

# MINUTES

Meeting date: Monday, 12 December 2022

## IN ATTENDANCE ONLINE

Members:

- Paul Walker (Convener)
- Ashleigh Dunn
- Suzanne Vestri (online)
- Tricia Stewart
- Mike McCormick (online)

Executive Team Members:

- Lorna Johnston (Executive Director)
- Richard Wilson (Case Manager)

| ITEM                  | CONTENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ACTION                |
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| <b>STANDING ITEMS</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |
| 1.                    | <p><b>APOLOGIES</b><br/>No apologies were received.</p> <p><b>DECLARATIONS OF INTEREST</b><br/>No declarations of interest were made.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |
| 2.                    | <p><b>MATTERS ARISING</b><br/>Members noted that Ms Vestri had developed and circulated a checklist for Members to use when evaluating collective performance. Members agreed that they would meet in January 2023 to discuss performance against the topics in the checklist. Members agreed they would then provide any relevant feedback, including any suggestions for improving procedures, to the Executive Team at the Standards Commission meeting on 31 January 2023.</p> <p>Members noted that all other matters arising, as noted, were complete.</p>                                                                                                                                                                                                | <b>Members</b>        |
| <b>CONSENT ITEMS</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |
| 3.                    | <p><b>DRAFT MINUTE OF PREVIOUS MEETING</b><br/>Members reviewed and approved the minute of the meeting on 7 November 2022.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                       |
| 4.                    | <p><b>ANNUAL REVIEW OF RISK MANAGEMENT POLICY</b><br/>Members undertook their annual review of the Standards Commission's Risk Management Policy, which provides details of the organisation's approach to the management of risk. Members agreed some minor revisions and asked that the policy be amended to reflect these.</p>                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Executive Team</b> |
| 5.                    | <p><b>OUTREACH WORK UNDERTAKEN BY EXECUTIVE TEAM</b><br/>Members noted the outreach work undertaken by the Executive Team since the last meeting.</p> <p>Members noted that two animated videos on the Standards Commission's remit and on the key principles of respect had been published on the Standards Commission's website. Members further noted that e-Learning interactive training modules on:</p> <ul style="list-style-type: none"> <li>• The Applicability of the Codes of Conduct; and</li> <li>• Identifying and declaring Interests – the three-stage test</li> </ul> <p>had been published on the website on 11 November 2022 and that information on how to access the modules had been included in the draft December Standards Update.</p> |                       |
| 6.                    | <p><b>REVIEW OF CASEWORKER AND OFFICE MANAGER JOB DESCRIPTIONS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |

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|                          | <p>Members noted that the Executive Director and Human Resources Committee had, with the Convener's agreement, undertaken a review of the Caseworker and Office Manager job descriptions. Members noted that, with the agreement of the staff currently in post, minor changes had been made to both job descriptions. Members further noted that it had been agreed that the role title for the Caseworker had been changed to 'Case Manager' to better reflect the responsibilities and seniority of the role. Members noted that this change did not affect the grading for the role, which would stay the same.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |
| <b>STRATEGIC MATTERS</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                       |
| <b>7.</b>                | <p><b>BUSINESS PLAN 2023/24</b></p> <p>Members noted that the Executive Team would prepare a draft Business Plan for 2022/23 for initial consideration at the Standards Commission meeting on 31 January 2023, with the aim of being able to finalise and publish the plan before the year-end.</p> <p>Members noted that the Business Plan would contain actions, activities and objectives to support the Standards Commission in the achievement of its strategic aims, as outlined in the Strategic Plan 2020-24. Members agreed that this should include:</p> <ul style="list-style-type: none"> <li>• Undertaking a review of compliance with, and any issues arising from, the renewal of the Directions issued to the Ethical Standards Commissioner (ESC).</li> <li>• Undertaking a full review of the Standards Commission's website to ensure it was up-to-date, and, complied with legislative requirements and best practice on accessibility.</li> <li>• Reviewing the Standards Commission's social media platforms and standard content.</li> <li>• Providing a half day refresher training session for all Members and staff on key governance matters.</li> <li>• Proving 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).</li> <li>• Following consultation with the ESC, compiling a 'wish list' of recommendations to amend the governing legislation so potential breaches of the Codes of Conduct could be dealt with in the most effective and proportionate manner.</li> <li>• Producing an Advice Note for Chairs of Public Bodies.</li> <li>• Undertaking a best value review of legal expenditure.</li> <li>• Reviewing the Standards Commission's approach to 'thought-leadership' to expand the concept and identify any opportunities for collaboration that could strengthen, and increase the profile of, the ethical standards framework.</li> <li>• Identifying whether any work can be done with the Improvement Service and/or COSLA to encourage equalities and diversity training and to prevent bullying and harassment; and to determine whether any work is being undertaken to investigate whether this was a barrier to individuals from under-represented groups standing as candidates.</li> <li>• Reviewing any policies and procedures in light of any changes to legislation and the General Data Protection Regulation.</li> </ul> | <b>Executive Team</b> |
| <b>BUSINESS MATTERS</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                       |
| <b>8.</b>                | <p><b>DECEMBER 2022 STANDARDS UPDATE</b></p> <p>Subject to some minor amendments, Members approved the Standards Update to be issued and published on or around 20 December 2022.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |
| <b>9.</b>                | <p><b>ADVICE NOTE FOR COUNCILLORS ON CONDUCT AT ONLINE MEETINGS</b></p> <p>Members agreed the content of a new Advice Note on Conduct during Online Meetings for Councillors, which was similar to the Standards Commission's existing Advice Note for Members of Devolved Public Bodies on Conduct during Online Meetings.</p> <p>Members agreed that the Advice Note should be issued to Monitoring Officers for onward circulation to elected members and published on the Standards Commission's website.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Executive Team</b> |

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| 10.                 | <p><b>BUSINESS PLAN 2022/23 QUARTER 3 REVIEW</b></p> <p>Members reviewed the progress made to date against the actions outlined in the Business Plan for 2022/23. Members were pleased to note the vast majority of tasks identified for the first three quarters of the year had been completed or progressed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |
| 11.                 | <p><b>REVIEW OF PERFORMANCE AGAINST KEY PERFORMANCE INDICATORS</b></p> <p>Members noted that progress against the internal and external key performance indicators and percentage targets they had agreed at their meeting on 26 September 2022. Members noted that the external targets had been published on the website and a report on progress against them would be included in the next annual report.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Executive Team |
| 12.                 | <p><b>CARD FOR COUNCILLORS ON ATTENDING COMMUNITY COUNCIL MEETINGS</b></p> <p>Members agreed the content a new card for Councillors Attending Community Council Meetings. Members noted that the aim of the card was to help councillors manage constituents' expectations by explaining what they can and cannot do, under the Councillors' Code, when attending community council meetings.</p> <p>Members agreed that the card should be issued to Monitoring Officers for onward circulation to elected members and published on the Standards Commission's website.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Executive Team |
| 13.                 | <p><b>CONSULTATION ON THE RENEWAL OF DIRECTION OF THE OUTCOME OF INVESTIGATIONS</b></p> <p>Members noted that they had agreed, at their meeting on 7 November 2022, to renew the Direction on the Outcome of Investigations issued to the Ethical Standards Commissioner (ESC), on 12 November 2020, under sections 10 and 11 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (2000 Act), for three months. This was so the views of the Scottish Parliament's Local Government, Housing &amp; Planning and Standards, Procedures &amp; Public Appointments Committees could be sought before a decision on whether to renew the Direction for a further two years was made.</p> <p>Members noted that the Convener of the Local Government, Housing &amp; Planning Committee had advised that the Committee did not feel it had anything it could add to the process until after it took evidence from the ESC at its meeting on 10 January 2023. Members noted that the Convener of the Parliamentary Committee had invited the Executive Director to give evidence on the Standards Commission's views on the operation of the ESC and its own annual report at the meeting on 10 January 2023. This invitation has been accepted.</p> <p>Members noted that the Convener of the Standards, Procedures and Public Appointments Committee had advised that the Committee did not wish to make any comments on the Direction, but had indicated it was very helpful to understand the purpose of the Direction.</p> <p>Members noted that they would make a decision on whether the Direction should be extended for a further two years at their meeting on 31 January 2023.</p> |                |
| <b>CASES UPDATE</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                |
| 14.                 | <p><b>REPORTS FROM THE ESC &amp; SECTION 14 LETTERS</b></p> <p><b>(a) LA/E/3651:</b> Members noted that a 'do neither' decision had been made on a report received from the Acting ESC about a City of Edinburgh councillor. Members noted that the ESC had sent a draft breach report, on other issues of the same complaint, to two other City of Edinburgh Councillors under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p> <p><b>(b) NHS/ACH/3527 &amp; 3570:</b> Members noted that the ESC had sent a draft breach report to a member of Aberdeen City Health and Social Care Partnership under Section 14 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |

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|                           | <p><b>(c) LA/Mo/3620:</b> Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about a current councillor and a former councillor of Moray Council.</p> <p><b>(d) LA/AC/3639:</b> Members noted that a ‘do neither’ decision had been made on a report received from the Acting ESC about an Aberdeen City councillor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |
| <b>15.</b>                | <p><b>CASES</b><br/>Not applicable.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |
| <b>16.</b>                | <p><b>INVESTIGATION EXCEED 3 MONTHS – INTERIM REPORT</b></p> <p><b>a) LA/As/3686:</b> Members noted the contents of an interim report advising that an investigation into a complaint about an Aberdeenshire Councillor had taken more than three months.</p> <p><b>b) LA/AC/3639:</b> Members noted the contents of a second interim report from the Acting ESC advising that an investigation into a complaint about an Aberdeen City Councillor had taken more than six months.</p> <p><b>c) LA/E/3645:</b> Members noted the contents of a second interim report from the Acting ESC advising that an investigation into a complaint about a City of Edinburgh Councillor had taken more than six months.</p> <p><b>d) LA/AC/3690:</b> Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about an Aberdeen City Councillor had taken more than three months.</p> <p><b>e) LA/Fi/3661:</b> Members noted the contents of a second interim report from the Acting ESC advising that an investigation into a complaint about a Fife Councillor had taken more than six months.</p> <p><b>f) LA/SB/3654:</b> Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about a Scottish Border councillor had taken more than three months.</p> <p><b>g) LA/Fi/3646:</b> Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about a Fife councillor had taken more than three months.</p> <p><b>h) LA/SL/3558:</b> Members noted the contents of an interim report from the Acting ESC advising that an investigation into a complaint about two South Lanarkshire councillors had taken more than 12 months.</p> |                       |
| <b>17.</b>                | <p><b>FEEDBACK INCLUDING ANY HEARINGS SURVEY RESPONSES</b><br/>Members noted that no feedback had been received since the last meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |
| <b>ANY OTHER BUSINESS</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |
| <b>18.</b>                | <p><b>AGENDA ITEMS FOR NEXT MEETING</b><br/>Members agreed to apprise the Executive Director of any further items to be added to the agenda for the next meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Members</b>        |
| <b>19.</b>                | <p><b>2023 DIARY DATES AND WORKPLAN</b></p> <p><b>DATE OF NEXT MEETING</b><br/>Members noted that the next meeting of the Standards Commission was scheduled to take place in person at the Scottish Parliament on Tuesday, 31 January 2023. Members agreed that</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Executive Team</b> |

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|                   | <p>an update on the recruitment and appointment of the two new Commission members should be added to the meeting's agenda.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                              |
| <p><b>20.</b></p> | <p><b>SECTION 24 REFERRALS</b></p> <p>Members noted that Section 24 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) provides for complaints about employee and <i>ex officio</i> members of boards of devolved public bodies. The Section states that:</p> <p>Sections 16 to 19, 21 (other than subsection (1)) and 22 of the 2000 Act do not apply in the case of a member of a devolved public body (a) who is also an employee; or (b) who is an <i>ex officio</i> member of the body.</p> <p>On receiving (a) a report under section 14; or (b) an interim report under section 21(1), relating to such a member, the Standards Commission shall send it to the devolved public body.</p> <p>Members approved a policy document outlining how the Standards Commission would proceed when it received a report from the ESC about an investigation into a complaint about an employee or <i>ex officio</i> member of a devolved public body (such as patient or trade union representative members of health and social care integration joint boards). Members further agreed the content of a template for such referrals that would:</p> <ul style="list-style-type: none"> <li>• outline an anonymised summary of the complaint and the ESC's findings, along with any advice for members of devolved public bodies the Standards Commission deemed appropriate; and</li> <li>• be published on the Standards Commission's website.</li> </ul> <p>Members asked the Executive Team to share the policy with the ESC and publish it on to the Standards Commission's website.</p> | <p><b>Executive Team</b></p> |