



INTEGRITY IN PUBLIC LIFE

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# ADVICE ON THE ROLE OF A STANDARDS OFFICER IN RESPECT OF THE ETHICAL STANDARDS FRAMEWORK

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## 1. Introduction

- 1.1 This Advice Note, issued by the Standards Commission for Scotland (Standards Commission) aims to outline the role and responsibilities of a Standards Officer operating within a Schedule 3 devolved public body, within the ethical standards framework. While this Advice Note aims to assist Standards Officers and others by providing information about the duties Standards Officers may be expected to discharge within the ethical standards framework, it is not intended to be prescriptive, as the Standards Commission recognises that governance and staffing arrangements are entirely a matter for each devolved public body to determine.
- 1.2 The Standards Commission further acknowledges that, unlike the role of a Council's Monitoring Officer, the Standards Officer of a devolved public body has limited responsibilities as specified within the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment Regulations 2003 (Scottish Statutory Instrument 2003/135). It may be that there is not an individual within a devolved public body who has the specific job title of 'Standards Officer'. This Advice Note is, therefore, aimed at any individual who is either solely or jointly responsible for undertaking the duties and responsibilities outlined below, regardless of whether or not they have the formal title of Standards Officer.

## 2. Background

- 2.1 The Standards Commission's functions are provided for by the Ethical Standards in Public Life etc. (Scotland ) Act 2000 (the 2000 Act) as amended by the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. The 2000 Act created an ethical standards framework whereby Councillors and Members of devolved public bodies are required to comply with Codes of Conduct, approved by Scottish Ministers.
- 2.2 The role of the Standards Commission is to:

- Encourage high ethical standards in public life; including the promotion and enforcement of the Codes of Conduct and to issue guidance to councils and devolved public bodies.
- Adjudicate on alleged breaches of the Codes of Conduct, and where a breach is found, to apply a sanction.

2.3 Individual Codes of Conduct, which are based on a Model Code of Conduct, have been created and approved for all devolved public bodies described within Schedule 3 of the 2000 Act. Codes of Conduct currently apply to the following categories of public bodies:

- National Bodies e.g. Scottish Legal Aid Board
- Regional Bodies e.g. Highlands and Islands Enterprise
- National Health Service Boards
- Health & Social Care Integration Joint Boards
- Further Education Colleges
- National Parks
- Regional Transport Partnerships

2.4 Complaints about potential breaches of the Codes of Conduct are investigated by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS). Following the investigation, and where the CESPLS determines that a contravention of a Code of Conduct is established, the CESPLS will then submit a Report to the Standards Commission.

2.5 The Standards Commission will review the Report and determine whether to:

- direct the CESPLS to carry out further investigations;
- hold a hearing; or
- do neither.

2.6 The Standards Commission holds Hearings to determine whether there has been a breach of their respective Code of Conduct by a Councillor or Member of a devolved public body concerned. If the evidence presented to the Standards Commission's Hearing Panel supports, on the balance of probabilities, that a breach of the Code had occurred the Hearing Panel will then determine the level of sanction to be applied in accordance with the 2000 Act.

### 3. **Members of the Devolved Public Body**

3.1 The Standards Officer is responsible for ensuring that appropriate training is given to Members on the Ethical Standards Framework, the Members' Code of Conduct and the guidance issued by the Standards Commission on the Code of Conduct. This includes ensuring training is provided on induction and also on a regular basis thereafter.

3.2 The Standards Officer should contribute to the promotion and maintenance of high standards of conduct by providing advice and support to Members on the interpretation and application of the Members' Code of Conduct.

3.3 Under Scottish Statutory Instrument 2003/135, the Standards Officer is responsible for ensuring the body keeps a Members' Register of Interests. The Standards Officer should

ensure the Register of Interests is maintained and that a reminder to update entries on the Register of Interests is issued to Members at least once a year.

- 3.4 While it is a Member's personal responsibility to ensure that all relevant interests are recorded, the Standards Officer should try to ensure that Members are aware of what constitutes a registrable interest under the Code and, further, that they are aware that any changes must be recorded within one month. The Standards Officer should also ensure reminders incorporating a note to the effect that the statutory requirement is to update entries on the Register of Interests within one month of any change are issued to elected members at least once a year.
- 3.5 The Standards Officer should also ensure that Members are aware that they have an obligation under the Code of Conduct to ensure gifts and hospitality are also registered within one month.
- 3.6 The Standards Officer should ensure that there are procedures in place to provide for a consistent approach in respect of seeking and recording declarations of interest at the start of all meetings of the body (and any committee or sub-committee thereof).
- 3.7 The Standards Officer might consider it useful to ensure that all relevant officers are aware of, and familiar with, the requirements of the body's Code of Conduct.
- 3.8 The Standards Officer may have an investigatory role if local resolution is attempted in respect of complaints or concerns made about a Member's conduct.
- 3.9 The Standards Officer may be required to report to the Board from time to time on matters relating to the Ethical Standards Framework. The Standards Officer should report any concerns about compliance with the Code of Conduct to the Chief Executive.
- 3.10 The Standards Officer should provide support to the body's Governance or Standards Committee, if such a committee has been established.

#### **4. The Standards Commission**

- 4.1 The Standards Officer will be the principal liaison officer between the body and the Standards Commission and may assist the Standards Commission whenever necessary in connection with any Hearings concerning a Member of the body and in all matters relevant to the ethical standards framework.
- 4.2 The Standards Officer should try to attend events arranged by the Standards Commission in order to be kept up to date with all relevant developments in respect of the ethical standards framework and to help keep the Standards Commission abreast of any issues or trends that emerge.
- 4.3 The Standards Officer should familiarise themselves with the content of the Standards Commission's Standards Briefings and should ensure these are circulated to Members. The Standards Officer should also regularly review the Standards Commission's decisions and advise Members of any relevant learning points that have arisen at recent Hearings.
- 4.4 The Standards Commission expects Standards Officers to assist it in its work to promote the ethical standards framework by engaging in any of its consultations and by

circulating and promoting any Guidance and Advice Notes it has produced to Members and fellow officers.

- 4.5 The Standards Officer may be asked to assist the Standards Commission in making arrangements to run external training events on the Model Code of Conduct. The Standards Officer should encourage Members to attend any such events.
- 4.6 The Standards Officer should be the point of contact for the Standards Commission and should advise the Standards Commission if they are leaving their post.

## 5. The CESPLS

- 5.1 The Standards Officer will be the principal liaison officer between the body and the CESPLS and should assist the CESPLS whenever necessary in connection with the investigation of complaints against a Member of the body. This includes providing information and evidence within the timescales as requested and making arrangements for interviewing any officers or other Members as required. Timely responses to requests from the CESPLS will assist in keeping to a minimum the time taken to conclude an investigation.
- 5.2 If local resolution in respect of complaints or concerns made about a Member's conduct is deemed inappropriate in the circumstances or is unsuccessful, the Standards Officer may be responsible for reporting any alleged breach of the Code of Conduct to the CESPLS.

## 6. Other Standards Officers

- 6.1 The Standards Officer may wish to try to develop relationships with other Standards Officers to share knowledge, experience and information about best practice.



Data control and version information				
Date	Action by	Version Updated	Current version	Brief Description
7/1/16	LJ	N/A	V1.0	Introduction of Advice Note
13/12/18	LJ	V1.0	V1.1	Minor changes to format and structure