



INTEGRITY IN PUBLIC LIFE

Annual Report and Accounts

Year Ending 31 March 2023

Laid before the Scottish Parliament by Scottish Ministers under section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

INTEGRITY IN PUBLIC LIFE

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THE PERFORMANCE REPORT

INTRODUCTION

The accounts for the Standards Commission for Scotland (Standards Commission) for the financial year ended 31 March 2023 are presented in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act), as amended by the Scottish Parliamentary Commission and Commissioners etc. Act 2010; and the Accounts Direction given by Scottish Ministers on 22 May 2012.

Overview

This section of the report is intended to give an understanding of the role and purpose of the Standards Commission, the activities it undertakes, the key risks to the achievement of its objectives and a summary of how the organisation has performed during the year.

Executive Director's Statement

As Executive Director, I am pleased to report that the Standards Commission has performed effectively this year by achieving its statutory duties and by meeting, or exceeding, the objectives identified in the Business Plan for 2022/23. The [Business Plan 2022/23](#) can be found on the Standards Commission's website.

In the past year, the Standards Commission continued its work to increase awareness and understanding of the provisions in the revised Codes of Conduct for councillors and members of devolved public bodies that were issued by the Scottish Ministers in 2021/22. It did so by promoting the revised Codes and its associated Guidance and Advice Notes through news articles and blogs on its website, social media posts and in its engagement with stakeholders.

The Standards Commission supported councillors and members in respect of meeting the standards expected of them by holding training events on the Codes of Conduct. Online training workshops on the Councillors' Code were held in 2022/23 for elected members of Stirling and Aberdeen City Councils, and the Standards Commission also presented training events on the revised Model Code for the boards of 10 public bodies.

The Standards Commission produced, published and disseminated new Advice Notes for councillors and members on conduct at online meetings and a Card for Councillors Attending Community Councils, which aims to help councillors manage expectations about what they can and cannot do, under the Councillors' Code, when attending community council meetings.

In order to aid understanding of certain key aspects of the Codes of Conduct, the Standards Commission also published, on its website, interactive training modules about when the Codes apply and the three-stage test for identifying and declaring interests. Other work undertaken by the Standards Commission to ensure its educational material was user-friendly and accessible included producing and publishing versions of its Guidance by Section of the Codes (with the relevant provisions from the Codes embedded). The Standards Commission also reviewed, updated and published its standard training presentations on the Codes. Video versions of these presentations were also filmed and uploaded.

In terms of its adjudicatory work, the Standards Commission made 42 final decisions, in 2022/23, on the 44 cases referred to it between 1 April 2022 and 31 March 2023. In the two remaining cases, the Standards Commission directed the Ethical Standards Commissioner (ESC) to carry out further investigation on one referral, with the further investigation ongoing at the year end; and had not yet made a decision on a referral made at the end of March 2023.

The Standards Commission held a total of six Hearings in 2022/23. Of these, three Hearings were held in respect of cases referred by the ESC before 1 April 2022. Five Hearings on case referrals made on or before 31 March 2023 are scheduled to be held in 2023/24. Of the six Hearings held in 2022/23, one was held online and livestreamed on the Standards Commission's website, and five were held in person.

Purpose and Activities

Information about the Standards Commission's business model, the environment in which it operates and its objectives and strategies is outlined below.

Business Model and Environment

The Standards Commission is a statutory body established under the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended. 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; and
- Adjudicate on alleged breaches of the Codes of Conduct, and where a breach is found, to apply a sanction.

The Standards Commission is an independent corporate body and, in the exercise of its functions, is not subject to the direction or control of any member of the Scottish Parliament or the Scottish Government.

Organisational Structure

The Standards Commission comprises five Members who are appointed by the Scottish Parliamentary Corporate Body (SPCB), with the agreement of the Scottish Parliament. The Standards Commission employs four members of staff, led by the Executive Director, who is also the Accountable Officer.

Purpose and Activities

The Standards Commission's vision is 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. In pursuing its vision, the Standards Commission will demonstrate the following values:



Fair

being objective,
transparent, consistent
and proportionate



Approachable

being collaborative,
considerate, respectful
and helpful



Proactive

it will initiate, promote,
deliver and learn

Strategic Priorities and Objectives

In seeking to achieve this vision, the Standards Commission's operates against four-year strategic plans. The Strategic Plan for 2020/24 identified the following four key objectives:

1. To have a positive impact on ethical standards in public life.
2. To pursue continuous improvement in the ethical standards framework and the way we do our work.
3. To pursue and develop strong relationships with our stakeholders.
4. To ensure all stakeholders have easy access to high quality information about the organisation, its work and any initiatives.

Full details of the Standards Commission's strategic objectives and the actions it intends to achieve these are provided in the [Strategic Plan for 2020/24](#), which is available on the Standards Commission's website.

Key Issues and Risks

During 2022/23, the Standards Commission identified the principal risks and uncertainties for the organisation during this year and the actions taken in mitigating these are shown in the table below.

Key Risk	Risk Mitigation
<p>A loss of confidence in the overall ethical standards framework as a result of:</p> <ul style="list-style-type: none"> delays at the investigation stage; a lack of consistency between Standards Commission and ESC in their respective approaches to interpreting the Codes of Conduct and dealing with complaints; Standards Commission's decisions being inconsistent, unfair, poorly reasoned, disproportionate and / or unclear; and a failure by the Standards Commission to adhere to the timescales outlined in its Service Standards and Hearing Rules. 	<p>The ESC held quarterly meetings with Standards Commission Members and also met with the Standards Commission's Executive Team on a fortnightly basis. The Standards Commission held discussions with the ESC on the interpretation of Article 10 of the ECHR, his plans to recruit new staff and clear the investigation backlog, and provided feedback on the investigation manual being produced by the ESC.</p> <p>The Standards Commission updated its policy on case referrals and developed and implemented a standard template and flowchart for use by Members in their decision-making.</p> <p>The Standards Commission carried out a review of the case decisions it had made in 2021/22 to identify trends and ensure consistency and clarity in reasoning. It also sought feedback on all Hearings and considered any received as part of a standard review at the Standards Commission meeting following the Hearing, so that improvements could be made to policies and processes as appropriate. This review also included analysis and discussion on what went well or otherwise, and what could have been done differently.</p> <p>The Standards Commission issued Hearing briefing notes to the Panel Chair and Members before all Hearings held. A Hearing briefing note template was developed and agreed.</p> <p>The Standards Commission retained a record of the advice provided and the time taken to respond to enquiries and to make decisions on cases referred to it by the ESC.</p>
<p>Insufficient resources in terms of staff time and knowledge, and Members' time and availability means Standards Commission is unable to:</p> <ul style="list-style-type: none"> Make any improvements to its guidance and educational material, or to facilitate training and promotional activity, in light of the introduction of the revised Codes of Conduct. Hold Hearings in accordance with the timescales outlined in its Rules. Comply timeously with its statutory and contractual duties and any reporting 	<p>The Human Resources Committee continued to monitor staffing performance and attendance to ensure the Standards Commission had sufficient capacity and capability to meet operational requirements.</p> <p>Planned induction and training activities were completed for the new Standards Commission member who joined in February 2022.</p> <p>The Standards Commission worked with the Scottish Parliamentary Corporate Body (SPCB) to ensure that succession planning was in place to replace the two Standards Commission members who demitted office in the last quarter of the year. Induction and training plans were created for the replacement members who commenced in post in March and April 2023.</p> <p>Standards Commission Members undertook refresher training on the Revised Councillor's Code of Conduct and on how the right to freedom of expression under Article 10 of the European Convention on Human Rights has been interpreted by the Courts.</p> <p>An online tool continued to be used to record member and staff availability before any Hearings were scheduled and before the composition of Hearing</p>

requirements (including in respect of the annual accounts and report, the budget submission and payment of invoices, salaries and pension contributions).	Panels was agreed. Key performance indicators (KPIs) were agreed and published. These include compliance with the timescales in the Hearing Rules. Performance against these KPIs is monitored on a quarterly basis and reported on in the Annual Report. All statutory and contractual duties and required actions were incorporated into a workplan for the year, to ensure all activities were undertaken within the permitted timescales.
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Failure to obtain best value and / or expenditure substantively exceeds or is significantly less than the Standards Commission's agreed budget	The SPCB is aware that the Standards Commission cannot forecast the number of Hearings to be held with any great accuracy, when preparing its budget submission. In addition, it cannot predict whether any statutory appeals will be lodged against decisions made at Hearings during the year. As such, the SPCB has agreed that the Standards Commission can apply for contingency funding if necessary. The Executive Team monitors actual and projected expenditure against budget every month, with formal quarterly reviews then undertaken by Standards Commission. The Standards Commission seeks information from the ESC at informal fortnightly meetings about the number of cases likely to be referred (and where Respondents are located) so contingency plans can be made if numbers are likely to be greater than projected. The Standards Commission has arrangements in place to ensure Hearings run as efficiently and cost effectively as possible. These include issuing parties with guidance on the relevancy of evidence and holding pre-Hearing meetings as a matter of course and holding Hearings online or at local authority venues at no cost.
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The number of complaints made and the consequent number of cases referred to the Standards Commission by the ESC is outwith the control of the Standards Commission; however the volume of referrals by the ESC impacts on the resources required to enable the Standards Commission to undertake its statutory functions. While the Standards Commission puts in place controls and identifies actions to mitigate the risks associated with this, it acknowledges that this will always have the potential to impact on its operational effectiveness and its ability to predict the operating budget.

Going forward, the Standards Commission considers that the key risk being faced in 2023/24 is that there is a loss of confidence in the overall ethical standards framework in Scotland. The Standards Commission identified that this could result from:

- Avoidable delays in the disposal of complaints; and
- The Standards Commission failing to adhere to the key principles of public life and its own Code of Conduct.

Information about the actions the Standards Commission has taken, or intends to take, to mitigate the risks to the organisation's effectiveness and ability to achieve its objectives is outlined in the Corporate Governance Report.

Funding and Going Concern

The Standards Commission is funded by the Scottish Parliament and submits an evidence-based budget for scrutiny and approval 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. The Standards Commission receives funding on a cash basis from the overall budget of the SPCB.

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 decisions, as it is not known whether any such appeal will be lodged and, if so, whether leave to appeal would be granted. It will, therefore, seek contingency funding to defend appeals if required. The infrequency and irregularity associated with the submission of appeals further inhibits the making of cost projections in this area. The Standards Commission 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. It will also ensure that it advises the SPCB of any potential requirement 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 SPCB approved a revised cash budget of £301,000 and contingency funding of £33,000 for 2022/23 (in 2021/22, the approved cash budget was £302,000). Contingency funding was sought in respect of expenses to be reimbursed to a pursuer following a successful appeal against a decision made by the Standards Commission in 2021/22.

Expenditure at the end of the financial year was £289,000, which was £45,000 (or 13.5%) under the agreed overall budget. The underspend was primarily driven by a lower than forecast number of Hearings being held in the year as, while a number of referrals were made towards the year-end, the Hearings will not be held until 2023/24.

It should be noted that a provision of £28,000 for the expenses to be reimbursed to the pursuer was recognised in the 2021/22 financial statements. An actual payment of £33,000 to cover the expenses was made in December 2022 from contingency funding provided by the SPCB. As a result of the provision of £28,000 having been recognised previously in the 2021/22 financial statements, only £5,000 of these expenses has been recorded in the 2022/23 financial statements.

The Statement of Financial Position as at 31 March 2023 shows a deficit on the General Fund of £8,000 (2021/22: £34,000). This is because the SPCB provides funding, on an ongoing basis, to meet invoices and expenses as and when they are approved and submitted for payment (as opposed to providing funds upfront at the start of the year). The SPCB does so to ensure that the Standards Commission receives the exact amount it requires, as agreed, in order to avoid a situation where it is required to operate a bank account. The financial statements in these accounts are, however, prepared on an accrual basis, meaning that they reflect all costs incurred to the end of the year, regardless of whether or not the payment has been sought prior to 31 March 2023. Inevitably a number of goods and services require to be purchased late in each financial year with payment and processing unable to be completed prior to the year end. As a result, as at 31 March 2023 the amount of expenditure falling into this category was £8,000. This is described as a deficit in the accounts, although this is a result of the accounting procedure under which the Standards Commission operates.

Performance Summary

As noted above, the Standards Commission performed effectively in 2022/23 by achieving its statutory duties and by meeting, or exceeding, the objectives identified in its Business Plan.

PERFORMANCE ANALYSIS

How Performance is Measured

The Standards Commission produced and published, on its website, an annual Business Plan outlining the work it will undertake each year in order to meet each of its strategic objectives as outlined in the four-year Strategic Plan in place at the time. The Business Plan provides information on how the Standards Commission will measure its performance. A Risk Register is also agreed at the start of each operational year to ensure that any risks to the achievement of the strategic and operational objectives are identified and monitored on a regular basis. Further details about the work undertaken by the Standards Commission to achieve its objectives in the past year can be found in the Annual Report 2022/23.

Strategic Objectives 2020-24



To have a positive impact on ethical standards in public life



To pursue continuous improvement in the ethical standards framework and the way we do our work



To pursue and develop strong relationships with our stakeholders



To ensure all stakeholders have easy access to high quality information about the organisation, its work and any initiatives.

Performance in 2022/23

Strategic Objective 1: 'To have a positive impact on ethical standards in public life.'

The Standards Commission had a positive impact on ethical standards in public life by producing, publishing and promoting educational material and facilitating training events on the Codes of Conduct.

The Standards Commission's work to achieve this objective in 2022/23 included:

- Promoting the revised Codes and its associated Guidance and Advice Notes through news articles and blogs on its website, social media posts and in its engagement with stakeholders.
- Supporting councillors and members in respect of meeting the standards expected of them by holding training events on the Codes of Conduct. Online training workshops were held for elected members of Stirling and Aberdeen City Councils.
- Presenting training events on the revised Model Code of Conduct for the Boards of Children's Hearings Scotland, City of Glasgow College, the Crofting Commission, Crown Estate Scotland, Highlands and Islands Enterprise, NHS Forth Valley, Public Health Scotland, the Scottish Environment Protection Agency and NHS Tayside.
- Producing and publishing an alternative version of the Advice Notes for councillors and members of devolved public bodies on Article 10 of the ECHR, which provide concise and accessible summaries of the key points.
- Developing and publishing on its website, interactive training modules on when the Codes apply and the three-stage test for identifying and declaring interests.
- Publishing news articles and monthly blogs on its website on topical issues relating to the ethical standards framework and the key principles of public life.
- Issuing at least four social media posts a week and increasing followers on Twitter by a further 15%.

- Conducting a review of the enquiries received throughout the year with the resulting analysis being used to inform the content of educational and promotional material.
- Renewing the statutory directions issued to the ESC under the Standards Commission's oversight powers in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Strategic Objective 2: 'To pursue continuous improvement in the ethical standards framework and the way we do our work.'

As part of its drive to pursue continuous improvement in the ethical standards framework and the way it undertook its work in 2022/23, the Standards Commission sought and acted upon feedback from stakeholders and service users. This included updating educational material and amending how information about its adjudicatory work is presented.

The Standards Commission's work to achieve this objective in 2022/23 included:

- Undertaking a comprehensive review of its Hearing Rules and producing a revised version, which is more accessible and user-friendly.
- Creating a new page on its website for Respondents that contains information and advice about how Hearings are managed and how to present a case, and amending the 'Cases' page on the website to make it easier to find information about specific types of decision.
- Producing and publishing documents containing analysis and summaries of the responses it received to the surveys it issued in 2021/22 to Standards Officers and Members of Devolved Public Bodies and to councillors and local government Monitoring Officers, along with an outline of the actions that the Standards Commission intended to take in light of the comments and suggestions made.
- Producing and publishing a video presentation on the provisions of the Model Code of Conduct to supplement any internal induction and training sessions organised by devolved public bodies.
- Updating the guidance on the Model Code and Advice Note for Members on Bullying and Harassment to include information on the importance of diversity of thought and how this improves decision making and governance.
- Amending the guidance on both Codes and its Advice Notes on Distinguishing between Operational and Strategic matters following discussions with stakeholders.
- Continuing to engage with organisations with similar roles and remits, in order to learn from others and inform best practice.
- Undertaking reviews of all decisions made under Section 16 of the 2000 Act on case referrals from the ESC, all decisions made at Hearings during the year, and how cases are managed before and at Hearings.
- Creating a template response document and flowchart to assist its members with their decision making on case referrals from the ESC and making amendments to its associated policies and procedures.

Strategic Objective 3: 'To pursue and develop strong relationships with our stakeholders.'

The Standards Commission pursued and developed strong relationships by hosting meetings and workshops, providing training, and engaging with its stakeholders at other events. In addition, the Standards Commission worked effectively with its stakeholders by engaging in discussions, and by providing input and responses, on matters concerning the ethical standards framework.

The Standards Commission's work to achieve this objective in 2022/23 included:

- Holding its annual workshop for council Monitoring Officers (both online and in-person), with discussion topics including whether there were any difficulties in understanding and interpreting the revised Councillors' Code and, in particular, the provisions regarding hospitality and declarable interests.
- Holding its annual workshop for Standards Officers where attendees shared their experiences of providing induction and training on the Model Code of Conduct, and discussed whether there were any issues with members of devolved public bodies being disrespectful towards employees or becoming inappropriately involved in operational matters.
- Providing a formal response to the ESC's consultation on a draft investigations manual and working closely with his office to:

- improve the process for the investigation and adjudication of complaints about councillors and members of devolved public bodies in terms of efficiency, transparency and consistency in decision-making; and
- identify and try to resolve issues arising in respect of the interpretation of the Codes of Conduct.
- Providing a formal response to the Scottish Government’s consultation on electoral reform.
- Presenting on the role of the Standards Commission and the revised Model Code at two induction workshops for Ministerial appointees run by the Scottish Government. The Executive Director also presented a joint session, with the ESC, on the Councillors’ Code and any ongoing issues at the SOLAR annual conference.
- Presenting a session at a Community Council Liaison Officers Working Group on the Councillors’ Code and how this could impact upon an elected member’s work and their relationships with local community councils.
- Engaging and holding meetings with the Scottish Government, the Improvement Service, SOLAR, Audit Scotland, the College Development Network, the Standards in Public Life Commission (Ireland) and the Northern Ireland Public Services Ombudsman to share best practice and to discuss and resolve any issues affecting the ethical standards framework.

Strategic Objective 4: ‘To 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.’

The Standards Commission ensured that stakeholders and service users had access to clear, accurate and timely information about its work and, in particular, how it undertook its adjudicatory role.

The Standards Commission’s work to achieve this objective in 2022/23 included:

- Publishing on its website a written record and reasons in all cases where it decided to take no action on cases referred by the ESC.
- Publishing information on its website and social media pages about forthcoming Hearings, including the name of the Respondent, the name of the Respondent’s Council or public body, and the Hearing date, time and venue.
- Publishing on its website a written record and reasons for decisions in respect of breach and, in applicable, sanction made at each of the Hearings held. Summaries of the decisions were also published in the quarterly Standards Updates and on the Standards Commission’s social media pages.
- Corresponding with local media about forthcoming Hearings and issuing and publishing press releases about decisions made at Hearings.
- Creating and publishing a pre-election case referral document outlining how the Standards Commission will normally proceed when it receives a report from the ESC immediately before, and during, a local government pre-election period.
- On average, holding all Hearings within 12 weeks of making the decision on the referral report.
- Issuing written decisions on all cases where it decided to take no action on cases referred by the ESC within an average of four days of the report being received.

Finance and Expenditure

Key Financial Information

The Standards Commission is funded by the Scottish Parliament and submits an evidence-based budget for scrutiny and approval 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. The anticipated number of Hearings are forecast using information relating to the previous year and, where available, projections provided by the 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 are required. 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.

Expenditure against budget is monitored by the Executive Team on a monthly basis, meaning the Accountable Officer can identify key issues or concerns as they occur, which provides an opportunity for the prompt resolution of any financial matters. Members are provided with quarterly reports detailing expenditure against budget and highlighting variances and projections to the year end. This gives them the opportunity to determine whether the Executive Team is making sound decisions in respect of the use of resources and is adequately monitoring expenditure to ensure it remains within the allocated budget. It also gives Members an assurance that the Executive Team is working continuously towards meeting, and achieving, objectives while still applying best value principles.

Financial Position

The Statement of Comprehensive Net Expenditure and the Notes to the Accounts show the income and expenditure for the year. The Standards Commission's net expenditure on operating activities for the year ending 31 March 2023 amounted to £289,000 (2021/22, £320,000), against an agreed budget (including contingency funding of £33,000) of £344,000.

The net expenditure was divided between staff costs of £252,000 (2021/22, £228,000) and other administrative costs of £37,000 (2021/22, £92,000). Staff costs include all remuneration paid to both staff and Members. Overall staff costs were higher than budget, with the actual staff pay award made by the SPCB being higher than that assumed in the budget. In addition, cost of living payments were made to three members of staff in the last four months of the year. Lower than budgeted Member salaries were primarily driven by a lower than forecast number of Hearings being held in the year, as while a number of referrals were made towards the year-end, the Hearings will not be held until 2023/24. An underspend in other administrative costs was the result of lower staff and member travel expenses due to a lower than forecast number of Hearings being held in the year and savings on IT and PR costs as some interactive content for the website was developed for the Standards Commission free of charge.

In 2021/22 one appeal against a decision to disqualify a councillor for 16 months for a breach of the Councillors' Code of Conduct, made by the Standards Commission at a Hearing, was made and determined. In refusing the appeal in its entirety, the Sheriff Principal confirmed that the original decision by the Standards Commission to disqualify the councillor was neither excessive nor unreasonable. The councillor then appealed to the Court of Session. While the Court of Session agreed with the Standards Commission's assessment that a disqualification was an appropriate sanction and that the disqualification ought not to be brief, it reduced the period to account for the period already served. In 2022/23, the Standards Commission was required to pay the Appellant's expenses in bringing the appeal which totalled £33,000. Contingency funding of the full amount was sought from and granted by the SPCB. A provision of £28,000 in respect of this matter was recognised in the annual accounts for 2021/22, therefore only £5,000 is recognised within the net expenditure for 2022/23.

Payment Performance

Payments made to suppliers of goods and services to the Standards Commission are processed by the SPCB through a Shared Service Agreement with the Scottish Parliament's Finance Office. The SPCB aims to comply with the Confederation of British Industry's (CBI) Prompt Payers' Code, which states that organisations should aim to make payments within the agreed contract terms or within 30 days of receipt of an invoice (which are not in dispute), for goods and services received. In 2022/23, the Finance Office processed all invoices on behalf of the Standards Commission within 30 days of receipt of the invoice. In addition, the SPCB aims, under a voluntary initiative, to process payments within seven days of receipt, in order to support business suppliers. In 2022/23, 94% of the Standards Commission's invoices were paid within this timescale.

Social Matters

Sustainability and Environmental Impact

The Standards Commission recognises the importance of environmental issues and sustainability and endeavours to take such matters into consideration when making business decisions. While the Standards Commission is not directly covered by the Greening Government Commitments, as its offices are located within the Scottish Parliament building, it continues to support the Scottish Parliament's efforts in meeting their sustainability and environmental targets through compliance with the SPCB's policies and procedures. This includes choosing sustainable products, making use of waste and recycling facilities and, where possible, encouraging staff and Members to use public

transport or car share. Further information about sustainability and environmental activities within the Scottish Parliament is available on its website.

The Standards Commission also aims to reduce its carbon footprint and continually seeks to develop and improve its processes to achieve this. Going forward, the Standards Commission will aim to quantify and record the carbon footprint of staff and member travel through the development of its process for collating travel expenses. Wherever possible and appropriate, the Standards Commission communicates through electronic media and disseminates all educational, promotional and training material via its website, social media and email in a cost effective and environmentally friendly manner.

Staff at the Standards Commission continued to follow a hybrid working policy in 2022/23 which allowed them to work either from home or the office. In addition, 5 of the 10 Standards Commission meetings held in the year were held online, meaning there was a significant decrease in travel to the office by Members. The Standards Commission continued to operate on an entirely paperless basis, with all records retained online and almost all correspondence being issued by email (in a few cases replies to enquiries had to be sent by post as no email address or telephone number had been provided).

In 2022/23, the Standards Commission signed up to a Social Impact Pledge, which is aimed at increasing the social impact of public sector organisations in Scotland. The pledge is a Scottish Government initiative that asks public sector organisations to commit to increasing their social impact by making a public commitment to change their current operations or policies. The pledge should include actions that the organisation was not already undertaking. The Standards Commission pledged that it would challenge itself to increase the positive impact it made on its local community; and undertake two activities in the next twelve months that it did not currently undertake, in order to improve its social impact.

Community & Human Rights Issues

The Standards Commission has no specific social, community or human rights issues to report. In general, however, the Standards Commission's role in improving and maintaining ethical standards in public life helps to promote public confidence that decisions made in the public sector, which affect communities, are made objectively, honestly and in the public interest.

The Standards Commission's Hearings are conducted in public, either in person or online. If the Respondent is a councillor, an in-person Hearing will usually be held in the local authority area in which the councillor was elected. If the Respondent is a member of a devolved public body, it will be held in the area where the devolved public body holds its meetings. This demonstrates openness and transparency, as well as offering ease of access to members of the local community and press who may wish to view proceedings. Online Hearings are held in cases where there is little dispute between the parties and no witnesses (other than the Respondent) are to appear. All online Hearings are livestreamed through the Standards Commission's website, which again means members of the public and press can view the proceedings. The Standards Commission issues press releases both before and after Hearings to help increase awareness of the Codes of Conduct and the ethical standards framework in general.

In terms of human rights and, in particular, the right under Article 6 of the European Convention on Human Rights (ECHR) to a fair trial, the Standards Commission ensures that Hearings are conducted in a fair, transparent and accessible manner. It does so by publishing, issuing, and adhering to Rules, which outline the procedures to be followed at Hearings. All parties to a Hearing have the right to attend, to seek legal advice and to instruct representation. Guidance on procedures is provided to all Respondents particularly those who chose not to have legal representation at or prior to a Hearing. Hearing Panels carefully consider all relevant evidence and submissions before determining, on the balance of probabilities, whether there has been a breach of a Code of Conduct. Hearing Panels also take a three-stage approach when issues that concern the application of Article 10 of the ECHR and the right to freedom of expression arise. In determining whether there has been a breach of a Code of Conduct in such cases, the Hearing Panel will consider:

- Whether the facts found lead it to conclude on the balance of probabilities that the Respondent has failed to comply with the applicable Code of Conduct;

- If so, whether such a finding in itself is, on the face of it, a breach of the right to freedom of expression under Article 10;
- If so, whether the restriction involved by the finding was justified by Article 10(2), which allows restrictions that are necessary in a democratic society.

Information on this approach is published on the Standards Commission's website and sent to parties in advance of Hearings.

The Standards Commission has published a British Sign Language (BSL) Plan, which outlines the actions which the Standards Commission will take in the period from 2018 to 2024 to improve access to information and services for BSL users. The Standards Commission has published three BSL videos on its website. The first video explains its role and remit and how to make a complaint about a breach of a Code of Conduct by a councillor or member of a devolved public body. The second and third videos outline and explain the main provisions in the Councillors' Code of Conduct and the Model Code of Conduct, respectively.

The Standards Commission complies with the requirements of the Data Protection Act 2018 and the GDPR and has published a Data Protection Privacy Statement and Data Protection Policy outlining how it processes personal data.

Anti-bribery and Anti-corruption matters

The Standards Commission takes actions and has policies and procedures in place to mitigate against the potential for bribery and corruption. These include:

- Ensuring transparency in decision-making with the organisation's Strategic and Business plans, minutes, governance related policies and procedures and Hearing decisions being published on the Standards Commission's website;
- Keeping and publishing Registers of Interest. Members complete, and regularly review, the information detailed in their entry;
- Ensuring that procurement activity aligns with the requirements detailed in the Scottish Parliament's procurement policies, which are published on its website;
- Adhering to a Whistleblowing Policy, which outlines how Members and staff can report any concerns they may have about wrongdoing and malpractice which they believe has occurred or is likely to occur;
- Assisting in the completion of a range of audits (both internal and external), which give assurance on the effective governance and efficient running of the organisation; and
- Ensuring Members and staff declare and withdraw from the discussion and decision-making if they have any financial or non-financial interest in an item before the Standards Commission. This includes taking no part in any discussion or decision-making in respect of cases referred to the Standards Commission by the ESC, for example, if a Member has an association with or has worked alongside any potential party or witness to the case.

The Standards Commission reviews its Fraud Prevention and Whistleblowing Policy on a biennial basis to ensure it continues to be relevant and accord with best practice.

Equal Opportunities

The Standards Commission supports the principle of equal opportunities in its work and employment practices. This means that it is committed to continually reviewing and updating policies and practices to ensure that no individual is discriminated against, either directly or indirectly, unlawfully or unjustifiably because of their personal status in relation to age, disability, gender, marital status, pregnancy and maternity, race, religion, belief or sexual orientation. Equality impact assessments are undertaken in respect of all new policies, procedures and practices and when policies and processes are substantially revised. The Standards Commission is recognised by Carers Scotland as being a Carer Positive Engaged employer.

The Standards Commission also reviewed its publicly available Service Charter to ensure it fully incorporated and reflected the Standards Commission's values. In addition, work undertaken to ensure the Standards Commission was accessible to stakeholders included producing and publishing an 'Easy read' guide explaining its role, and a glossary of the abbreviations and key terms it uses, with an explanation of what each means. The Standards Commission provided all staff with British Sign Language (BSL) awareness training and updated its BSL Plan, which outlines the actions the Standards Commission will take to improve access to information and services for BSL users.

Future Development

The Standards Commission's Strategic Plan identifies the following four key aims:


1. To have a positive impact on ethical standards in public life.
2. To pursue continuous improvement in the ethical standards framework and the way we do our work.
3. To pursue and develop strong relationships with our stakeholders.
4. To ensure all stakeholders have easy access to high quality information about the organisation, its work and any initiatives.

The Standards Commission's Business Plan for 2023/24 outlines its objectives for the forthcoming year that will contribute to the achievement of these aims.

The Standards Commission will update case examples and illustrations in its Guidance, Advice Notes and standards presentations in light of feedback and enquiries received and decisions made. The Standards Commission will also continue to further develop and publish e-learning training material on specific aspects of the Codes or ethical standards framework.

The Standards Commission will hold annual workshops with Monitoring and Standards Officers to discuss emerging trends and issues and how best to deal with these. The Standards Commission will invite the ESC, Audit Scotland, Scottish Government, the Colleges Development Network and the Improvement Service to these events.

The Standards Commission further intends to work with Standards Officers to identify the best way it can support them in providing an induction and training on the Model Code of Conduct and increasing awareness and understanding of the provisions that may cause the most issues.

	
Lorna Johnston Accountable Officer	Date: 25 July 2023

ACCOUNTABILITY REPORT: CORPORATE GOVERNANCE: DIRECTOR'S REPORT

Convener and Members of the Standards Commission

The Standards Commission comprises the Convener and four other Members who are all appointed by the Scottish Parliamentary Corporate Body (SPCB) with the agreement of the Scottish Parliament. The Convener and Members are appointed to work 36 and 24 days per year respectively plus additional days, as and when required, for Hearings.

Michael McCormick's appointment as Member ended on 31 January 2023.

Tricia Stewart's appointment as Member ended on 31 March 2023.

Anne-Marie O'Hara was appointed as a Member with effect from 13 March 2023.

Helen Donaldson was recruited as a Member, with her appointment to be effective from 1 April 2023.

	<u>Date of appointment</u>	<u>Date Appointment ends</u>
Convener: Paul Walker	7 May 2018	6 May 2024
Members: Ashleigh Dunn	4 Mar 2019	3 Mar 2025
Suzanne Vestri	7 Feb 2022	6 Feb 2028
Anne-Marie O'Hara	13 March 2023	12 March 2029
Helen Donaldson	1 April 2023	31 March 2029

Executive Director

Lorna Johnston was appointed by the Standards Commission as the Executive Director on 1 December 2014.

Register of Interests

The Standards Commission maintains a register of interests for the Convener and Members of the Standards Commission, which is published on the Standards Commission's website at:

www.standardscommissionscotland.org.uk/about-us/who-we-are.

During 2022/23, no interests were assessed as being so significant that they might conflict with the organisation's responsibilities. Any significant interests of staff are also registered. No interests were assessed as significant.

Personal Data Related Incidents

There was one data breach in the year. The Standards Commission's Data Protection Officer determined that the incident was a relatively minor, low risk data security incident where a letter and calendar invite were issued to the wrong recipient. The Data Protection Officer noted that there was no suggestion of any prejudice to the rights and freedoms of the data subject whose personal information was incorrectly disclosed, and the personal data involved was normal category data, consisting of information that was publicly available on the Standards Commission's website. As such, the Data Protection Officer concluded that there was no requirement to report the matter to the Information Commissioner's Office.

CORPORATE GOVERNANCE: STATEMENT OF ACCOUNTABLE OFFICER'S RESPONSIBILITIES

Under Schedule 1 paragraph 10E of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the Act), as amended, Scottish Ministers have directed the Standards Commission to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Standards Commission and of its income and expenditure, Statement of Financial Position and cash flows for the financial year.

In preparing the accounts, the Accountable Officer is required to comply with the requirements of the Government Financial Reporting Manual (FReM) and in particular to:

- (i) observe the Accounts Direction issued by Scottish Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- (ii) make judgements and estimates on a reasonable basis;
- (iii) state whether applicable accounting standards as set out in the FReM have been followed, and disclose and explain any material departures in the financial statements;
- (iv) prepare the financial statements on a "going concern" basis; and
- (v) confirm that the Annual Report and Accounts as a whole is fair, balanced and understandable and take personal responsibility for the Annual Report and Accounts and the judgements required for determining that it is fair, balanced and understandable.

The Scottish Parliament Corporate Body (SPCB) appointed Lorna Johnston as Accountable Officer of the Standards Commission. The responsibilities of an Accountable Officer include responsibility for the propriety and regularity of the public finances for which the Accountable Officer is answerable, for keeping proper records and for safeguarding the Standards Commission's assets, are set out in the Memorandum of the Accountable Officer of the Standards Commission issued by the SPCB on 1 December 2014.

Disclosure of Information to Auditors

As Accountable Officer, I can confirm that:

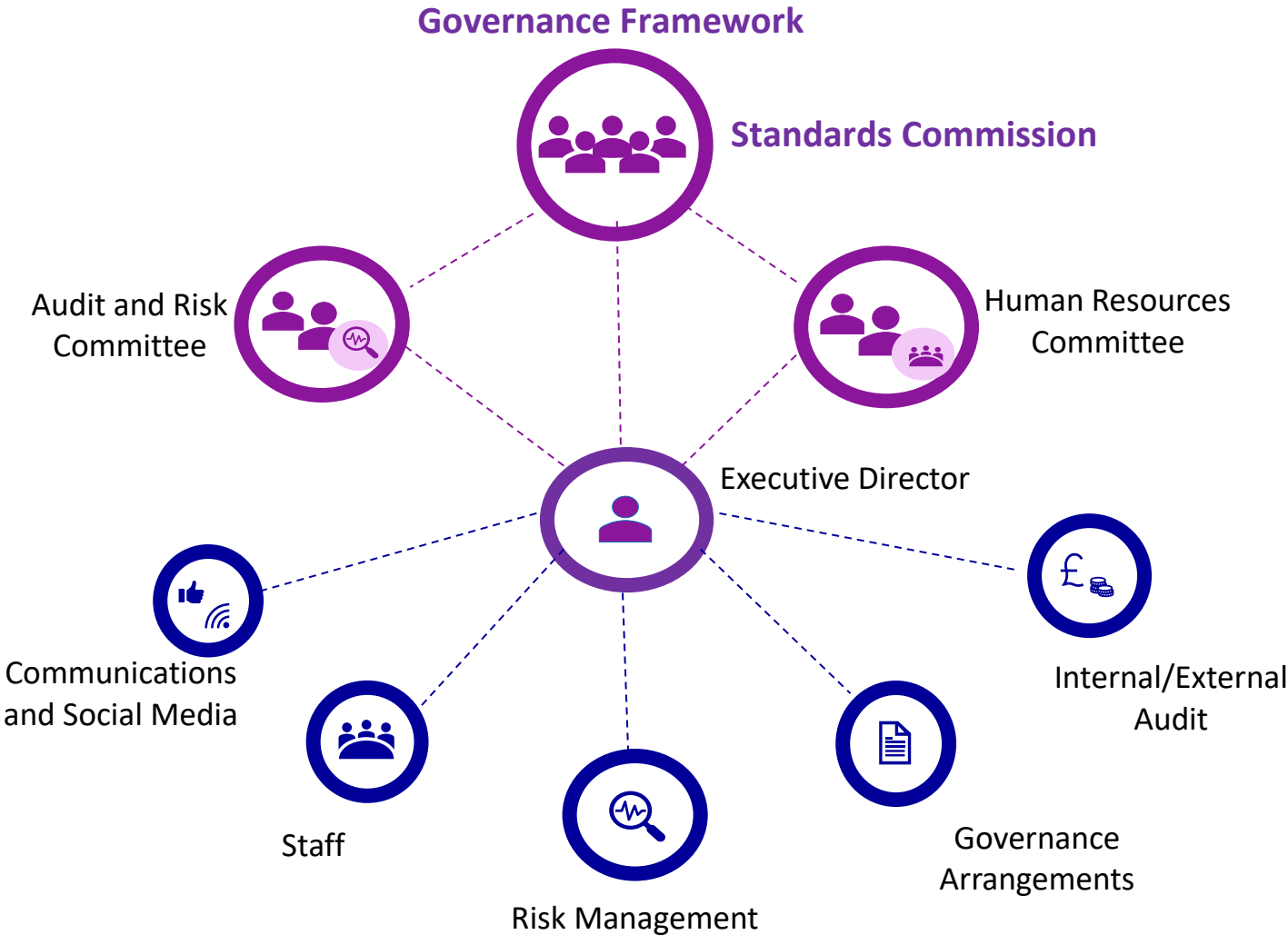
- As far as I am aware, there is no relevant audit information of which the Standards Commission's auditors are unaware, and I have taken all the steps that I ought to have taken to make myself aware of any relevant audit information and to establish that the auditors are aware of that information.
- I confirm that the annual report and accounts as a whole is fair, balanced and understandable and that I take personal responsibility for the annual report and accounts and the judgments required for determining that it is fair, balanced and understandable.

CORPORATE GOVERNANCE REPORT: GOVERNANCE STATEMENT

Scope of Responsibility

As Accountable Officer, I am responsible for maintaining a sound system of internal control that supports the Standards Commission in the achievement of organisational aims, objectives and statutory duties while safeguarding the public funds and assets for which I am responsible, in accordance with the responsibilities assigned to me.

The Standards Commission has the following governance arrangements in place. I am satisfied, for the reasons outlined below, that they operated effectively in 2022/23.



The Standards Commission has five Members who are appointed on a part-time basis by the SPCB, with the agreement of the Scottish Parliament. The SPCB is responsible for determining the terms and conditions of Members’ appointments. Members are supported by four members of staff employed directly by the Standards Commission.

The Standards Commission is funded through the SPCB and, each year, an evidence-based budget bid is submitted for scrutiny and approval. The budget is based on the aims outlined in the Standards Commission’s four-year strategic plan in place at the time, and the proposed actions identified in its annual business plan. The budget is scrutinised and approved by the Standards Commission prior to submission to the SPCB, to ensure it reflects requirements and best value. Expenditure against budget is analysed by the Executive Team on a monthly basis, with formal quarterly reports on this being reviewed and scrutinised by the Standards Commission. This system allows for any budgetary and financial concerns to be identified and addressed at any early stage.

As noted above, the Standard Commission operates against a four-year Strategic Plan, the objectives of which are delivered through the implementation of annual business plans. All actions in the business plan are linked to one of the strategic objectives, with specific targets and measurement identified for each activity. In addition, reference is made to any applicable risks as identified in the Standards Commission's annual Risk Register. The Standards Commission reviews progress against the Business Plan at the end of every quarter, with any new actions identified being added and any slippage against targets being kept under review.

The Standards Commission meets ten times a year. Two Members of the Standards Commission have been nominated to sit on its Audit & Risk Committee, with a further two on its Human Resources Committee. Agendas for all Standards Commission and Committee meetings are prepared in consultation with the Convener and relevant Chair. Minutes are taken of all meetings and a log of matters arising is kept and reviewed as a standard agenda item at the following meeting.

The Standards Commission's Audit & Risk Committee is responsible for ensuring appropriate corporate governance and risk management procedures, policies and controls are in place and are effectively managed. The Committee meets three times a year and provides the Standards Commission with advice and assurance on these matters.

The Human Resources Committee meets once a year and is responsible for providing assurance and support in respect of matters relating to staff, including staffing and human resource arrangements.

Risk Control and Management

The Standards Commission operates a risk management strategy in accordance with accepted best practice principles and guidance. This includes identification, assessment, addressing, reviewing and reporting on risks that could deflect the Standards Commission from the achievement of its objectives as identified in the strategic and business plans, in the context of the Standards Commission's risk appetite. The strategy is designed to manage, rather than eliminate, risks which could impact on the Standards Commission's ability to achieve its statutory duties and strategic aims and objectives.

The Standards Commission agrees its risk register annually at the start of each operational year to ensure that risks to the implementation of the strategic and operational objectives are identified going forward. The Standards Commission's Executive Team monitors and updates the risk register at least three times a year, in order to:

- discuss and evaluate the key business risks which might affect the ability to deliver the business plan;
- recommend any risks be removed or added to the register, as appropriate;
- assess existing controls (the measures in place to reduce or limit risk);
- determine the appropriate response to each risk;
- allocate responsibility for managing each risk; and
- identify and record activities undertaken since the previous review to reduce or limit risks on the register.

The Executive Team considers and rates the likelihood of each risk occurring and its impact should it occur, in light of the controls in place and actions taken. The Executive Team then makes a recommendation to the Audit & Risk Committee about the rating value attached to each risk. The Audit & Risk Committee reviews the Risk Register to check it contains all relevant and material risks at each of its meetings. The Committee also reviews the rating value for each risk and the risk tolerance level, to ensure these reflect changing priorities and the evolving business and political landscape. A report of the review is thereafter provided to Members for consideration at the next meeting of the Standards Commission.

Internal and External Audit

The objective of audit is to provide independent assurance on the adequacy and effectiveness of systems of governance and controls, which have been established to manage the risks to enable the achievement of organisational goals and ensure accountability for public funds.

As Accountable Officer, I have responsibility to review the effectiveness of the systems of internal control. These measures are reviewed regularly to:

- take account of changes to legislation, guidance and best practice;
- reflect the views of the Audit & Risk Committee;
- review and respond to queries from internal auditors and implement any recommendations they make;
- review and address the outcomes identified by external auditors in their management report; and
- consider advice from the staff who contribute to the development and maintenance of the internal control framework.

An annual internal audit programme for the Standards Commission is agreed with the Scottish Parliament's Head of Internal Audit as part of a shared service agreement supported by a Memorandum of Understanding. It was agreed the internal auditor would review the Standards Commission's general financial control environment, as part of the 2022/23 audit. The review aimed to provide assurance about the strength and resilience of the existing processes and identify any improvements that could be made to ensure that best practice was achieved.

The internal auditor reported that based on the audit work performed, there is sufficient audit evidence in place to confirm that the Standards Commission has robust systems and key controls in place to ensure accurate, reliable and complete financial information. There are no significant risks or improvement recommendations arising from this review. The overall internal audit conclusion is that substantial assurance can be taken from the areas reviewed and the associated frameworks of governance, risk management and control.

During 2022/23 the External Audit oversight was provided by Audit Scotland, who audited the annual report and accounts and reported to the Audit & Risk Committee.

Review of the Effectiveness of Governance Arrangements

I am satisfied that the governance arrangements outlined above comply with generally accepted best value principles and relevant guidance.

The internal auditor has affirmed the strength of the Standards Commission's existing controls and governance arrangements. I can confirm that the Standards Commission adhered to the governance arrangements outlined above in 2022/23 and that, as such, assurance can be given that the Standards Commission continued to have a strong control framework. This, and the relatively limited scope of the Standards Commission's activities and overall budget, provides further assurance that the areas of risk are limited.

The Standards Commission met on ten occasions in 2022/23, in order for Members to undertake their strategic direction setting and scrutiny roles.

During 2022/23, the Standards Commission identified the principal risks and uncertainties for the organisation as being a loss of confidence in the overall ethical standards framework as a result of:

- any delays at the investigation stage;
- a lack of consistency between Standards Commission and ESC in their respective approaches to interpreting the Codes and dealing with complaints;
- the Standards Commission's decisions being inconsistent, unfair, poorly reasoned, disproportionate and / or unclear; and
- a failure by the Standards Commission to adhere to the timescales outlined in its Service Standards and Hearing Rules.

Work the Standards Commission undertook to mitigate these risks included inviting the ESC to quarterly meetings with Members to discuss workloads and the timescales for investigation and adjudication of complaints, and any apparent discrepancies in interpretation of the Codes. The Standards Commission's Executive Team also held fortnightly meetings with the ESC and his staff with to discuss issues of common concern and the progress of investigations.

The Standards Commission updated its policy on how it made decisions on case referrals and developed and implemented a standard template and flowchart for use by Members in their decision-making. The Standards Commission carried out a full review of the case decisions it had made in 2021/22, to identify trends, ensure

consistency and clarity in reasoning and identify any improvements that could be made to the decision-making process. It also sought feedback on all Hearings and considered any received as part of a standard review at the Standards Commission meeting following the Hearing, so that improvements could be made to policies and procedures, as appropriate. The reviews also included analysing what had gone well or otherwise, and what could have been done differently. The Standards Commission retained a record of the advice provided and the time taken to respond to enquiries and to make decisions on cases referred to it by the ESC, in order to check compliance with the timescales as outlined in the Service Standards and Hearing Rules.

Further detail on actions taken to mitigate these risks have been detailed in the Key Issues and Risks section of the Performance Report.

As previously noted in the Performance Report, the Standards Commission has identified the key risk for 2023/24 as being a loss of confidence in the overall ethical standards framework in Scotland. The Standards Commission identified that this could result from:

- avoidable delays in the disposal of complaints; and
- the Standards Commission Members failing to adhere to the key principles of public life and their own Code of Conduct.

In addition, the Standards Commission has noted that the ESC has recruited more staff to clear a backlog at the investigation stage. The Standards Commission notes that there is a risk that a higher than usual number of referrals will be made in a short space of time as a result, with a resulting impact in terms of its resources.

Controls and actions to mitigate these risks have been identified and outlined in the Standards Commission's Risk Register for 2023/24. These include:

- Completing induction and training on the Codes of Conduct, and on the Standards Commission's standard training presentations and other educational material, for the two Standards Commission members who were recruited in quarter 4 of 2022/23. An experienced Member will be appointed to mentor each new Member.
- Assisting with the training of any new staff employed by ESC on the role of the Standards Commission, its educational material and adjudicatory processes.
- Providing a half day refresher training session for all Members and staff on key governance matters.
- Providing Members with refresher training on Section 7 of the Councillors' Code (regulatory and quasi-judicial decision-making) and on Section 16 decision-making on case referrals.
- Continuing to monitor compliance with the timescales in the Hearing Rules and Service Standards.
- Holding regular meetings with the ESC to discuss timescales, workloads and the progress of investigations.

The Standards Commission is committed to a process of continuous development and improvement and seeks to improve practices, policies and procedures in response to any relevant reviews and initiatives in best practice. It will continue to be guided by the Scottish Public Finance Manual in this regard.

Significant Issues

During the financial year to 31 March 2023 and to the date of this statement, no significant control weaknesses or issues or significant lapses in data security have arisen, and no significant failures have arisen in respect of the expected standards for good governance and risk management.

Provision of Information to Employees

The Standards Commission has adopted the principles of openness and participation in its organisation and places a high level of importance on informing, and consulting with, its staff. It does so by providing access to information through oral and written briefings, staff meetings and by involving staff at events. Information is only withheld where this can be shown to be justified and / or where a duty of confidentiality is owed.

Events Subsequent to the date of the Statement of Financial Position

No material events which had a bearing on the accounts occurred after the year-end.

Conclusion

On the basis of the assurances provided from the sources of assurance outlined above, I can confirm that sound systems of governance, risk management and internal control have operated for the year ended 31 March 2023 and up to the date of approval of the Annual Accounts.

REMUNERATION and STAFF REPORT

The sections marked with an asterisk (*) in the remuneration and staff report are subject to separate opinion by Audit Scotland. The other sections of the remuneration and staff report were reviewed by Audit Scotland to ensure they were consistent with the final statements.

Remuneration – Members*

Members' remuneration is determined by the SPCB. The Convener is paid £11,330.28 per annum (2021/22, £11,330.28) and Members receive £6,307.92 per annum (2021/22, £6,307.92). In addition, an hourly rate of £35.04 (2021/22, £35.04) is paid for Hearings related activity. Members' remuneration does not include Employer National Insurance contributions. Appointment as a Member of the Standards Commission is not pensionable.

	<u>2022/23</u> £'000	<u>2021/22</u> £'000
Paul Walker	10-15	10-15
Ashleigh Dunn	5-10	5-10
Michael McCormick (tenure ended 31 January 2023)	5-10	5-10
Anne-Marie O'Hara (appointed 13 March 2023)	0-5	n/a
Patricia Stewart (tenure ended 31 March 2023)	5-10	5-10
Suzanne Vestri	5-10	0-5
Kevin Dunion (tenure ended 31 August 2021)	-	5-10
Benefits in kind	Nil	Nil

No gratuity, allowance or compensation payment is payable to Members on termination of the appointment.

Remuneration - Staff

The Standards Commission adheres to the remuneration policies applied to staff employed by the SPCB. No members of staff were seconded from other organisations.

Single total figure of remuneration*

Senior Officer	Salary (£'000)		Bonus Payments (£'000)		Benefits in kind (to nearest £100)		Pension benefits (to nearest £,000)		Total (£'000)	
	2022/23	2021/22	2022/23	2021/22	2022/23	2021/22	2022/23	2021/22	2022/23	2021/22 restated
Lorna Johnston	75-80	70-75	-	-	-	-	29 [§]	28 [§]	105-110	100-105

[§] The value of contributions made by the employer to the Executive Director's pension scheme.

Pensions Benefits*

	Accrued pension at pension age as at 31/03/23	Real increase in pension and related lump sum at pension age	CETV at 31/3/2023	CETV at 31/3/2022	Real increase in CETV
Standard Commission Senior Staff	£'000	£'000	£'000	£'000	£'000
Lorna Johnston	15-20	0-2.5	186	158	14

The figures relating to pension and pension benefits are provided by MyCSP Ltd which administers the Civil Service Pension Scheme on behalf of the Cabinet Office.

The Cash Equivalent Transfer Value (CETV)

A CETV is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement, which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

Real Increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and common market valuation factors for the start and end of the period.

Employees' Pension

Details of the pension scheme and contributions can be found in notes 1.4 and 3 of the Accounts.

Fair Pay Disclosure*

Reporting bodies are required to disclose the relationship between the remuneration of the highest-paid member of the senior staff in their organisation and the lower quartile, median and upper quartile remuneration of the organisation's workforce. Total remuneration includes salary, non-consolidated performance-related pay and benefits in kind. It does not include severance payments, employer pension contributions or the cash equivalent transfer value of pensions. It is based on annualised, full time equivalent remuneration of all staff.

	2022/23 £'000	2021/22 restated £'000
Remuneration banding for highest paid member of staff	75-80	70-75
Percentage change from previous financial year for highest paid member of staff	10.5%	2.0%
Average percentage change from previous financial year for employees	22.7%	8.1%
Lower quartile remuneration	£33,780	£28,157
Lower quartile ratio	2.3	2.6
Median remuneration	£36,241	£28,564
Median ratio	2.1	2.5
Upper quartile remuneration	£41,166	£32,431
Upper quartile ratio	1.9	2.2
Remuneration range	£31,000 to £75,000 - £80,000	£27,500 to £70,000 - £75,000

The above data for 2022/23 includes the impact of two pay awards, one for 2022/23 which was effective from 1 April 2022 and one for 2023/24 which was effective from 1 February 2023. The data for 2021/22 only includes the

pay award for 2021/22. The increase in the percentage change for the highest paid member of staff is due to differences in the SPCB pay award in each year. The movement in the percentage change for employees is also due to differences in the SPCB pay award in each year in addition to pay grade progression for two members of staff. The average percentage change for employees for the prior year reflected staffing changes in 2021/22.

STAFF REPORT

Executive Director / Accountable Officer

Lorna Johnston, the Executive Director and senior manager, was appointed by the SPCB as the Accountable Officer with effect from 1 December 2014.

Breakdown of Staff Costs*

	2022/23			2021/22		
	£'000	£'000	£'000	£'000	£'000	£'000
	Total	Convener & Members	Staff	Total	Convener & Members	Staff
Salaries and wages	194	44	150	176	39	137
Social security costs	17	1	16	15	1	14
Pension costs	41	0	41	37	0	37
	252	45	207	228	40	188

The Standards Commission adopts the SPCB's pay scales and its Members' remuneration is determined by the SPCB. Salaries include a provision covering the value of outstanding leave (the leave accrual). Member salaries include payments for Hearings and were comparatively higher in 2022/23 than 2021/22 as a result of one more Hearing being held in the year and the Standards Commission being one member short for a number of months in the previous year. Staff salaries increased in line with the SPCB pay award (which was higher in 2022/23 than in 2021/22).

Employee Numbers and Gender Breakdown*

The average number of full time equivalent (FTE) persons appointed to and employed by the Standards Commission during the year was as follows:

	2022/23	2021/22
	FTE	FTE
Members	0.5	0.5
Employees	3.1	3.1

For the purposes of reporting in a consistent format across the Public Sector, Commission Members are deemed to be 'Directors' and the Executive Director is identified as the 'Senior Manager'. At 31 March 2023, the gender breakdown was as follows:

	2023		2022	
	Female	Male	Female	Male
Directors	4	1	3	2
Senior Manager	1	0	1	0
Employees	2	1	2	1

Average Sickness Absence Report

For the 12-month period from 1 April 2022 to 31 March 2023, zero working days were lost as a result of sickness absence (2021/22, 10.5).

Recruitment and employment policies applied during the financial year

Staff employed by the Standards Commission are appointed on merit following the completion of a fair and open competition process. The Standards Commission follows the SPCB's principles in respect of recruitment and appointment, which are outlined on the Scottish Parliament's website under the heading of The Parliamentary Service/Recruitment.

The SPCB's recruitment and employment policies state that all job applicants and staff are treated fairly, with respect and without bias. The SPCB policies that apply specifically to the employment of disabled persons, which have been adopted by the Standards Commission, include:

- An accessibility commitment under which applications for employment made to the Standards Commission by disabled persons are given full and fair consideration having regard to their particular aptitudes and abilities;
- One on reasonable adjustments and continued support for the continuing employment of, and arrangements for appropriate training of, employees who have become disabled persons during the period when they were employed by the Standards Commission; and
- The training, career development and promotion of disabled persons supported through the disabled staff in the workplace policy.

Provision of Information to Employees

The principles adopted by the Standards Commission are set out in the Governance Report.

Other employment matters

The Standards Commission has adopted the SPCB's employment related policies where these can be supported by the Standards Commission's business activities and objectives. These include policies on health, safety and wellbeing, absence management, and pay and grading. The SPCB's employment policies are outlined in its 'Employee Handbook', a copy of which can be found on the Scottish Parliament's website.

Expenditure on consultancy and off payroll arrangements

The Standards Commission did not incur any expenditure on consultants or any other off payroll arrangements during the financial year (2021/22, nil).

Staff Exit Report*

No member of staff left under voluntary or compulsory exit schemes during the financial year (2021/22, nil).

PARLIAMENTARY ACCOUNTABILITY REPORT

Auditors Remuneration

The annual accounts of the Standards Commission are audited by Liz Maconachie, Senior Audit Manager, Audit Scotland, who is appointed by the Auditor General for Scotland in accordance with Schedule 1 paragraph 10E of the Ethical Standards in Public Life (Scotland) Act 2000. The auditors will be paid the sum of £3,730 in respect of the statutory audit services for the financial year 2022/23.

No payments were made in respect of non-audit work

Political Expenditure

The Standards Commission made no political donations or incurred no political expenditure in the financial year.

Gifts and Charitable Donations

The Standards Commission made no gifts or charitable donations in the financial year.

Losses and Special Payments

The Standards Commission incurred no losses or made special payments in the financial year.

Remote Contingent Liabilities

The Standards Commission had no remote contingent liabilities in the financial year.

<i>Lorna Johnston</i>	
Lorna Johnston Accountable Officer	Date: 25 July 2023

Independent auditor's report to the members of the Standards Commission for Scotland, the Auditor General for Scotland and the Scottish Parliament

Reporting on the audit of the financial statements

Opinion on financial statements

I have audited the financial statements in the annual report and accounts of the Standards Commission for Scotland for the year ended 31 March 2023 under the Ethical Standards in Public Life etc. (Scotland) Act 2000. The financial statements comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Statement of Cash Flows, the Statement of Changes in Taxpayers' Equity and notes to the financial statements, including significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and UK adopted international accounting standards, as interpreted and adapted by the 2022/23 Government Financial Reporting Manual (the 2022/23 FReM).

In my opinion the accompanying financial statements:

- give a true and fair view of the state of the body's affairs as at 31 March 2023 and of its net expenditure for the year then ended;
- have been properly prepared in accordance with UK adopted international accounting standards, as interpreted and adapted by the 2022/23 FReM; and
- have been prepared in accordance with the requirements of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

Basis for opinion

I conducted my audit in accordance with applicable law and International Standards on Auditing (UK) (ISAs (UK)), as required by the Code of Audit Practice approved by the Auditor General for Scotland. My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I was appointed by the Auditor General on 02 December 2022. My period of appointment is five years, covering 2022/23 to 2026/27. I am independent of the body in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. Non-audit services prohibited by the Ethical Standard were not provided to the body. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern basis of accounting

I have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the body's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.

These conclusions are not intended to, nor do they, provide assurance on the body's current or future financial sustainability. However, I report on the body's arrangements for financial sustainability in a separate Annual Audit Report available from the Audit Scotland website.

Risks of material misstatement

I report in my separate Annual Audit Report the most significant assessed risks of material misstatement that I identified and my judgements thereon.

Responsibilities of the Accountable Officer for the financial statements

As explained more fully in the Statement of Accountable Officer's Responsibilities, the Accountable Officer is responsible for the preparation of financial statements that give a true and fair view in accordance with the financial reporting framework, and for such internal control as the Accountable Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accountable Officer is responsible for assessing the body's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless there is an intention to discontinue the body's operations.

Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. I design procedures in line with my responsibilities outlined above to detect material misstatements in respect of irregularities, including fraud. Procedures include:

- using my understanding of the central government sector to identify that the Ethical Standards in Public Life etc. (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers are significant in the context of the body;
- inquiring of the Accountable Officer as to other laws or regulations that may be expected to have a fundamental effect on the operations of the body;
- inquiring of the Accountable Officer concerning the body's policies and procedures regarding compliance with the applicable legal and regulatory framework;
- discussions among my audit team on the susceptibility of the financial statements to material misstatement, including how fraud might occur; and
- considering whether the audit team collectively has the appropriate competence and capabilities to identify or recognise non-compliance with laws and regulations.

The extent to which my procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the body's controls, and the nature, timing and extent of the audit procedures performed.

Irregularities that result from fraud are inherently more difficult to detect than irregularities that result from error as fraud may involve collusion, intentional omissions, misrepresentations, or the override of internal control. The capability of the audit to detect fraud and other irregularities depends on factors such as the skilfulness of the perpetrator, the frequency and extent of manipulation, the degree of collusion involved, the relative size of individual amounts manipulated, and the seniority of those individuals involved.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website www.frc.org.uk/auditorsresponsibilities. This description forms part of my auditor's report.

Reporting on regularity of expenditure and income

Opinion on regularity

In my opinion in all material respects the expenditure and income in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers.

Responsibilities for regularity

The Accountable Officer is responsible for ensuring the regularity of expenditure and income. In addition to my responsibilities in respect of irregularities explained in the audit of the financial statements section of my report, I am responsible for expressing an opinion on the regularity of expenditure and income in accordance with the Public Finance and Accountability (Scotland) Act 2000.

Reporting on other requirements

Opinion prescribed by the Auditor General for Scotland on audited part of the Remuneration and Staff Report

I have audited the parts of the Remuneration and Staff Report described as audited. In my opinion, the audited part of the Remuneration and Staff Report has been properly prepared in accordance with the Ethical Standards in Public Life etc (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

Other information

The Accountable Officer is responsible for the other information in the annual report and accounts. The other information comprises the Performance Report and the Accountability Report excluding the audited parts of the Remuneration and Staff Report.

My responsibility is to read all the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the course of the audit or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon except on the Performance Report and Governance Statement to the extent explicitly stated in the following opinions prescribed by the Auditor General for Scotland.

Opinions prescribed by the Auditor General for Scotland on Performance Report and Governance Statement

In my opinion, based on the work undertaken in the course of the audit:

- the information given in the Performance Report for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Ethical Standards in Public life etc. (Scotland) 2000 and directions made thereunder by the Scottish Ministers; and
- the information given in the Governance Statement for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Ethical Standards in Public Life etc. (Scotland) 2000 and directions made thereunder by the Scottish Ministers.

Matters on which I am required to report by exception

I am required by the Auditor General for Scotland to report to you if, in my opinion:

- adequate accounting records have not been kept; or
- the financial statements and the audited parts of the Remuneration and Staff Report are not in agreement with the accounting records; or
- I have not received all the information and explanations I require for my audit.

I have nothing to report in respect of these matters.

Conclusions on wider scope responsibilities

In addition to my responsibilities for the annual report and accounts, my conclusions on the wider scope responsibilities specified in the Code of Audit Practice are set out in my Annual Audit Report.

Use of my report

This report is made solely to the parties to whom it is addressed in accordance with the Public Finance and Accountability (Scotland) Act 2000 and for no other purpose. In accordance with paragraph 108 of the Code of Audit Practice, I do not undertake to have responsibilities to members or officers, in their individual capacities, or to third parties.

Liz Maconachie, CPFA
Senior Audit Manager
Audit Scotland
4th Floor, South Suite
Athenaeum Building
8 Nelson Mandela Place
Glasgow
G2 1BT

Liz Maconachie

25 July 2023

Statement of Comprehensive Net Expenditure For Year Ended 31 March 2023

	Notes	2022/23 £'000	2021/22 £'000
Administration costs			
Staff costs	2	252	228
Other administration costs	4	37	92
Gross administration costs		<u>289</u>	<u>320</u>
Net operating costs		<u><u>289</u></u>	<u><u>320</u></u>

All amounts relate to continuing activities. There have been no gains or losses other than those recognised in the Statement of Comprehensive Net Expenditure.

The accompanying notes on pages 33 to 35 form an integral part of these accounts.

Statement of Financial Position As at 31 March 2023

Notes

		31 March 2023	31 March 2022
<u>Current assets</u>			
Trade and other receivables		-	-
Total assets		-	-
<u>Current liabilities</u>			
Trade and other payables	5	(8)	(6)
Provisions	6	-	(28)
Total current liabilities		(8)	(34)
Assets less liabilities		(8)	(34)
<u>Taxpayers' equity</u>			
General fund		(8)	(34)
Total taxpayers' equity		(8)	(34)

The financial statements were approved by the Standards Commission for Scotland on 25 July 2023 and authorised for issue by:

<i>Lorna Johnston</i>	
Lorna Johnston Accountable Officer	Date: 25 July 2023

The accompanying notes on pages 33 to 35 form an integral part of these accounts.

Statement of Cash Flows For Year Ended 31 March 2023

	Notes	2022/23 £'000	2021/22 £'000
<u>Cash flows from operating activities</u>			
Net operating cost		(289)	(320)
Movements in working capital			
(Increase)/decrease in trade and other receivables		-	2
Increase/(decrease) in trade and other payables	5	2	1
Increase/(decrease) in provisions for liabilities and charges	6	(28)	22
Total Net cash outflows		(315)	(295)
<u>Cash flows from financing activities</u>			
Financing from the Scottish Parliamentary Corporate Body		315	295
Net cash inflow from financing activities		315	295
<u>Net increase/(decrease) in cash and cash equivalents</u>		-	-
Cash and cash equivalents as at 1 April		-	-
Cash and cash equivalents as at 31 March		-	-
Net increase/(decrease) in cash and cash equivalents		-	-

Statement of Changes in Taxpayers' Equity For Year Ended 31 March 2023

	Notes	2022/23 £'000	2021/22 £'000
General Fund			
Balance at 31 March 2022		(34)	(9)
Net operating costs for the year	SoCNE	(289)	(320)
Funding from the SPCB	SoCF	315	295
Balance at 31 March 2023		(8)	(34)

NOTES TO THE ACCOUNTS

1 STATEMENT OF ACCOUNTING POLICIES

These financial statements have been prepared in accordance with the Government Financial Reporting Manual (FReM), in compliance with the accounts direction issued by Scottish Ministers. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Standards Commission for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Standards Commission are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

The accounts have been prepared on a going concern basis as explained in the Performance Report on page 5.

1.1 Accounting convention

These accounts have been prepared under the historical cost convention.

1.2 Funding

The accounts are prepared on an accrual basis, but the body is funded on a cash received basis. Funding received from the SPCB is credited directly to the general fund in the period to which it relates. The SPCB provides a transaction processing and recording function for the Standards Commission. Accordingly, a bank account is not operated by the Standards Commission.

1.3 Provisions

The Standards Commission provides for legal or constructive obligations that are of uncertain timing or amount at the year end date on the basis of the best estimate of the expenditure required to settle the obligation.

1.4 Staff Pension Arrangements

Employees of the Standards Commission, while not Civil Servants, are nevertheless eligible to join the Civil Service pension arrangements. These statutory arrangements are unfunded multi-employer defined benefit schemes but the Standards Commission is unable to identify its share of the underlying assets and liabilities. The Scheme Actuary valued the scheme as at 31 March 2016. Details of the resource accounts of the Cabinet Office: Civil Superannuation can be found at www.civilservicepensionscheme.org.uk.

For the purposes of this Statement of Account, it is therefore accounted for on the same basis as a defined contribution scheme and no liability is shown in the Statement of Financial Position.

1.5 Value Added Tax

The Standards Commission is not VAT registered and all VAT is charged to the Accounts.

2 STAFF

2.1 Average staff employed (full time equivalent)

The average number of full time equivalent (FTE) persons appointed to or employed by the Standards Commission during the year was as follows:

	2022/23	2021/22
	FTE	FTE
Convener and Members	0.5	0.5
Staff	3.1	3.1
	3.6	3.6

2.2 Breakdown of Staff Costs – Administration Costs

	2022/23	2022/23	2022/23	2021/22
	£'000	£'000	£'000	£'000
	Total	Convener & Members	Staff	Total
Salaries and wages	194	44	150	176
Social security costs	17	1	16	15
Pension costs	41	0	41	37
	252	45	207	228

3 STAFF PENSION COSTS

For 2022/23, employers' contributions of £40,321 were payable to the Civil Service Pension arrangements (2021/22: £37,415) at one of four rates in the range 26.6 to 30.3 per cent (2021/22: 26.6 to 30.3 per cent) of pensionable pay, based on salary bands which remained unchanged from those applied during 2021/22.

The contribution rates reflect benefits as they are accrued, not when the costs are actually incurred, and reflect past experience of the scheme. Outstanding scheme contributions at 31 March 2023 amounted to £3,364 (2022: £3,141).

4 ADMINISTRATION COSTS

	2022/23	2021/22
	£'000	£'000
Fees for legal advice and representation	6	73
Audit fee	4	3
Property hire costs	2	-
Information technology costs	2	1
Printing and promotion costs	9	5
General administration costs	4	4
Members' travel and expenses	3	-
Staff travel and expenses, and staff and members' training costs	7	6
	37	92

5 TRADE AND OTHER PAYABLES: AMOUNTS FALLING DUE WITHIN ONE YEAR

	2022/23	2021/22
	£'000	£'000
Payroll accrual	4	1
General accruals	4	5
	<u>8</u>	<u>6</u>

6 PROVISIONS FOR LIABILITIES AND CHARGES

	2022/23	2021/22
	£'000	£'000
Balance at 1 April	28	6
Utilised in year	(28)	(6)
Increase in provision	-	28
Balance at 31 March	<u>-</u>	<u>28</u>
Amount due within one year	<u>-</u>	<u>28</u>
Balance at 31 March	<u>-</u>	<u>28</u>

7 CAPITAL COMMITMENTS

There were no contracted capital commitments as at 31 March 2023 (2022, Nil).

8 RELATED PARTY TRANSACTIONS

The Standards Commission was constituted by the Scottish Parliament which provides funding via the Scottish Parliamentary Corporate Body (the SPCB). The SPCB is regarded as a related body. From 26 October 2011, the Standards Commission has been accommodated at £nil cost within the Scottish Parliament building.

No Member of the Standards Commission (including the Convener), member of staff or related parties have undertaken material transactions with the SPCB during the year.

9 EVENTS SUBSEQUENT TO THE DATE OF THE STATEMENT OF FINANCIAL POSITION

No event has occurred since the date of the statement of financial position which materially affects the financial statements.

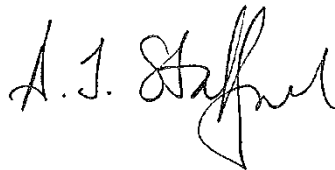
Appendix 1



STANDARDS COMMISSION FOR SCOTLAND

DIRECTION BY THE SCOTTISH MINISTERS

1. The Scottish Ministers, in pursuance of Schedule 1 paragraph 10E of the Ethical Standards in Public Life etc (Scotland) Act 2000, hereby give the following direction.
2. The Commission is required to prepare annual accounts.
3. The Statement of accounts for the financial year ended 31 March 2012, and subsequent years, shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FRoM) which is in force for the year for which the statement of accounts are prepared.
4. The accounts shall be prepared so as to give a true and fair view of the income and expenditure and cash flows for the financial year, and of the state of affairs as at the end of the financial year.
5. This direction shall be reproduced as an appendix to the statement of accounts.



Signed by the authority of the Scottish Ministers

Dated ~~22~~ May 2012



Standards Commission for Scotland
Room T2.21,
The Scottish Parliament
Edinburgh EH99 1SP

www.standardscommission.org.uk

I N T E G R I T Y I N P U B L I C L I F E