needs.

## **The Chief Investigating Officer**

6.2 The CIO's key objectives are as follows:

### **Enforcement and Promotion**

1. To provide an efficient investigative ethical standards regime in respect of (a) local government and (b) devolved public bodies

2. To ensure completion of high quality reports to the Standards Commission following investigations

3. To participate fully in any national initiative reviewing or concerning the ethical standards framework in Scotland particularly any review of primary or secondary legislation (including Codes of Conduct) or formal guidance

4. To contribute to the public's and stakeholders' understanding of high ethical standards

### **Best Value**

5. To strive for continuous improvement in the delivery of the service in the interests of efficiency, economy and effectiveness

## **7. Activities towards achieving Objectives**

7.1 The Commission will undertake a wide range of activities to assist in fulfilling its mission and achieving its key objectives. These activities include:

- The provision of a high quality advice service, including prompt and correct responses to requests for advice from stakeholders;
- The issue of guidance on specific aspects of the Codes of Conduct to assist Councillors and Members of Devolved Public Bodies;
- The holding of regular conferences and events for councillors, Monitoring Officers and Standards Officers;
- Ensuring that all Hearings are conducted in a fair, open and transparent manner. Towards this end we will continue to evaluate the Hearing process and the Hearing Rules.
- Continuing to work closely with the Scottish Government as the Review of the Councillors' Code of Conduct is concluded, in particular by assisting to inform councillors and their advisors about the provisions of the new Code following its introduction.
- providing any information and assistance required by the Scottish Parliament in its consideration of the Scottish Parliamentary Commissions and Commissioners etc. Bill.

The Commission will adopt a consultative approach wherever possible, particularly on matters relating to training and guidance.

Fuller details of the Commission's proposed activities for 2010 / 2011 can be found in the Commission's Business Plan for 2010 / 2011.

7.2 The CIO believes that the impartial investigation of allegations of misconduct is of fundamental importance in the promotion and maintenance of high standards. Activities towards achieving objectives include:

- Provision of an efficient investigative ethical standards regime in respect of (a) local government and (b) devolved public bodies;
- Ensuring completion of high quality reports following investigation;
- Contributing to the public's and stakeholder's understanding of high ethical standards;
- Contributing to a review and re-appraisal of the Ethical Standards Act and Codes of Conduct;
- Contributing to Public Sector Reform / The Scottish Parliamentary Commissions and Commissioners etc. Bill.

Fuller details of the CIO's proposed activities for 2010 / 2011 and targets can be found in the CIO's Business Plan for 2010 / 2011.

## 8. Performance Indicators and Targets

8.1 The Commission aims to use performance indicators and targets that assist us to provide a good service to our stakeholders and allow others to assess meaningfully our performance. As part of our commitment to continuous improvement, the targets in relation to two of our objectives (namely to provide substantive responses to correspondence within 20 days of receipt and to provide substantive responses to complaints within 15 days of receipt) have been increased from the previous year.

8.2 The performance indicators and targets cannot and do not reflect all aspects of the Commission's work. In terms of its adjudicatory role, the Commission's primary objective must be to hold Hearings that are fair, impartial and in accordance with the legislative requirements imposed upon the Commission. For example, we aim to commence **all** Hearings within 12 weeks of the date of the Commission's decision to hold a Hearing, but will not do so when it would not be in the interest of justice to proceed within this timescale, such as upon application by either party for a postponement because of the unavailability of a key witness. For this reason, it is not appropriate to set a percentage target for this objective. We will, however, report against the objective in our Annual Reports.

<b>Hearings</b>			
<b>Objective</b>	<b>10/11 Target</b>	<b>11/12 Target</b>	<b>12/13 Target</b>
To notify Respondents of the decision of the Commission whether to hold a Hearing within 30 days of receiving the CIO's report indicating his view that a breach has occurred.	97%	98%	98%
To list cases for Hearing to commence within 12 weeks of the date of the Commission's decision to hold a Hearing.	100%	100%	100%
To issue the written decision, with reasons, within 15 days of the conclusion of a Hearing.	97%	97%	98%

<b>Administration</b>			
<b>Objective</b>	<b>10/11 Target</b>	<b>11/12 Target</b>	<b>12/13 Target</b>
To provide substantive responses to correspondence within 20 days of receipt.	94%	95%	95%
To provide substantive responses to requests for information under the Freedom of Information (Scotland) Act 2002 within 20 days of receipt.	100%	100%	100%
To provide substantive responses to complaints within 15 days of receipt.	97%	97%	98%
To pay invoices within 30 calendar days of receipt.	97%	97%	97%

### Notes

1. Unless indicated otherwise "days" means working days i.e. Monday – Friday, excluding weekends and public holidays.
2. "Correspondence" means letters, faxes and emails.

8.2 The CIO's performance indicators and targets are included in his business plan.

## 9. Expenditure Reports

### 9.1 Combined Budgets

9.1.1 The total expenditure of the Commission and the CIO during the year 2009/10 is projected as follows:

<b>Budget Heading Description</b>	<b>Expenditure 2009/10* (£)</b>
<b>Salary &amp; Misc Staff Costs</b>	491,833
<b>Hearing Costs</b>	19,204
<b>Office &amp; Premises Expenditure</b>	121,746
<b>External Communications</b>	8,353
<b>Professional and Administration</b>	6,457
<b>TOTAL</b>	<b>647,593</b>

9.1.2 Following detailed analysis of financial data from the above and the previous years of operations, looking at the monthly volume of complaints received within the Office of the Chief Investigating Officer, and examining the future plans of the Commission, the level of total expenditure projected to be required during 2010/11 is determined at £649,042.

<b>Budget Heading Description</b>	<b>Total Projected Expenditure 2010/11 (£)</b>
<b>Salary &amp; Misc. Staff Costs</b>	512,201
<b>Hearing Costs</b>	15,655
<b>Office &amp; Premises Expenditure</b>	93,988
<b>External Communications</b>	18,621
<b>Professional and Administration</b>	8,577
<b>TOTAL</b>	<b>649,042</b>

\* The Commission and Chief Investigating Officer are, to assist the Scottish Government in budgetary control, required to prepare and submit the Corporate Plan before the start of the period it covers. Accordingly, final expenditure figures for 2009/10 are not yet available and have been projected.

## 9.2 The Standards Commission for Scotland

9.2.1 Projected expenditure for the Standards Commission for Scotland during 2010/11 is £255,448<sup>1</sup>

### **Standards Commission for Scotland**

<b>Budget Heading Description</b>	<b>Expenditure 2009/10 (£)</b>	<b>Projected Expenditure 2010/11 (£)</b>
<b>Salary &amp; Misc. Staff Costs</b>	177,035	182,680
<b>Hearing Costs</b>	17,275	10,355
<b>Office &amp; Premises Expenditure</b>	48,045	41,880
<b>External Communications</b>	8,161	17,491
<b>Professional and Administration</b>	3,308	3,042
<b>TOTAL</b>	<b>253,824<sup>2</sup></b>	<b>255,448</b>

## 9.3 Office of the Chief Investigating Officer

9.3.1 Following detailed analysis of financial data from the last two years of operations, looking at the monthly volume of complaints received within the Office of the Chief Investigating Officer, and examining future plans, the level of expenditure likely to be incurred during 2010/11 is determined at £393,594.

### **Chief Investigating Officer**

<b>Budget Heading Description</b>	<b>Expenditure 2009/10 (£)</b>	<b>Projected Expenditure 2010/11 (£)</b>
<b>Salary &amp; Misc. Staff Costs</b>	314,798	329,521
<b>Hearing Costs</b>	1,929	5,300
<b>Office &amp; Premises Expenditure</b>	73,700	52,108
<b>External Communications</b>	192	1,130
<b>Professional and Administration</b>	3,150	5,535
<b>TOTAL</b>	<b>393,769</b>	<b>393,594</b>

## 10. **Business Plans**

10.1 The Commission and CIO have each produced Business Plans for the year 2010/11 which are appended to this plan.

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<sup>1</sup> Projected expenditure is based upon an anticipated case workload similar to previous years and, in particular, the preceding year. It is difficult to forecast with accuracy how many Hearings will be held during 2010/11, but the Commission's budgetary forecast is based upon the holding of no more than 4 Hearings. From 2003/04 to 2006/07, the number of Hearings increased gradually each year from 3 in 2003/04 to 6 in 2006/07. This figure has subsequently reduced with 1 Hearing during 2007/08, 4 Hearings during 2008/09 and 2 during 2009/10. However, it must be stressed that the determination of the Commission in respect of each report received from the CIO in which he reports a contravention of a Code of Conduct is based solely on consideration of the report in question.

<sup>2</sup> The Commission's end of year projected expenditure outturn (£253,824) indicates an underspend of £16,688 against the Commission's allocated budget of £270,512.