



# **BUSINESS PLAN**

**2010 / 2011**

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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.

### **Key Principles**

- 1.10 The Commission has adopted the principles and values 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.

## **2. Communications strategy**

- 2.1 The Commission's promotion strategy is the open and transparent distribution of communication designed to promote understanding of the ethical standards framework and the work of the Commission. This includes easy public access to relevant information – in particular via the Commission's web site, publication of the Commission's Corporate Plan, Annual Report and decisions of Hearings Panels.

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

- 3.1 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 acknowledges 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 supports the delivery of high quality public services intrinsically through its key purpose of encouraging and enforcing high ethical standards in public life and by applying 'best value' principles in the discharge of its functions, promoting Accountability and Stewardship, Selflessness, Openness and Honesty as constituent parts of their adopted Values, and having a clear and accessible Customer Charter and complaints procedure 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 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 maintains 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.

#### **4. Key aims and objectives**

- 4.1 The Commission is operating within a comparatively new framework and its work relating to raising awareness of the Codes of Conduct and the work of the Commission continues to develop. The Commission will continue to work closely with local authorities, devolved public bodies and other partners, to ensure that the highest possible standards of conduct in public life in Scotland are promoted and maintained. The Commission's Mission and key objectives are detailed in the joint Corporate Plan 2010/13.

#### 4.2 In particular, the Commission will during 2010/2011:

##### Hearings

- Hold all Hearings in an open, fair and timeous manner and in accordance with the legislative requirements. In addition, the Commission will continue to refine and develop its procedures for the conduct of Hearings.

##### Communication and Consultation

- Consult with as appropriate and report to the Cabinet Secretary for Finance and Sustainable Growth, and the Scottish Government Public Service Reform Directorate.
- Liaise with the Scottish Public Services Ombudsman, Audit Scotland and others on any matters of joint interest.

##### Support and Guidance

- Hold events as appropriate to assist councillors, members of devolved public bodies, Monitoring Officers, Standards Officers and others in their understanding of the ethical standards framework.

##### Performance

- Monitor and report against the targets and performance indicators set out on page 12 onwards.

##### Future development

- Contribute as appropriate to the continued review of the Councillors' Code of Conduct, in particular, following the introduction of the revised Code, by assisting to inform councillors and their advisors about the provisions of the new Code.
- Providing any information and assistance required by the Scottish Parliament its consideration of the Scottish Parliamentary Commissions and Commissioners etc. Bill.
- Draft and submit to the Scottish Government a Corporate Plan for 2011/2014 and Budget and Business Plan for 2011/2012.

## 5. Targets

- 5.1 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.
- 5.2 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>2010/2011 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%
To list cases for Hearing to commence within 12 weeks of the date of the Commission's decision to hold a Hearing.	100%
To issue the written decision, with reasons, within 15 days of the conclusion of a Hearing.	97%

<b>Administration</b>	
<b>Objective</b>	<b>2010/2011 Target</b>
To provide substantive responses to correspondence within 20 days of receipt.	94%
To provide substantive responses to requests for information under the Freedom of Information (Scotland) Act 2002 within 20 days of receipt.	100%
To provide substantive responses to complaints within 15 days of receipt.	97%
To pay invoices within 30 days of receipt.	97%

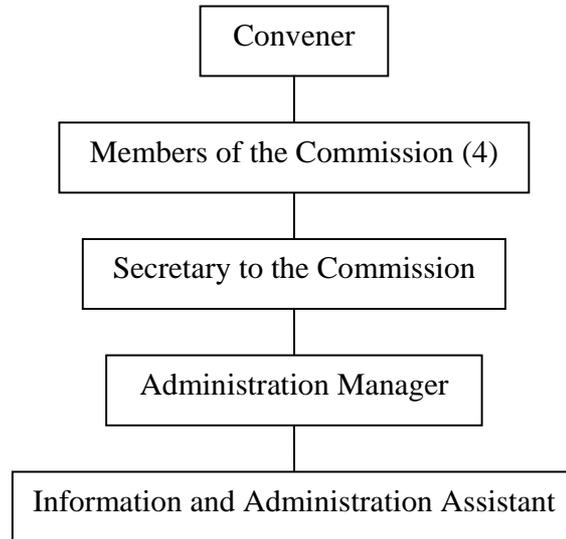
### Notes

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

## 6. Operations

### 6.1 Organisation

6.2 An organisation chart for the Office of Administration and Hearings is set out below.



### 6.3 Personnel

6.4 The Commission needs the proper expertise in key areas to be able to deliver its functions effectively

### 6.5 Support Services

6.6 The Commission currently provides a range of support services for the CIO including office accommodation, personnel services, financial services and IT services.

6.7 The Commission will continue to provide such services in accordance with the best value practices of economy, efficiency and effectiveness.

## **7. Financial Statements**

- 7.1 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 by the Commission during 2010/11 is determined at £255,448.
- 7.2 A financial breakdown of the expenditure for 2009/10 and budget for 2010/11 are contained in the Commission and CIO's joint Corporate Plan.