

**STANDARDS
COMMISSION**
FOR SCOTLAND

Integrity in Public Life

STRATEGIC PLAN 2020-2024




FAIR

APPROACHABLE

PROACTIVE

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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;
-  to issue guidance to councils and devolved public bodies; and
-  adjudicate on alleged breaches of the Codes of Conduct, and where a breach is found, to apply a sanction.

The Standards Commission’s vision is as follows:

For Scotland to have confidence that its councillors and members of devolved public bodies uphold the highest standards in their behaviour, conduct and decision-making.

Role

Vision

Values

In pursuing its vision, the Standards Commission will demonstrate the following values:



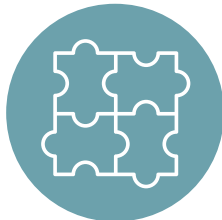
FAIR

we are objective,
transparent, consistent
and proportionate



APPROACHABLE

we are collaborative,
considerate, respectful
and helpful



PROACTIVE

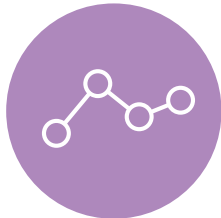
we will initiate, promote,
deliver and learn

Strategic Aims

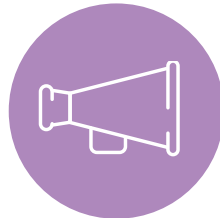


IMPACT

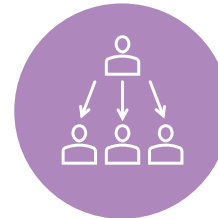
We will have a positive impact on ethical standards in public life by:



Providing thought leadership by establishing and promoting a network to drive collaboration between all organisations who seek to ensure integrity in public life



Improving our profile and developing an effective communications strategy so that we can take all opportunities to be a strong and consistent voice for the importance of the ethical standards framework and compliance with the Codes of Conduct



Facilitating research, and assisting with programmes to train and educate on best practice, to drive up standards



Obtaining and undertaking detailed analysis of qualitative and quantitative evidence on our work to promote the Codes of Conduct so that we evaluate our impact in a meaningful way

Strategic Aims

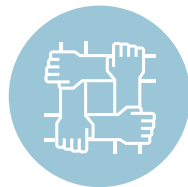


IMPROVEMENT

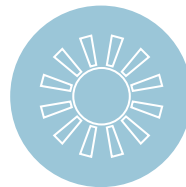
We will pursue continuous improvement in the ethical standards framework and the way we do our work by:



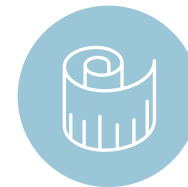
Making recommendations to amend the governing legislation so that we can deal with breaches of the Codes of Conduct in the most effective and proportionate manner



Working with others to ensure there is consistency in terms of the standards expected of all individuals in public life;



Helping to resolve, or mitigate, any tensions in the ethical standards framework arising from the design of public bodies, including any inherent conflicts of interest



Influencing the content and format of the Codes of Conduct to ensure they remain fit for purpose and are as accessible and user-friendly as possible



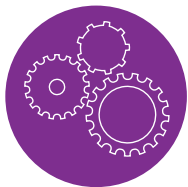
Reviewing and revising our Guidance, Advice Notes and other educational material to ensure they continue to add value and assist councillors and members to adhere to the provisions in the Codes

Strategic Aims



STAKEHOLDERS

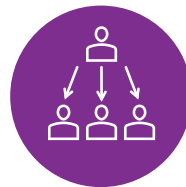
We will pursue and develop strong relationships with our stakeholders by:



Identifying and seeking ways of working with all individuals and organisations who are potentially affected by the ethical standards framework



Improving our engagement with devolved public bodies to help them to increase awareness amongst their members of the provisions in the Codes of Conduct and how to complain about any failure to adhere to these



Working with chairs and conveners of devolved public bodies and local authority committees to try to prevent issues and breaches of the Codes from arising at meetings



Actively seeking feedback on our educational material, policies and procedures and collaborating with other regulators and partner bodies across the UK to share experiences and inform best practice



Seeking to share services, where possible, to ensure best value

Strategic Aims



CLARITY

We will ensure that all stakeholders, including members of the public, have easy access to high quality information about the organisation, its work and any initiatives it is undertaking by:



Promoting the ethical standards framework, the Codes of Conduct and how to make a complaint so that everyone is aware of the standards expected of those in public life, and able and confident to report poor behaviour



Ensuring all case related decisions are clearly explained and well-reasoned



Using digital technology to ensure all educational material and information about good practice and Hearings are published and disseminated as widely as possible



Promoting the importance of good behaviour and integrity in decision-making to help attract and encourage the highest quality candidates to apply for public appointments and to seek election as local government councillors

Enablers



Our people

Our Members and staff are our greatest asset. We will continue to invest in, engage and empower them to deliver our work effectively and efficiently. We will support them in developing so that they have the right skills and knowledge to realise our strategic and operational aims, and will use their energy and expertise to help drive performance and our continuous improvement agenda.



Our stakeholders

We recognise the importance of our stakeholders and will actively seek to engage with them to identify improvements and to share good practice and learning. We will continue to work with other organisations to promote the importance of the ethical standards framework and to ensure the highest possible standards of conduct in public life.



Resources

We will always seek best value and will pursue opportunities to reduce both costs and our carbon footprint. We will aim to make best use of technology and digital communication to help us work in the most efficient and environmentally friendly way.



Continuous improvement and learning

The Standards Commission is open to new ideas and to learning from others. We will foster a culture of continuous improvement and use feedback and research to develop our policies, procedures and performance measurement tools.



Costs

- The Standards Commission is funded by the Scottish Parliament and submits an evidence-based budget for scrutiny and approval to the **Scottish Parliamentary Corporate Body** (SPCB) each year. The budget is based on planned actions arising from the requirements of the strategic and annual business plans, as well as projections of Hearings related activity. Hearings are forecast using information relating to the previous year and, where available, projections provided by the **Ethical Standards Commissioner** (ESC). The Standards Commission and the Scottish Parliament recognise, however, that it is not possible to accurately determine, before the start of any financial year, how many cases will ultimately be referred to the Standards Commission by the ESC and, of those referred cases, how many Hearings the Standards Commission will decide to hold. The costs incurred in holding Hearings continues to depend on a variety of unquantifiable factors, some of which are outwith the control of the Standards Commission, such as the location, potential duration of each Hearing and complexity of the complaint under consideration.
- The Standards Commission is committed to holding Hearings in the locality of the headquarters of the Local Authority or Board where the Respondent is based to **maximise transparency and access** for those directly involved in or potentially affected by the case. The Standards Commission may hold the Hearing elsewhere, however, if it determines it is fair, in the public interest and appropriate to do so, such as in cases where the benefits of holding it in the locality are identified as minimal by all interested parties and where varying the location will ensure public funds are not being incurred unnecessarily.
- A significant increase in the number of cases referred to the Standards Commission or in the costs involved in conducting Hearings due to the factors outlined above could, therefore have a direct impact on our ability to deliver our statutory duties within budget.
- The Standards Commission will endeavour to cover any unforeseen increase in demand and associated Hearing related costs by streamlining its procedures and making efficiency savings where possible. We may, however, have to seek additional resources in order to maintain our service and standards. We will liaise directly with the SPCB, should that be the case.
- The Standards Commission's **funding model** does not provide for the holding of contingency funds. The Standards Commission has access, however, to contingency arrangements through the Scottish Parliament where required. The Standards Commission does not make provision for costs of any legal advice or representation required in respect of any appeal against one of its Hearing Panel's decision, as it is not known whether any such appeal will be lodged and, if so, whether leave to appeal would be granted. We will, therefore, seek contingency funding to defend appeals. We may also seek additional funding for specific projects or initiatives or for any one-off purchases, if there is a sound business reason for doing so.
- The Standards Commission will exhaust any potential to absorb costs from its agreed budget before seeking contingency funding. We will also ensure that we advise the SPCB of any potential to seek contingency funding at the earliest possible opportunity and will ensure any proposal is supported by a clear and well-reasoned business case.
- The **indicative costs** for the delivery of each of the Standards Commission's strategic aims, as detailed above, are set out in the following table.

Costs

STRATEGIC AIM	2020/21	2021/22	2022/23	2023/24
To have a positive impact on ethical standards in public life.	30% 84,900	30% 87,000	25% 74,000	25% 75,750
To pursue continuous improvement in the ethical standards framework and the way we do our work.	35% 99,050	35% 101,500	30% 88,800	30% 90,900
To pursue and develop strong relationships with our stakeholders.	10% 28,300	10% 29,000	20% 59,200	20% 60,600
To ensure all stakeholders have easy access to high quality information about the organisation, its work and any initiatives	25% 70,750	25% 72,500	25% 74,000	25% 75,750
	283,000	290,000	296,000	303,000

The figures are based on an assumption that the Standards Commission will be able to achieve its statutory functions and strategic objectives within its agreed 2020–2021 budget. Any significant increase in demand for service or additional jurisdictional or legal responsibilities could potentially have an impact on resources.

The costs are based on the following assumptions:

- No significant changes will be made to the Standards Commission's adjudication function, as outlined in the legislative framework;
- The average number of Hearings held per annum will remain relatively constant;
- The rapport and momentum developed in respect of relationships with stakeholders in the first two years will lead to more significant engagement activities in the following two years.

- Service level agreements in place with the SPCB for the provision of property, information technology, internal audit and data protection officer services will continue;
- No changes will be made to the number of Members appointed by the SPCB;
- There will be no significant increase in Members' remuneration;
- Staffing numbers and grades will remain the same;
- Staff salaries will continue to align with the SPCB's grading and payscale structures, with incremental and cost of living pay increases applied.

Timetable and Performance Management

The Standards Commission publishes a business plan every year, which outlines the organisation's planned actions, timetable for delivery, key targets and performance indicators, and how each activity supports the vision and strategic aims. We set our targets and prioritise the activities by balancing the need to meet our statutory duties to adjudicate on complaints about breaches of the Codes of Conduct and to provide guidance, with other objectives. In doing so, we take account of our resources and any risk, resources and quality assurance considerations. The business plans are formally reviewed every quarter.

The Standards Commission's key performance indicators are outlined in its Service Standards and Hearing Process Guide & Rules. We review and update these, along with our policies and procedures when any improvements are identified (including via receipt of feedback) and otherwise on a rolling basis. We will report achievement against our business plans through our Annual Report and our Annual Report and Accounts, both of which are laid before Parliament before being published on our website at **www.standardscommissionscotland.org.uk**. Achievement and progress will also be reporting through other mechanisms, including:

- Parliamentary scrutiny;
- Specific reports required by legislation and national guidance;
- Publication of minutes of Standards Commission meetings and other governance documents;
- Issue and publication of quarterly professional updates; and
- Stakeholder engagement, such as workshops and training events.



Annex A

THE ETHICAL STANDARDS FRAMEWORK

GENERAL

The Standards Commission for Scotland was established by Scottish Ministers on 27 January 2002 following enactment of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act). The 2000 Act also established the post of Commissioner for Ethical Standards in Public Life in Scotland (ESC).

The Standards Commission comprises a Convener and four Commission Members who are appointed by the SPCB, with the agreement of the Scottish Parliament. The Standards Commission employs three staff, led by an Executive Director.

The Standards Commission's functions are provided for by 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, which are approved by Scottish Ministers, together with Guidance issued by the Standards Commission.

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.**

THE CODES OF CONDUCT

The statutory Codes of Conduct for Councillors and Members of Devolved Public Bodies are based on, and underpinned by, the nine key principles of public life, being the seven values identified in 1995 by the Committee on Standards in Public Life (the Nolan Committee), namely:

- **Selflessness** – Holders of public office have a duty to act solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.
 - **Integrity** – Holders of public office must not place themselves under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.
 - **Objectivity** – Holders of public office must make decisions solely on merit when carrying out public business.
 - **Accountability and Stewardship** – Holders of public office are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others and must ensure that the Council or Body uses its resources prudently and in accordance with the law.
 - **Openness** – Holders of public office have a duty to be as open as possible about decisions and actions they take, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.
 - **Honesty** – Holders of public office have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
 - **Leadership** – Holders of public office have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the council and its councillors or the public body and its members in conducting public business.
- And a further two introduced by the then Scottish Executive (now the Scottish Government), being:
- **Duty (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 Council or Public Body.
 - **Respect** – Holders of public office must respect all other holders of public office and employees of the Council or Public Body and the role they play, treating them with courtesy at all times.

Annex A

The Scottish Parliament approved one Code of Conduct for all Councillors elected to the 32 Local Authority areas within Scotland.

Every Devolved Public Body listed at Schedule 3 of the 2000 Act is obliged to have a Code of Conduct for its Members. These individual Codes are approved by Scottish Ministers and adapted from a Model Code also approved by the Scottish Parliament. The following categories of public bodies are included in Schedule 3:

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

The Codes of Conduct outline the standards expected and the rules that must be observed, and included provisions concerning:

- Treating colleagues, officers and the public with respect
- Gifts and hospitality
- Confidentiality
- Using Council or Devolved Public Body facilities and resources
- Registering interests
- Declaring interests
- Lobbying and access

The Councillors' Code also includes provisions on

- Taking decisions on quasi-judicial and regulatory applications.

BREACHES OF THE CODES OF CONDUCT

The Standards Commission and Ethical Standards Commissioner (ESC) are separate and independent, each with distinct functions. Complaints of breaches of the Codes of Conduct are investigated by the ESC and adjudicated upon by the Standards Commission. If the ESC considers that a contravention of a Code of Conduct has occurred, following an investigation, she will submit a report for the consideration of the Standards Commission.

On receipt of a report from the ESC, the Standards Commission must determine whether to:

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

The Standards Commission holds Hearings (usually in public) to determine whether the Councillor or Member in question (the Respondent) has breached their respective Code of Conduct. If the Standards Commission decides at a Hearing that a Councillor or Member has breached the relevant Code of Conduct, it will impose a sanction.

The sanctions that can be imposed following a breach of a Code of Conduct are as follows:

- **Censure:** Means the Standards Commission recognises the Respondent has breached the Code and formally records the Standards Commission's severe and public disapproval of the Respondent.
- **Suspension:** This can be a full or partial suspension. A full suspension means that the Respondent is suspended from attending all meetings of the Council / Board. Partial suspension means that the Respondent is suspended from attending some of the meetings of the Council / Board.
- **Disqualification:** Means that the Respondent is disqualified for the period determined (of up to 5 years) from being a Councillor or Board Member. In a Local Authority, this has the effect of removing the Councillor from office.

Annex B

NATIONAL PERFORMANCE FRAMEWORK

The National Performance Framework gives Scotland's public services a common set of outcomes to work towards. Public Service Reform challenges public services to work differently so that they can improve people's lives and experiences by:

- listening to the people who use public services
- partnership working and collaboration
- focusing on preventing problems before they start
- doing things more efficiently

In abiding by its values and in seeking to achieve its strategic aims, the Standards Commission will contribute directly to the achievement of the following five outcomes in the National Performance Framework:



Communities

We live in communities that are inclusive, empowered, resilient and safe.

Any member of the public can make a complaint that a councillor or member of a devolved public body has breached their respective Code of Conduct. The Standards Commission empowers them to do so by providing advice on what could constitute a breach and how to make a complaint. It also holds its Hearings in public, where appropriate, and publishes and disseminates its decisions meaning that local communities can hold their representatives to account.



Economy

We have a globally competitive, entrepreneurial, inclusive and sustainable economy.

The Standards Commission's role to improving and maintain ethical standards in public life will help promote business confidence in Scotland as being a nation where decisions made in the public sector that affect businesses are made objectively, honestly and in the public interest.



Human Rights

We respect, protect and fulfil human rights and live free from discrimination.

The Standards Commission's work in promoting the highest standards of conduct and in sanctioning those in public life who fail to treat others with courtesy and respect helps maintain the public's trust that councillors and members of devolved public bodies in Scotland will refrain from participating in, or in any way condoning, acts of harassment, discrimination, victimisation or bullying.



Fair Work and Business

We have thriving and innovative businesses, with quality jobs and fair work for everyone.

The Standards Commission's work contributes to raise confidence in those who are elected or appointed to serve within the public sector environment conduct public business in a fair and open manner.



International

We are open, connected and make a positive contribution internationally.

The Standards Commission's work in helping to ensure decisions are made transparently and in the public interest contributes to work to ensure that Scotland is fair and socially just and can be regarded as a vibrant, modern country where communities are seen as being important and playing a vital role.

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