



Commissioner for Ethical Standards in Public Life in Scotland

Minutes of the Meeting of the Management Team held on 13 December 2017 from 10.00 to 12.00 at Thistle House, 91 Haymarket Terrace, Edinburgh

Present:

Bill Thomson, Commissioner for Ethical Standards in Public Life in Scotland, (BT)
Ian Bruce, Public Appointments Manager, (IB)
Karen Elder, Business Manager, (KE)
Claire Gilmore, Senior Investigating Officer, (CG)
Helen Hayne, Investigations Manager, (HH)

Apologies:

• **MINUTES**

1.1 Approval of previous minutes

Decisions

- i. The minutes of the meeting held on 3 October 2017 were approved.

1.2 Matters arising

All actions were completed except for the following:

Actions

- i. KE has developed the structure of the FOI request database and is currently populating the tables.
- ii. KE to update policies in line with ACAS guidance and consider amending further to reflect SPCB policy formats.
- iii. CG to discuss Privacy Impact Assessment of CMS with HH.
- iv. KE to remind IOs to clear out c:\ and h:\ drives.
- v. KE to carry out office records review by next MTM.

• **POLICIES AND PLANS**

2.1. Governance matters

BT asked the meeting if there were any governance matters giving concern. No matters were raised.

2.2. Policies

- The meeting discussed Zero Tolerance's paper on violence against women in the workplace and whether this issue and 'violence at work' in general was adequately addressed in our policies. It was agreed that this issue should be considered in relation to a number of policies as should the impact of domestic violence.

- The meeting recognised that policy review continued to be a challenging area for the office. Upcoming changes to the staff structure should assist with addressing this issue during 2018.

Actions

- i. KE to develop a policy creation/review checklist and policy 'site map'. This to reference data protection and equality impact assessments as well as violence at work, etc.

2.3. Strategic Plan and Business Plan

- Public appointments report – 1 April to 8 December 2017
 - 24 rounds brought forward from 2016/17 (Prior year: 27). Nineteen complete and five incomplete.
 - 61 new rounds were started during the year to date, with 17 completed. 17 are 'early engagement' rounds.
 - Currently 49 'live' rounds (PY: 38).
 - 92 reappointments notified to us (PY: 51).
 - 466 substantive issues raised (PY: 274).
 - 16 reports of good practice.
 - No reports of a material breach of the Code of Practice have been made to the Scottish Parliament (PY: 0).
 - SG re-drafting its board diversity Driver Diagram action plan and action plan intended to redress underrepresentation of disabled people.
 - The team continues to take part in a significant number of outreach events.
 - 68 public bodies now committed to taking part in diversity research.
 - Evidence given to three Parliamentary committees.
- Public standards report – 1 April to 30 November 2017
 - Complaints about LA councillors/member of public bodies.
 - 97 complaints /57 cases received (PY: 107/72)
 - 125 complaints /68 cases completed (PY: 142/81)
 - 27/20 complaints/cases in progress
 - 10 hearings concluded and 1 SCS decision
 - 2 hearings scheduled
 - Complaints about MSPs
 - 17 complaints/15 cases received (PY: 14/14)
 - 18 complaints /15 cases completed (PY: 13/13)
 - 3 complaints in progress
 - 3 breaches reported to the Scottish Parliament
 - Revised Investigation Guidelines drafted and awaiting approval.
 - Currently reviewing whether to continue publishing web summaries.
 - Service standards drafted.
 - Draft lobbying procedures for presentation at IO meeting in January.
- Following recent public interest, the meeting discussed how best to manage issues around sexual harassment in the workplace. The Commissioner gave evidence to the Standards, Procedures and Public Appointments Committee as part of their investigation into these issues. One of the team attended a training course. The meeting agreed that further consideration on how to support the complainant in these cases was required.
- The meeting reviewed the risk register.
- The meeting considered how to proceed with drafting the annual business plan for 2018/19. It was agreed to retain the current format. Issues for consideration in the coming year include GDPR, CMS,

website, lobbying, sexual harassment (in relation to policies and investigation) and the appointment of a new Commissioner.

Actions

- i. KE to make minor amendments to risk register and re-issue.
- ii. KE to issue draft outline of annual business plan for 2018/19.

2.4. Continuous improvement

- No consultation responses have been necessary since the previous MTM. Staff members were invited to respond to a second consultation regarding the Civil Service Compensation Scheme.
- No complaints have been received regarding the work of the office or public appointments. One complaint about our investigation of a conduct complaint had been referred to the SPSO. The SPSO did not uphold the complaint and had no recommendations.
- Since the previous meeting, two FOI requests have been received. Both are awaiting a response.

• **RESOURCES AND PERFORMANCE**

3.1. Finance

- The Annual Accounts for 2016/17 were laid on 16 October.
- Despite continuing pressure on the IO budget and a significant increase in appointments activity, projected expenditure for 2017/18 is likely to meet the original budget bid (including contingency).
- The budget bid for 2018/19 has been accepted by the SPCB and is awaiting parliamentary scrutiny.

3.2. Staffing

- The Commissioner has accepted a proposal to increase the working hours of the Public Appointments Officer. The new hours will begin in April 2018.
- Ruth Hogg has been appointed as Business Officer and will take up post in February 2018.
- One of the Casework Co-ordinators will leave the team on 5 January 2018. A new full-time CC will be recruited.
- One of the Investigating Officers will retire on 31 January. Recruiting a replacement will begin in 2018/19.
- Investigating Officers will move to annualised hours contracts in April 2018.

Actions

- i. HH/BM to recruit new Casework Co-ordinator.
- ii. KE to ensure IO recruitment added to the business plan.
- iii. KE to issue annualised hours contracts to the IOs for April 2018.

3.3. Accommodation

3.4. IT

- SG Procurement assisting with finalising the CMS Specification Document and tender. Aim to issue tender in January 2018 and award by the end of the financial year.

- The closing date for website redevelopment tenders was 4 December and 27 tenders were received. Tenderers will be short-listed before Christmas and the tender awarded in February.
- The SG has issued a Cyber Resilience Public Sector Action Plan. There are a number of immediate and ongoing actions to implement, primarily obtaining Cyber Essentials Plus accreditation.
- The SG are seeking 'Digital Champions'. The meeting discussed the requirements but agreed the project was not suitable for an organisation of our size and level of inhouse ICT resource.
- KE informed the meeting that the training programmes on the SG's Digital Academy are open to us. The current range of courses is not relevant to our needs at the moment.

Actions

- i. HH to issue CMS tender in January 2018.
- ii. BT, IB and KE to select website contractor.
- iii. KE to pursue Cyber Essentials Plus accreditation.

3.5. Other active projects

- The meeting discussed the project plan for the 2017/18 Annual Report. It was agreed that content will be required earlier than last year, a single version of the Accounts and Report will be produced. New branding to be provided as part of the website redevelopment should only be incorporated into the report if practicable.
- Work on achieving the requirements of the GDPR continues.
 - All staff members have been made aware of the GDPR and its implications.
 - Appointments and office have completed their data audits, conduct is undertaking a final review. CG and KE are meeting to identify the pathways for Office data.
 - CG continues to update Privacy Statements – these will inform people what personal data we retain, how we will use it and how long we will retain it. They will also describe why we are allowed to process the data and their rights in relation to the data.
 - KE to update the Data Protection Policy to reflect any changes to the subject access request process and describe our procedures regarding children's personal data and data breaches. This will include a breach response plan.
 - KE is developing new policy review procedures to ensure data protection is considered in all areas of our work. The requirement for DPIAs is being considered.
 - Data Protection Officer – working with SPCB and other office-holders to finalise position.
- Records management progress
 - Office – annual review outstanding.
 - Work on archiving agreement with NRS to be instituted.
- The meeting agreed that there were insufficient resources or opportunities to take part in SG's Social Impact Pledge 2017/18.
- The Commissioner attended the first meeting of the 'Circle' of the First Minister's Advisory Council on Women and Girls on 6 December.
- The meeting agreed to further investigate joining the Carer Positive Scheme.

Actions

- i. KE and CG to complete office data audit trails, followed by those for standards and appointments.
 - ii. CG to prepare privacy statements.
 - iii. KE to update data protection policy.
 - iv. Management Team to identify any areas requiring a DPIA.
 - v. KE to complete records review and pursue archiving agreement with NRS.
 - vi. KE to further investigate joining the Carer Positive Scheme.
- **AOB**
 - KE to circulate 2018/19 meeting dates.
 - **FUTURE MEETINGS**
 - 10.00 Wednesday, 14 February (HH)
 - 10.00 Wednesday, 11 April (BM)



14 February 2018

Chair of meeting
Bill Thomson, Commissioner for
Ethical Standards in Public Life in Scotland

Date of Approval