

### **Section 32 (1) (a) - SUSTAINABLE GROWTH**

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

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

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

The Standards Commission’s contribution to achieving four of the Scottish Government’s National Outcomes, as provided in the National Performance Framework are outlined below:

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

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

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

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

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

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

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

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

During 2020/21 the Standards Commission continued to focus on promoting the ethical standards framework and providing guidance and support to assist councillors and board members of devolved public bodies to act in accordance with the Codes of Conduct. In working towards this aspect of our remit we:

- Disseminated and published media releases in respect of all Hearings held and any scheduled, and on an interim suspension decision.
- Published quarterly Standards Updates and news articles on our website and regular posts on our social media sites in respect of issues affecting the ethical standards framework, work being undertaken by the Standards Commission and our educational material.
- Produced and published a British Sign Language video on the Councillors’ Code of Conduct and the complaint process to follow if there are concerns it has been contravened.
- Undertook a full internal annual review of the management of Hearings and the decisions made (including the clarity of the final written determination). This included making revisions to the Hearing Rules and our public information literature, to ensure that they all continued to be accessible and fit for purpose.

- Continued to participate in a Working Group established by the Scottish Government to review the Councillors' Code of Conduct and Model Code of Conduct for Members of Devolved Public Bodies and, in particular, led on the drafting of the amended version of the general conduct section and annexes to the Codes.
- Held pre-Hearing meetings when appropriate and proportionate to do so, in order to resolve any procedural issues in advance of Hearings.
- Held four online training sessions, on the Councillors' Code of Conduct, for elected members and senior officers of Angus, Borders, Highland and Stirling Councils.
- Produced, issued and published Guidance for the public on the Councillors' Code of Conduct.

The Standards Commission recognises the importance of environmental issues and sustainability and endeavours to consider these matters in all its business decisions. While the Standards Commission is not directly covered by the Greening Government commitments, its office is based in the Scottish Parliament building and we continued to support the Parliament's effort in meeting their sustainability and environmental targets through compliance with their policies and procedures. This included making use of waste and recycling facilities and encouraging staff and Members to car share or use public transport.

The Standards Commission also aims to reduce its carbon footprint and continually seeks to develop and improve its processes to achieve this. Due to the enforced period of working from home in 2020/21, staff and Members developed ways of working that did not require printing and photocopying of documents, meaning that the Standards Commission has, in effect, become a paperless office. Once staff return to the office, the Standards Commission will continue with this practice and will correspond electronically with its Members, key stakeholders and parties to Hearings. The Standards Commission will also disseminate all educational, promotional and training material via its website, social media and by email.

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

Section 32(1)(b) of the 2010 Act provides that each listed public body must publish a statement of the steps it has taken during that financial year to improve efficiency, economy and effectiveness in the exercise of its functions. Steps taken by the Standards Commission in 2020/21 included

- Holding 14 Hearings to determine whether 14 councillors had contravened the Councillors' Code of Conduct. In all those cases where the Hearing Panel found that a breach of the Code had been committed, appropriate sanctions were then applied.
- Developing policies and procedures that enabled it to hold 12 of the 14 Hearings online, in accordance with legislative requirements and the Standard Commission's Hearing Rules when travel restrictions arising from the coronavirus pandemic were in place.
- Reviewing and revising the Hearing Rules to provide for the possibility of holding the Hearing online (regardless of whether any travel restrictions in place), in cases where little or no facts are in dispute, with a view to reducing both the time spent travelling and the associated travel costs.
- Conducting all Hearings within an average of 15 weeks from receipt of a report from the ESC. This was despite receiving 14 referrals in a seven-month period, with three cases referred in one week and five cases referred in one month, and despite four hearings being adjourned at the Respondent's request.
- Continuing to develop shared service agreements with the Scottish Parliament for provision of accommodation, finance and payment services, internal audit services, mailroom and photocopying facilities, and IT support.

While the Ethical Standards Commissioner (ESC), being an independent officeholder, is responsible for conducting investigations into eligible complaints about councillors and members of devolved public bodies, the Standards Commission has an oversight role and powers of Direction under the Ethical Standards in Public Life etc. (Scotland) Act 2000. The Standards Commission was required to use these powers in the past year, in order to be able to undertake its oversight role effectively. As such, it:

- Issued a Direction requiring the ESC to provide a report to the Standards Commission, at the conclusion of every investigation into a complaint about a councillor or member of a devolved public body received on or after 12 November 2020, outlining her findings and conclusions as to whether or not there has been a contravention of the relevant Code. The Direction means that the Standards Commission will make the

final decision on all complaints that have been investigated. It ensures there is a clear separation of functions between the investigatory and adjudicatory functions of the two organisations and helps reduce any concerns about fairness of process or inconsistencies between the two organisations as to how the Codes should be interpreted. The Direction allows any disputed evidence or representations on how the provisions of the Codes should be interpreted to be tested fully at a Hearing (if one is to be held), where evidence is taken on oath or affirmation and where the participants and the Panel can question witnesses and respond to submissions made.

- Issued a Direction to the ESC outlining the eligibility criteria to be used when determining whether an investigation should to be undertaken into complaints received about councillors and members of devolved public bodies. The aim of the Direction is to ensure there is clarity and consistency in respect of the criteria the ESC uses to assess whether complaints are eligible / admissible for investigation.
- Issued a Direction requiring the ESC to provide interim reports for investigations on all complaints about councillors and members of devolved public bodies for which a period of three months had already expired.