



Commissioner for Ethical Standards in Public Life in Scotland

Minutes of the Meeting of the Management Team held on 19 April 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)
Helen Hayne, Investigations Manager, (HH)
David Sillars, Senior Investigating Officer, (DS)

Apologies:

• **MINUTES**

1.1 Approval of previous minutes

Decisions

- i. The minutes of the meeting held on 15 February 2017 were approved.

1.2 Matters arising

All actions were completed except for the following:

Actions

- i. KE to create and publish the Disclosure Log listing all FOI requests processed.
- ii. KE to write to the SPCB, refreshing the witness expenses agreement.
- iii. KE to issue Holidays and Annual Leave policy for staff consultation and then publish.
- iv. KE to update Subject Access Request procedures.
- v. SPCB considering their role in office-holder whistle-blowing procedures w/c 6 February. Following SPCB response, KE to issue Whistle-blowing policy for staff consultation and then publish and IB to arrange training on the Whistle-blowing policy.
- vi. KE and AL to prepare a revised website tender timetable.
- vii. KE, IB and AL to meet to discuss website tender.
- viii. KE to update policies in line with ACAS guidance and consider amending further to reflect SPCB policy formats.
- ix. BT to thank SLAB for their participation in assessing the ICT support tenders.
- x. KE attending BSL writers training event in April. BSL plan to be published by October 2018.

- **POLICIES AND PLANS**

- 2.1. Governance matters

- The Finance and Constitution Committee recommended that the SPCB consider carrying out a review of officeholders. The SPCB have discussed the matter and concluded that a review is not necessary. It was agreed that periodic reviews be carried out to ensure there is no duplication of functions and to determine whether the landscape could be further simplified. The SPCB has confirmed that there is no prospect of such a review in the foreseeable future.

- 2.2. Policies

- BT is concerned that policy reviews are falling behind. We already base as many of our policies as possible on those of the SPCB or other officeholders to reduce drafting work. However, policies must be adjusted to reflect the Commissioner's specific circumstances. BT is considering seeking additional help to take this forward.

- 2.3. Strategic Plan and Business Plan

- Public appointments report – 2016/17
 - 27 rounds brought forward from 2015/16 and completed in 2016/17 (Prior year: 13).
 - 41 (PY: 58) new rounds were started during the year, with 17 completed (PY: 32). No significant trends identified.
 - 24 rounds were carried forward to 2017/18 (PY: 27).
 - 85 reappointments notified to us (PY: 65).
 - 466 substantive issues raised (PY: 386).
 - No reports of a material breach of the Code of Practice were made to the Scottish Parliament (PY: 0).
 - The team took part in a number of outreach activities during the year including meeting health board chairs to discuss the joint SG and CESPLS diversity project, and providing training at events for organisations such as the Scottish Youth Parliament and Equate Scotland.
 - Materials for the board mentoring programme, co-produced with the Scottish Government, have been issued.
 - A PAA Communication day took place on 9 March 2017.
 - All PAA reviews have been conducted and SLAs renewed.
- Public standards report – 2016/17
 - Complaints about LA councillors/member of public bodies.
 - 174 complaints /106 cases received (PY: 245/132)
 - 222 complaints /126 cases completed (PY: 214/111)
 - 55/33 complaints/cases in progress (PY: 103/54)
 - 11 hearings concluded in the year (PY: 5)
 - 4 hearings scheduled (PY: 4)
 - Complaints about MSPs
 - 21/ complaints 19 cases received (PY: 30/23)
 - 18 complaints /17 cases completed (PY: 29/22)
 - 4 complaints in progress (PY: 1/1)
 - 2 breaches were reported to the Scottish Parliament (PY: 1)
 - The volume of post decision correspondence continues to be substantial.
 - Complex and challenging cases have drawn on resources e.g. examining the impact of Article 10 of the European Convention on Human Rights.
 - New 'Initial Office Assessment (IOA)' procedures have been introduced to better manage resources.

- The records management 'Retention Project' is well underway.
- HH has returned to her role as Investigations Manager but will continue her CMS development role.
- Review of Annual Business Plan 2016/17.
All actions are as recorded in the previous minutes with the following exceptions:
Public Standards
 - 1 b). IOA progressing well. Ongoing amendments continue to be made to the package of standard IOA documents.
 - 2 a). Case Management System – for update see section 3.4 of these minutes.
 - 3 b). Complainant satisfaction survey. Discussed at IO meeting, awaiting approval.
 Public Appointments
 - Annual Actions, Action 1. Fewer than anticipated audit trail reviews have been conducted
- Annual Business Plan 2017/18
The business plan is drafted and awaiting Standards content.

Actions

- i. KE to make changes to draft as discussed.
- ii. HH/BM to agree Standards business plan for 2017/18 with BT.
- iii. Once agreed KE will prepare a final draft for circulation.

2.4. Continuous improvement

- Two consultations have been received. One from SG on the Code of Practice for Litter and Refuse. The Commissioner does not intend to respond. The second is from SG regarding governance in Scotland's Colleges. Two consultation responses are listed as outstanding.
- During the period, four complaints about administration were received. Three are outstanding and one may have been incorrectly closed.
- During 2016/17 24 FOI requests and 3 Subject Access Requests were received (PY: 36/0). Responses to 2 FOI requests are outstanding (PY: 2). Reviews were requested on 3 FOIs and 2 SARs (PY: 5/0).

Actions

- i. IB to review whether to respond to the College Good Governance consultation.
- ii. KE to log response dates for two outstanding consultations.
- iii. HH to review outstanding complaints and update database.

● **RESOURCES AND PERFORMANCE**

3.1. Finance

- Expenditure is predicted to be around £112K overbudget. A contingency funding bid was approved by the Scottish Parliament. Final funding awarded for 2016/17 was £958.2K.
- A budget bid of £838K for 2017/18 has been approved as has a contingency funding bid of £50K covering IO activity.

3.2. Staffing

3.3. Accommodation

3.4. IT

- A business case for the case management system has been presented to the SPCB. Now awaiting their decision on funding. Gateway review will be held once decision received.
- A tender for website redevelopment will be held this year.

3.5. Other active projects

- The Annual Report 2016/17 must be published by 31 October 2017. BT and KE propose moving to a new format.
- The Prescribed Persons (Report on Disclosures of Information) Regulations 2017 came into force on 1 April 2017. The local authority/board member section of the Annual Report 2017/18 must include information regarding complaints from 'workers'. Information for complainants has been uploaded to the website.

Actions

- i. KE to pull together and circulate a project plan for the annual report.

- **AOB**

- KE and IB met to discuss methods for recording SPSO decisions in regard to complaints about us. It is proposed that the Standards team record any instances where the Commissioner refers a complainant to the SPSO in the Complaints About Us database. The Standards team will also record any subsequent actions. Any SPSO investigations not captured in this way can be added when they are brought to our attention. This was agreed. IB has adjusted the database accordingly.

Actions

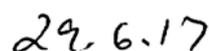
- i. HH to inform Casework Co-ordinators and amend Investigation Procedures regarding recording SPSO decisions.

- **FUTURE MEETINGS**

- 10.00 **Tuesday**, 20 June (BM)
- 10.00 Wednesday, 9 August (HH)
- 10.00 **Tuesday**, 10 October (BM) - TBC
- 10.00 Wednesday, 13 December (HH)
- 10.00 Wednesday, 14 February (BM)
- 10.00 Wednesday, 11 April (HH)



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



Date of Approval