



STANDARDS
COMMISSION
FOR
SCOTLAND

INTEGRITY IN PUBLIC LIFE

Professional Briefing

Issue 17: April 2018

NEWS IN BRIEF

We are intending to hold a training workshop on the Codes of Conduct for Members of Health and Social Care Integration Joint Boards (IJBs) in Edinburgh on 24 September 2018. It is anticipated that the training will cover issues such as confidentiality and identifying and declaring interests. A programme and invitations will be issued to IJB Members and Standards officers in due course, but if you would like to reserve a place in the meantime please contact us on 0131 348 6666 or by email to enquiries@standardscommission.org.uk.

Look out for our Advice Note for Councillors on Distinguishing between Strategic and Operational matters which will be circulated and published on our website soon.

A reminder that we publish information about Hearings and any other work we are undertaking on Twitter. Please follow us @standardsScot

Standards Officers' Workshop

We held a workshop for Standards Officers of Devolved Public Bodies on 26 March 2018. Topics discussed included the awareness of the ethical standards framework amongst Members and staff, whether there were any issues about the behaviour of Members, such as concerns about bullying and harassment, and how these could be addressed.

Attendees agreed that it would be useful to be able to contact each other to discuss general issues and concerns as they arise. The Standards Commission agreed to facilitate this by circulating a **contact database** of those willing to do so. If you are a Standards Officer or otherwise attended the workshop and are happy to be included in this, please let us know by emailing enquiries@standardscommission.org.uk.

Flowchart for Making Declarations of Interest

Aberdeenshire Council produced a flowchart for its elected members, aimed at helping them identify when a declaration of interest should be made and whether they can remain in the room and participate in the discussion and voting on the item in question. The flowchart includes wording to be used, depending on the circumstances, including whether the interest is financial or non-financial, whether any general or specific exclusion applies and whether any dispensation has been granted. Aberdeenshire Council has kindly agreed to let the Standards Commission publish a version of the flowchart, which is applicable to, and can be used by, all elected members. We hope it will be of assistance. The flowchart can be found at, and downloaded from: www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

Tay Cities Deal

The Standards Commission granted a specific dispensation under the Councillors' Code of Conduct to the elected members, and any substitute elected members, who have been appointed by Angus, Fife, Dundee and Perth & Kinross Councils to be members or substitute members of the Tay Cities Region Joint Committee. This is so elected members and substitute elected members, as voting members of the Joint Committee, do not have to remove themselves from the debate and any voting when discussions on the City Region Deal, its projects and funding, and/or recommendations from the Joint Committee come before them at relevant Council meetings. The elected members and substitute elected members can participate in discussions and voting on such matters. However, elected members and substitute elected members are still required to declare interests, in terms of Section 5 of the Code of Conduct and the dispensation does not apply to matters of a quasi-judicial or regulatory nature.

If you would like more information on how to make a request for a dispensation, please contact us.

CASES OVERVIEW

Overview: Since the last briefing in January 2018, one case has been referred to the Standards Commission by the Commissioner for Ethical Standards in Public Life in Scotland about a councillor in Fife. The Standards Commission has decided to hold a Hearing, which has been scheduled to take place on 25 April 2018. The Standards Commission also held two Hearings, in respect of a councillor in Fife and a former elected member of Dumfries and Galloway Council. The outcomes of these Hearings are outlined below.

LA/Fi/2044: The Hearing Panel heard that the Respondent accepted that, before the 2017 local government and general elections, he used his Council email identity, account and computer to send an email to the Chair of a Community Trust containing a request for assistance in delivering party political campaign leaflets. The Panel noted that the Respondent accepted that in doing so he failed to comply with the provisions in the Councillors' Code of Conduct which prohibit the use of Council facilities for party political or campaigning purposes. The Panel acknowledged the Respondent's position was that his actions were the result of an inadvertent lapse, as opposed to any deliberate attempt to exploit his relationship with the Community Trust.

The Panel found a breach and censured the Respondent. It noted that the Council's Chief Executive issued guidance to all elected members in February 2017 reminding them that Council facilities and resources should never be used for party political or campaigning purposes. The Panel considered this, and the proximity of the elections, should have reminded the Respondent to take extra care. The Panel further considered that the prohibition on using Council facilities and resources for party political or campaigning purposes was an important part of the Code as it provided the public with confidence that public resources were being used appropriately. It noted that a breach of the provision had the potential to bring the Council into disrepute.

LA/DG/1929: The Hearing Panel found that the Respondent had posted a comment on the complainer's Facebook page referring to her and another individual as 'deviants'. The Panel heard evidence from the complainer to the effect that she was well known as being the Chairperson of the Dumfries & Galloway LGBT + Group and considered that the use of the word 'deviants' was a reference to her sexuality.

The Panel considered that the Respondent had, by his own admission, not distinguished between his personal and public role when accessing the Facebook account. The Panel noted that the Respondent's only interaction with the complainer had been as a councillor. As such, the Panel concluded the Respondent was acting in the capacity of a councillor, or would have been perceived as such, when posting the comment. The Panel determined that the common use of the word 'deviant' was as a derogatory reference in terms of an individual's sexuality. The Panel found that its use by the Respondent in the posting amounted to a breach of respect provisions in the Councillors' Code of Conduct. It further found the Respondent had used his Council issued mobile phone to post the inappropriate and offensive comment and, as such, had also breached the provision in the Code concerning the use of Council facilities. The Panel censured the Respondent but made it clear that it would have imposed a suspension, had he still been a councillor.

Further Information: Details of the outcome of cases, included full written decisions and information about scheduled Hearings can be found at: www.standardscommissionscotland.org.uk/cases/case-list.



INTEGRITY IN PUBLIC LIFE

For further information on the support we can offer councillors and members of devolved public bodies, please either speak to your Monitoring Officer or Standards Officer or look out for new information on our website.

Alternatively, please contact us:

0131 348 6666

Room T2.21

Scottish Parliament

Edinburgh

EH99 1SP

enquiries@standardscommission.org.uk

www.standardscommissionscotland.org.uk