

INTRODUCTION

The Standards Commission for Scotland (Standards Commission) is a statutory body that encourages high ethical standards in public life through the promotion of an ethical standards framework and the enforcement of Codes of Conduct for councillors and members of devolved public bodies.

The Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) is responsible for investigating complaints about councillors and members of devolved public bodies. Where, following investigation, the CESPLS considers a breach of a Code of Conduct may have occurred, a report about the matter will be issued to the Standards Commission. The Standards Commission will then determine whether or not to hold a Hearing to determine if there has been a breach of the relevant 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.

In addition to its adjudicatory role, the Standards Commission issues guidance and advice to aid understanding and interpretation of the requirements of the Codes of Conduct for members of devolved public body boards and councillors. The Standards Commission also assists and supports local authorities and devolved public bodies with their work to promote the ethical standards framework through the provision of guidance, educational material and participation in local training events.

The combination of the Standards Commission's adjudicatory and educational roles helps to ensure high ethical standards in public life are achieved, which in turn ensures public confidence in local government, public bodies, and the democratic process itself, is maintained.

Section 32 (1) (a) - SUSTAINABLE GROWTH

Section 32(1)(a) of the Public Service Reform Act 2010 provides that named public bodies, which includes the Standards Commission, must publish a statement of the steps they have taken during the financial year to promote and increase sustainable growth through the exercise of its functions.

The Government Economic Strategy, which was published in November 2007, indicated that the purpose was "to focus the Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. By sustainable economic growth we mean building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life.

The National Performance Framework was developed to provide a clear focus and direction for the whole of the public sector in Scotland and in common with the rest of the public sector, all bodies are expected to align their activity in support of the National Outcomes set out in the Framework.

The Standards Commission's contribution to achieving four of the Scottish Government's National Outcomes, as provided in the National Performance Framework in 2017/18 is as outlined below:

National Outcome 1: "We live in a Scotland that is the most attractive place for doing business in Europe."

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

National Outcome 11: "We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others."

The Standards Commission's work in ensuring compliance with the Codes of Conduct encourages councillors and members of devolved public bodies to take responsibility for their own actions. By reaching decisions on alleged breaches of the Codes of Conduct independently, impartially and by making our service accessible to all, the Standards Commission enabled appropriate challenges to be made when a breach is identified.

National Outcome 13: “We take pride in a strong, fair and inclusive national identity.”

The Standards Commission’s work contributed to raise confidence in those who are elected or appointed to serve within the public sector environment, which in turn promoted pride in the national identity.

National Outcome 15: “Our public services are high quality, continually improving, efficient and responsive to local people's needs.”

The Standards Commission strived for improvements to services to ensure we support best value principles.

The Standards Commission continued to focus on promoting the ethical standards framework and in providing guidance and support to assist councillors and board members of devolved public bodies to act in accordance with the Codes of Conduct. Work towards this aspect of the organisation’s remit included:

- producing and publishing Advice Notes for councillors and members on the approach the Standards Commission will take when issues that concern the application of Article 10 of the European Convention on Human Rights and the right to freedom of expression arise;
- issuing and publishing Advice Notes for councillors and members on how and when to declare an interest at meetings;
- issuing and publishing a revised version of the Standards Commission’s Guidance on the Councillors’ Code of Conduct and providing updated illustrations and examples of factors the councillors should consider when interpreting the Code.
- Holding four regional roadshows following the May 2017 local government elections.
- Revising and publishing standards presentations on interpreting and complying with the Councillors’ Code of Conduct and the Model Code of Conduct for members of devolved public bodies.
- conducting tailored training sessions with two devolved public bodies, highlighting key aspects of the Codes of Conduct and addressing queries on specific issues that arise;
- and circulating quarterly professional briefings, which provide an overview of the Standards Commission activities and work being undertaken and also key learning points from Hearings held.

The Standards Commission continued to work towards streamlining its procedures to ensure that Hearings were conducted fairly, impartially and in the most efficient manner. In 2017/18 this was achieved through holding pre-Hearing meetings to resolve any procedural issues in advance of Hearings; and by further revising the Standard Commission’s Hearing Rules to ensure they continued to be accessible and fit for purpose. In addition, the Standards Commission conducted a survey of participants and attendees on how Hearings are organised, run and managed and used the results and suggestions made along with all other feedback obtained to further improve processes.

The Standards Commission recognised the importance of environmental issues and sustainability and endeavoured to consider these matters in all its business decisions. While the Standards Commission is not directly covered by the Greening Government commitments, it supported the Scottish Parliament’s effort in meeting their sustainability and environmental targets through compliance with the Parliament’s policies and procedures. This included making use of waste and recycling facilities and encouraging staff and Members to car share or use public transport. The Standards Commission continued to use electronic means in the majority of its communications in order to reduce its printing and photocopying requirements.

Section 32 (1) (b) - EFFICIENCY, ECONOMY and EFFECTIVENESS

Section 32(1)(b) of the 201 Act provides that each listed public body must publish a statement of the steps it has taken during that financial year to improve efficiency, economy and effectiveness in the exercise of its functions.

The Standards Commission delivered its services within its allocated annual budget, making cost savings where possible. The number of Hearings held in 2017/18 was 12 to determine whether 13 respondents, who were councillors at the time of the alleged breach, had contravened the Councillors’ Code of Conduct. This is the highest ever number of Hearings held by the Standards Commission in a year. However, improvements in respect of the efficiency of the Hearings process contributed to a 37% reduction in Hearings related costs in comparison to the level of Hearings expenditure in 2016/17. This was achieved through the application of the Standards Commission’s policy to hold Hearings within council or Devolved Public Body premises at no

cost to the public purse, wherever possible. In addition the Standards Commission held pre-Hearing meetings where appropriate and proportionate to do so to resolve procedural issues in advance of Hearings. It also issued Guidance on the Relevancy of Evidence to key parties involved in the Hearing process. These measures contributed to ensuring that Hearings were conducted in the most efficient and proportionate manner, with a resulting impact on duration and costs.

The Standards Commission's office is located within the Scottish Parliament building, which has enabled the Standards Commission to continue to develop and implement Shared Service Agreements. Facilities provided to the Standards Commission on a nil costs basis include accommodation, finance and payment services, internal audit services, access to mailroom and photocopying facilities, and the provision of IT support and services.