

# MINUTES

Meeting date: Monday, 27 September 2021

## IN ATTENDANCE ONLINE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn (items 1-13 inclusive only)
- Mike McCormick
- Tricia Stewart

Executive Team Members:

- Lorna Johnston (Executive Director)
- Richard Wilson (Caseworker)

ITEM	CONTENT	ACTION
<b>STANDING ITEMS</b>		
1.	<b>APOLOGIES</b> No apologies were received.  <b>DECLARATIONS OF INTEREST</b> No declarations of interest were made.	
2.	<b>MATTERS ARISING</b> Members noted that all matters arising were complete or were due to be discussed either at the meeting or at the next one, scheduled to take place on 1 November 2021.	
<b>CONSENT ITEMS</b>		
3.	<b>DRAFT MINUTE OF PREVIOUS MEETING</b> Members reviewed and approved the minute of the meeting on 26 July 2021.	
4.	<b>RECORD MANAGEMENT PLAN REVIEW</b> Members noted that following the agreement of the Standards Commission's Records Management Plan (RMP) in September 2015, and submission of a Progress Update Review (PUR) in November 2020, the National Records of Scotland (NRS) had now invited the Standards Commission to provide a further progress update concerning its records management provisions. Members noted that the Executive Team would prepare a PUR, which would be assessed by a team at the NRS who would then provide an informal indication of what marking the Standards Commission might expect, should it be asked to submit a revised RMP to the Keeper under the Public Records (Scotland) Act 2011. Members asked the Executive Team to keep them updated on the outcome of the assessment.	<b>Executive Team</b>
5.	<b>PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY REVIEW</b> Members undertook their biennial review of the Fraud Prevention and Whistleblowing Policy and agreed some minor changes. Members asked the Executive Team to make the amendments before circulating the revised policy to all staff and Members. Members noted that copies would also be sent to the Scottish Parliamentary Corporate Body and the external auditors.	<b>Executive Team</b>
6.	<b>BRITISH SIGN LANGUAGE PLAN REVIEW</b> Members undertook their annual review of the Standards Commission's British Sign Language (BSL) Plan, which defined the actions the organisation has taken, and intends to take, between 2018 and 2023 to improve access to information and services to users of BSL. Members noted that since the last progress update in September 2020, the Standards Commission has published, on its website, a BSL video format of the Standards Commission's advice note for members of the public on the Councillors' Code of Conduct.	

	<p>The video explains what the Councillors' Code of Conduct covers, so that BSL users are provided with an awareness of what is expected of elected members and what actions could constitute a potential breach of the Code.</p> <p>Members noted that the Standards Commission intends to provide similar information, in BSL video format, covering the advice note for members of the public about the Model Code of Conduct for Members of Devolved Public Bodies. In addition, when making changes and developments to the website, the Standards Commission intends to consider upgrading or adapting non-accessible content, where these activities do not place a disproportionate financial burden on the Standards Commission to resolve, so that the website is more accessible to BSL users.</p>	<b>Executive Team</b>
<b>STRATEGIC MATTERS</b>		
7.	<p><b>SECTION 16 DECISION-MAKING PROCESS</b></p> <p>Members noted that the Standards Commission has published a policy outlining how it makes decisions under section 16 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act), and the Direction on the Outcome of Investigations issued to the ESC under sections 10 and 11 of the 2000 Act, in respect of reports referred to it by the Ethical Standards Commissioner (ESC). Members reviewed a draft process document prepared by the Executive Team that was intended to support the Section 16 policy, by identifying various scenarios that could arise and by outlining the steps which would be taken by the Standards Commission in its decision-making process.</p> <p>Members agreed that the introduction of the process document would help to ensure transparency. It would also keep fairness to the Respondent at the forefront of the Standards Commission's decision-making by ensuring their expectations were managed and that clear, unambiguous reasons were given for the decision made in any scenario.</p> <p>Members agreed a few minor amendments to the draft process document. Members asked the Executive Team to make the amendments before circulating the revised document to all Members and the ESC. Members agreed that a copy should also be published on the Standards Commission's website.</p>	<b>Executive Team</b>
<b>BUSINESS MATTERS</b>		
8.	<p><b>STANDARDS UPDATE SEPTEMBER 2021</b></p> <p>Members approved the proposed Standards Update to be issued and published on 30 September 2021. Members noted that a note outlining the outcome of the appeal against the sanction imposed at a Hearing on case LA/R/2257 &amp; 3262 would be added to the Standards Update, if the Sheriff Principal's decision was received before 30 September 2021.</p>	<b>Executive Team</b>
9.	<p><b>BUSINESS PLAN 2021/22 - QUARTER 2 REVIEW</b></p> <p>Members reviewed the progress made in quarter two against the actions outlined in the Business Plan. Members were pleased to note the majority of tasks identified for the first half of the year had been completed or progressed. Members agreed that an action to undertake a survey of members of devolved public bodies should be moved to quarter four, so that the views of Chairs of devolved public bodies on the content and format of the survey can be sought at the training event on 24 November 2021.</p> <p>Members agreed that the Executive Team should apprise Monitoring Officers, in the cover email to be sent with the September Standards Update, that the Standards Commission intended to run two regional roadshows on the Councillors' Code of Conduct (to be held in quarters three and four). Monitoring Officers should be asked whether their Councils wished to host these roadshows (on the assumption that any travel and working from home restrictions and guidelines in place as a result of the pandemic had been lifted).</p>	<b>Executive Director</b>
10.	<p><b>SURVEYS OF COUNCILLORS AND MONITORING OFFICERS</b></p> <p>Members noted that, as part of the Business Plan for 2021/22, it had been agreed that the Standards Commission would survey councillors and Monitoring Officers in quarter three.</p>	

	<p>The intention was to capture the views and experiences of existing elected members, including any suggestions for improving the Standards Commission’s training and educational material, before the local government elections in May 2022. Members noted that the surveys formed part of the Standards Commission’s strategy to obtain and undertake detailed analysis of qualitative and quantitative evidence on its work to promote the Codes of Conduct so that the impact of that can be evaluated in a meaningful way.</p> <p>Subject to some amendments being made, Members agreed the content and format of the respective surveys to be issued to councillors and Monitoring Officers in early quarter four.</p> <p>Members noted that the Improvement Service had advised that it intended to conduct its usual survey of new councillors following the election. The Improvement Service had indicated that it would be willing to include any questions the Standards Commission wants to ask in respect of the training and induction new councillors receive on the Councillors’ Code and their awareness of the ethical standards framework. Members asked the Executive Team to add a discussion about the questions they might wish to ask to be added to the workplan for the following year.</p>	<p><b>Executive Team</b></p>
<p><b>11.</b></p>	<p><b>MEMBERS’ ROLES, AVAILABILITY AND EXPECTATIONS</b></p> <p>Members held a general discussion about their roles and availability to ensure that they were in agreement about these and that they were one the Executive Team’s expectations were aligned.</p> <p>Members noted that the Executive Team had introduced a new system to track everyone’s availability, with a view to making it easier for it to schedule Hearings, meetings and any other events. Members agreed that it was their individual responsibility to update the shared calendar and confirmed that they would attempt to do so on a regular basis.</p> <p>In general terms Members agreed that the Executive Team should continue to respond to any routine enquiries from service users, stakeholders and the press.</p> <ul style="list-style-type: none"> <li>• The Convener should sign off any draft responses or other correspondence to MSPs, Ministers or MPs and any replies to more contentious press enquiries.</li> <li>• The Convener should sign-off any press statements (other than press releases about Hearings) and any correspondence that was either being sent in his name or any that included any quotes from him.</li> <li>• The Chair of any specific Hearing Panel would continue to sign off any press release about the outcome of the Hearing in question.</li> </ul> <p>Members agreed that the Chair should endeavour to respond to any requests to sign-off any draft response to a press enquiry on the same day. Members agreed that the Executive Team should telephone the Chair to advise them that a response was required and to let them know when they could expect to receive a draft reply to check (this was to be sent by email). Members noted that if the Chair was unavailable on the day, the sign-off request should instead be sent to another Member.</p> <p>Members agreed that the Members should endeavour to respond to decision requests from the Executive Team on cases within three working days. All emails about cases should be marked as such, with the case reference included in the email subject line. Members further agreed that all other emails from the Executive Team to Members should be clearly labelled as being ‘for information’, ‘for interest’, ‘for decision’ or ‘a reminder’. If a decision was required on a non-case related matter, the deadline proposed for responding should be stated at the start of the email.</p>	<p><b>Members</b></p> <p><b>Members</b></p> <p><b>Executive Team</b></p>
<p><b>12.</b></p>	<p><b>PREPARATION MEETING FOR WORKSHOP FOR CHAIRS OF DEVOLVED PUBLIC BODIES</b></p> <p>Members agreed to hold an online meeting in the afternoon of 25 October 2021 to undertake preparation work for workshop with Chairs of devolved public bodies, scheduled to take place on Wednesday, 24 November 2021. Members agreed that the Executive Team</p>	<p><b>Executive Team</b></p>

	should circulate the workshop programme and draft content for any presentation and breakout group discussions to them before the meeting.	
13.	<p><b>SUMMARY OF RESPONSES RECEIVED ON GUIDANCE CONSULTATIONS</b></p> <p>Members noted that there had been a good response to the Standards Commission’s consultation on its draft revised Guidance on both the Councillors’ and Model Codes of Conduct. Members noted that the Executive Team was in the process of reviewing the responses, with a view to incorporating any suggested amendments into the revised Guidance, with the intention of having it finalised and ready to be issued, along with the revised Codes, at the beginning of December 2021. Members asked that copies of the latest versions of the updated draft revised Guidance be sent to them for comment.</p>	Executive Team
<b>CASES UPDATE</b>		
	<p><b>REPORTS FROM THE ESC &amp; SECTION 14 LETTERS</b></p> <p><b>(a) LA/AC/3497:</b> Section 14 notification about an Aberdeen City councillor. Members noted that a draft report had been issued to an Aberdeen City councillor following the conclusion of an investigation by the Acting ESC.</p> <p><b>(b) LA/E/3504:</b> Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about an Edinburgh councillor. The decision was due to be issued and published that day.</p> <p><b>(c) LA/E/3517:</b> Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about an Edinburgh councillor. The decision was due to be issued and published that day.</p>	
14.	<p><b>CASES</b></p> <p><b>(a) LA/AC/3495:</b> Members noted that a pre-Hearing meeting had been held on 8 September 2021 and that a Hearing was scheduled to take place on 5 October 2021.</p> <p><b>(b) LA/PK/3477:</b> Members noted that a pre-Hearing meeting was to be held on 28 September 2021 and that a Hearing was scheduled to take place on 18 October 2021.</p>	
15.	<p><b>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</b></p> <p><b>(a) LA/DG/3514:</b> Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a councillor had taken more than three months.</p> <p><b>(b) LA/AN/3520:</b> Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a councillor had taken more than three months.</p> <p><b>(c) LA/Mo/3516:</b> Members noted the contents of a report from the Acting ESC advising that an investigation into a complaint about a councillor had taken more than three months.</p>	
16.	<p><b>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</b></p> <p>None received.</p>	
<b>AOB</b>		
17.	<p><b>AGENDA ITEMS FOR NEXT MEETING</b></p> <p>Members agreed to apprise the Executive Director of any further items to be added to the agenda for the next meeting.</p> <p><b>MONITORING OFFICERS’ WORKSHOP 25 OCTOBER 2021</b></p> <p>Members noted that a good response to the invitation to attend the workshop had been received, albeit attendees were divided between those who wanted to attend in person and those who had indicated they could prefer the event to be held online. In the circumstances, Members agreed that the workshop should be set up so that a concurrent online session was run at the same time as an in person one. Members agreed that Mr McCormick and Mrs Stewart would attend the online session, with Mr Walker and Ms Dunn in attendance in person. Members agreed that, if possible, all attendees should be given access to view to the Convener’s opening and closing presentations, whereas any breakout groups would be run managed separately depending on whether attendees were there in person or online.</p>	Executive Team

<b>18.</b>	<b>2021 WORKPLAN</b> Members noted the planned activities.  <b>DATE OF NEXT MEETING</b> Members noted that the next meeting of the Standards Commission was scheduled to take place on Monday, 1 November 2021.	
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