



Commissioner for Ethical Standards in Public Life in Scotland

Minutes of the Investigating Officers Meeting held on 31 January 2018 from 10.15 to 12.00 at Thistle House, 91 Haymarket Terrace, Edinburgh

Present:

Bill Thomson, Commissioner (BT)
Claire Gilmore, Senior Investigating Officer (CG)
Douglas Winchester, Investigating Officer (DW)
Ian Mackay, Investigating Officer (ITM)
Jon Miller, Investigating Officer (JM)
Karen Chambers, Investigating Officer (KC)
Brenda McKinney, Investigations Manager (BM)
Helen Hayne, Investigations Manager (HH)
Ian Bruce, Public Appointments Manager (IB)
Greta Elliott, Casework Co-ordinator (GE)

Apologies:

Ralph Noble, Investigating Officer (RN)

1. MINUTES OF PREVIOUS MEETING AND MATTERS ARISING

1.1 Minutes of the meeting held on 20 December 2017 were approved.

2. COMPLAINTS OF SEXUAL HARASSMENT

2.1 IB had attended a seminar by Law at Work on dealing with cases of Sexual Harassment. He reported on the key issues discussed, including the legal definition and the findings of relevant Employment Appeal Tribunal hearings. A discussion followed.

2.2 BT advised that a consultation prompted by the Minister for Local Government, relating to an amendment to clarify the Councillors' Code of Conduct in relation to include sexual harassment, was taking place.

3. GDPR UPDATE

3.1 CG advised that the privacy notice for external viewers was complete and had been published on our website. The internal privacy notice is close to completion. Arrangements were in preparation to share the services of a Data Protection Officer who was expected to be appointed soon. Investigation Procedures would need to be amended in line with GDPR.

4. CMS UPDATE

- 4.1 HH advised that the CMS tender was progressing well. Using the UK government framework, 12 companies were identified and issued with the CMS outline specification. Notifications of interest were received from eight of the companies contacted. The companies have four weeks to respond and will be invited to present their proposals. A panel will assess the tenders.
- 4.2 HH anticipates the tender will be awarded before the end of March 2018. A development and a testing process will follow. HH gave thanks to all who had assisted with the preparation of the tender.

5. STANDARDS OFFICERS WORKSHOP

- 5.1 The Standards Officers Workshop will take place on Monday 26 March 2018. BT will attend.

6. REVIEW OF CURRENT COMPLAINTS/CASES – COUNCILS AND PUBLIC BODIES

- 6.1 Report on cases in progress:
- Current cases were discussed.
- 6.2 Any other current issues:
- None.
- 6.3 Target and Statistics Reports for the period ending 31 December 2017:
- BM advised that complaints received were 30% below the same period last year. The number of cases was 28% below the same period last year.
 - Completed complaints are 16% below the same period last year. In terms of cases, this was 19% below the same period last year.
 - Targets for completion within 3 months and 6 months were being achieved. Completion within 9 months or less was 92%. BT emphasised the importance of achieving the target of completing 95% cases within 9 months.

7. UPCOMING HEARINGS

- 7.1 Investigations with upcoming Hearings were:
- LA/Fi/2044 – The Hearing involving the complaint against Councillor Tim Brett would be held on 5 February 2018.
 - LA/DG/1922 – The Hearing involving the complaint against Councillor Tom McAughtrie would be held on 13 February 2018.

8. REVIEW OF CURRENT COMPLAINTS/CASES – MSPs

- 8.1 Report on cases in progress:
- DW presented a summary of recent cases. A discussion followed.

9. LOBBYING

- 9.1 ITM provided an update on the implementation of the Lobbying Register. He advised that the register would come in to force on 12 March 2018. An investigations protocol was currently being created. BT was due to have a meeting with the Lobbying Registrar on 12 March.

10. CASE SUMMARIES – ALTERNATIVE FORMAT

- 10.1 CG presented an alternative draft format to replace case summaries and requested feedback. A discussion followed. It was agreed that emphasis should be placed on the Commissioner's findings and that gender neutral language should be used throughout. Summaries will be identifiable by their four digit case numbers. It was agreed that IOs would each select from their recent investigations two cases for which to prepare web summaries in the new format, for review.

11. ANY OTHER BUSINESS

- 11.1 The website tender was raised for discussion. BT advised that the tender had been awarded to Edinburgh-based company, Civic. A discussion on the contents of the new website followed.

12. STAFFING UPDATE

- 12.1 After an external recruitment round, the successful candidate was expected to take up the vacant full time Casework Co-ordinator role on 12 February 2018.
- 12.2 Ruth Hogg would be moving to her new post as Business Officer on 12 February 2018.

13. DATES FOR FOLLOWING MEETINGS

14 March 2018
18 April 2018
6 June 2018
18 July 2018
15 August 2018
10 October 2018
21 November 2018
19 December 2018 (TBC)



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

16.3.18

Date of Approval