

Action taken by the Standards Commission for Scotland

Section 24 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) states that, on receipt of a report from the Ethical Standards Commissioner (ESC) regarding a complaint about a member of a devolved public body who is (a) also an employee; or (b) an *ex officio* member, the Standards Commission shall send it to the devolved public body.

The Standards Commission has sent a report about an *ex officio* member of a Health and Social Care Partnership Integration Joint Board (IJB) to the Chief Officer of the IJB.

Background

The Standards Commission is a statutory body established under the 2000 Act. The 2000 Act created an ethical standards framework, under which councillors and members of devolved public bodies in Scotland are required to comply with Codes of Conduct. Under the framework, complaints about breaches of these Codes are investigated by the Ethical Standards Commissioner (ESC) and are normally adjudicated upon by the Standards Commission. The Standards Commission does not, however, have any power to adjudicate on complaints about employee or *ex officio* members of devolved public bodies and, instead, is required to send a copy of the ESC's report to the devolved public body.

Report to the Standards Commission

Following his investigation into complaints (reference 3527&3570) concerning an alleged contravention of the IJB's 2016 Code of Conduct, being the version of the Code in place at the time of the events in question (the Code), by an *ex officio* member of the IJB (the Respondent), the Acting ESC referred a report to the Standards Commission on 12 December 2022.

An *ex officio* member is one who is a member of a devolved public body by virtue of them holding an office in another organisation. In this case, the Respondent was a member of the IJB by virtue of a post held within a NHS health board.

The complaints alleged that the Respondent failed to comply with the requirements of the Code to ensure certain interests were registered. In his report, the Acting ESC advised that:

1. While the Respondent was an *ex officio*, non-voting member of the IJB board, the Code nevertheless applied to her.
2. The Respondent failed to register the fact that she was a partner of a medical practice and failed to register her directorship of a company within one month of becoming a partner and director, as required by the Code. The Respondent also failed to register her employment when the medical partnership changed entity and was incorporated.

The ESC found, therefore, that in failing to register these interests within the required time limits the Respondent had breached paragraphs 4.1, 4.2, 4.7 and 4.8 of the Code.

Action taken by the Standards Commission

Having considered the terms of the ESC's report, the Standards Commission sent it to the IJB, in accordance with Section 24 of the 2000 Act. The Standards Commission advised the Respondent and the Complainers that it has done so.

The Standards Commission notes that the requirement for members of devolved public bodies to register certain interests provides transparency and is intended to give members of the public confidence that decisions are being taken in the best interests of the public and not in the personal interests of the member

or their friends, family or close associates. The Standards Commission further notes that a failure to comply with these provisions removes transparency and could have the potential to bring the role of a member and the public body itself into disrepute.

The Standards Commission would, therefore, remind all members of devolved public bodies of the importance of registering their interests timeously and in line with the requirements set out in the Code.

Date: 16 December 2022



**Lorna Johnston
Executive Director**