



Commissioner for Ethical Standards in Public Life in Scotland

Minutes of the Investigating Officers Meeting

held on

6 June 2018 from 10.15 to 12.30

at Thistle House, 91 Haymarket Terrace, Edinburgh

Present:

Bill Thomson, Commissioner (BT)
Claire Gilmore, Senior Investigating Officer (CG)
Ian Mackay, Investigating Officer (ITM)
Jon Miller, Investigating Officer (JM)
Ralph Noble, Investigating Officer (RN)
Brenda McKinney, Investigations Manager (BM)
Helen Hayne, Investigations Manager (HH)
Greta Elliott, Casework Co-ordinator (GE)

Apologies:

Douglas Winchester, Investigating Officer (DW)
Karen Chambers, Investigating Officer (KC)

1. MINUTES OF PREVIOUS MEETING AND MATTERS ARISING

- 1.1 Minutes of the meeting held on 18 April 2018 were approved with one minor amendment.

2. CMS UPDATE

- 2.1 HH explained that the SPCB had agreed to the contract being awarded, noting that the cost slightly exceeded the original budget agreed by the Parliament. The contract was officially awarded in May 2018, with an anticipated four to five week lead-in time. HH described the beneficial features of the new CMS for Investigating Officers and the office.

3. WEBSITE DEVELOPMENT

- 3.1 BM advised that a meeting was held with Civic designers to discuss the website development and branding. Mood boards have since been issued by Civic and feedback has been requested from staff by Monday, 11 June. Further updates will be provided as the development progresses.

4. GDPR UPDATE

- 4.1 On 25 May 2018 the GDPR came into effect. CG advised that all preparations had been undertaken prior to the finalisation of the Data Protection Bill: the Privacy Notices were in place, the Data Protection Policy was updated to include an escalation policy and staff had completed GDPR training as issued by the Scottish Parliament. Additionally, as

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required, a Data Protection Officer was assigned by the Scottish Parliamentary Corporate Body.

- 4.2 It was noted that a data-sharing agreement would be reached with the Standards Commission, who were preparing a draft.

5. VISIT FROM THE PARLIAMENT OF BOTSWANA

- 5.1 On 22 May 2018 CG met with eight members of the Parliament of Botswana and presented on the topic of the MSP Code of Conduct. It was an interesting and successful meeting from the point of view of prompting relevant, detailed questions about MSP complaint handling.

6. COMMITTEE ON STANDARDS IN PUBLIC LIFE CONSULTATION – THE SC RESPONSE

- 6.1 The meeting noted the response submitted by the Standards Commission to the UK Parliament Committee on Standards in Public Life.

7. SPSO DECISION – NHS/AA/1805

- 7.1 BT confirmed that a final decision had been received from the SPSO in relation to complaint NHS/AA/1805. Contained in the decision was feedback relating to the investigation procedures. BM advised that a review had been carried out in November 2017 following the introduction of the IOA process. A response was issued to the SPSO notifying them of the flexibilities incorporated in the reviewed procedures.

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

- 8.1 Report on cases in progress:
- Current cases were discussed.
- 8.2 Any other current issues:
- None.
- 8.3 Target and Statistics Reports for the period ending 31 May 2018:
- BM advised that complaints received were 15% above the same period last year. The number of cases was 20% above the same period last year.
 - Completed complaints were 14% below the same period last year. In terms of cases, this was 10% below the same period last year.
 - Targets for completion within 3, 6 and 9 months were all being achieved.
- 8.4 BT advised that the Annual Report for 2017/18 was in the final draft stage.

9. RECENT/UPCOMING HEARINGS

- 9.1 Investigations with concluded Hearings were:
- LA/Fi/2050 – Councillor David MacDiarmid was found in breach. The sanction was suspension for a period of two months from the Regulation

and Licensing Committee of Fife Council. He has lodged an appeal with the Sheriff Principal. A procedural diet will take place on 14 June.

Investigations with upcoming Hearings were:

- LA/CES/2091 – The Hearing involving the complaint against Councillor Finlay Cunningham will be held on 3 July 2018.

10. REVIEW OF CURRENT COMPLAINTS/CASES – MSPs

10.1 Report on cases in progress:

- BT presented a summary of recent cases. A discussion followed.

11. IO/SIO REVIEW

11.1 BT advised that progress was being made. Questionnaires were distributed to Investigating Officers, and were now due to be returned and agreed. Dates for meetings with the independent reviewer had been arranged.

12. ANY OTHER BUSINESS

12.1 BT noted that the Standards, Procedures and Public Appointments Committee (“SPPA”) had published its report on sexual harassment and inappropriate conduct on 5 June 2018.

12.2 BT advised that the Lobbying Register had attracted a high number of registrations; this suggested the potential for some complaints later in the year. ITM observed that the volume of registrations had resulted from the breadth of those involved in the working group.

12.3 ITM advised on the progress of a draft investigation protocol for dealing with Lobbying complaints. Where investigations occur, the SPPA will be notified formally by the Commissioner. ITM advised that a Memorandum of Understanding involving the Scottish Parliament, the Crown Office and the Commissioner was in the process of being finalised.

12.4 CG advised that a new draft style of Proposed Report was being drafted. Discussion and training will take place at the next meeting of Investigating Officers.

12.5 BT raised a discussion about social media. An information session on the subject of social media will take place at a future meeting of Investigating Officers.

13. DATES FOR FOLLOWING MEETINGS

18 July 2018 (cancelled)

15 August 2018

10 October 2018

21 November 2018

18 December 2018

30 January 2019

27 March 2019

8 May 2019
19 June 2019
31 July 2019
25 September 2019
6 November 2019
18 December 2019



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

15-8-18

Date of Approval