



Commissioner for Ethical Standards in Public Life in Scotland

Minutes of the Meeting of the Management Team held on 15 February 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)
Melanie Stronach, Public Appointments Officer (MS)
Karen Elder, Business Manager, (KE)
Brenda McKinney, Investigations Manager, (BM)
David Sillars, Senior Investigating Officer, (DS)

Apologies:

• **MINUTES**

1.1 Approval of previous minutes

Decisions

- i. The minutes of the meeting held on 12 December 2016 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 amend the Holidays and Annual Leave policy and staff leave allowances on 1 April 2017 to reflect the additional public holiday.
- v. KE to update Subject Access Request procedures.
- vi. 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.
- vii. KE and IB to agree how to record SPSO decisions in regard to complaints about us.
- viii. KE and AL to prepare a revised website tender timetable.
- ix. KE, IB and AL to meet to discuss website tender.
- x. RH and KE to agree attendance at SPSO Making the Most of Complaints event.
- xi. KE to update policies in line with ACAS guidance and consider amending further to reflect SPCB policy formats.

- **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

- Covered in the next section under review of the Annual Business Plan for 2016/17.

- 2.3. Strategic Plan and Business Plan

- Public appointments report – 1 April to 7 February 2017
 - 27 rounds carried forward and 24 are complete. 41 new rounds, nine of which are complete. Currently 35 active appointment rounds
 - 82 reappointments in the year to date. Thirteen instances of non-compliance where members were given less than 13 weeks' notice.
 - To date 390 substantive issues regarding appointments (Prior year: 337). Three enquiries or reports are outstanding or remain to be finalised.
 - Broad proposals for a thematic review have been agreed with the SG Public Appointments Team (PAT).
 - BT met with the SG's Director of People to discuss appointments and in particular the proposals for the review.
 - Planning for the board member mentoring project is almost complete.
 - IB conducted SLA review discussions with all of the new PAAs.
 - BT and IB met with the chairs of health boards to discuss the difference that diversity makes project. Some progress in this area is now anticipated.
 - The Scottish Government published its consultation on a gender balanced boards Bill. The SG also published guidance and a toolkit on succession planning. The office contributed to the content.
- Public standards report – Apr 2016 – Jan 2017
 - Complaints about LA councillors/member of public bodies.
 - Received: 159 complaints/95 cases (Prior Year: 203/106) – 10% decrease in cases
 - Completed: 206 complaints/112 cases (Prior Year: 185/86) – 30% increase in cases
 - Active: 46 LA cases, 1 public body case
 - Ten hearings held to date and three hearings to follow.
 - Complaints about MSPs
 - Received: 15 complaints/15 cases (PY: 27/20) – 25% decrease in cases
 - Completed: 14 complaints/14 cases (Prior Year: 29/21) – 33% decrease in cases
 - Active: 1 case
 - One complaint referred to SPCB as outwith jurisdiction.
 - Post-decision correspondence continues to be onerous.
 - Initial assessment procedures are being trialled and will be reviewed.

- Guidance about making a disclosure to the Commissioner (complaints from whistle-blowers) and text for the website have been drafted for implementation on 1 April 2017.
- Review of Annual Business Plan 2016/17.
 - Public Standards
 - Online form for submitting complaints – drafted
 - Revised investigation procedures – currently testing
 - New Case Management System – progressing to timescale, business case submitted to SPCB
 - New service standards – drafted, to be presented at next IO meeting.
 - Develop complainant satisfaction survey - drafted, to be presented at next IO meeting.
 - MSP interest registration and lobbying register – originally due to be implemented in 2018/19, SPCB likely to implement earlier.
 - Identification of the factors used to prioritise complaints is to be completed.
 - Public Appointments
 - All actions are on track with the following exceptions:
 - 1 a) i and ii. The production of a new draft driver diagram and action plan have been delayed. They are both currently sitting with the SG.
 - 1 a) iv 3. The diversity project was designed by the due date. Getting public bodies to sign up to it is taking longer than anticipated.
 - 1 a) iv 4. The succession planning guidance for boards has been drafted with input from the office and has now been issued to boards.
 - 3 – Thematic Review of the 2013 Code has been postponed until 2017/18. A new draft timetable for the activity has been agreed with the SG.
 - Annual Actions – Action 5 – fewer than anticipated good practice case studies have been published.
 - Managing Resources
 - All actions are on track with the following exceptions:
 - The budget is not within the limits agreed with the SPCB.
 - Not all policies scheduled have been reviewed.
 - A draft project plan for website redevelopment has been prepared. As a result the project has been moved into 2017/18.
 - The MoU for transferring archive documents to the National Records of Scotland has to be finalised.
 - The SPCB is to issue a further draft of the Framework Agreement.
 - Review of the Publication Scheme and Guide to Information is outstanding.
 - The Commissioner’s Records Management Plan has been reviewed although additional work is required.
- The meeting agreed to use the same format for the annual business plan for 2017/18.

Actions

- i. BM to copy HH’s CMS report to MS.
- ii. KE to circulate a draft of the business plan for 2017/18. A first draft should be available for discussion at the meeting on 19 April.

2.4. Continuous improvement

- Four consultations have been received – three from the Scottish Government and one from the Scottish Parliament. The office is likely to respond to the SG consultations on the UK Trades Union Act 2016 and has submitted comments on possible changes to the Councillors Code of Conduct. The Commissioner does not intend to comment on the draft Gender Representation on Public Boards (Scotland) Bill. No response is required to the Scottish parliament's consultation on s97 of the Criminal Justice and Licensing (Scotland) Act 2010.
- During the period, no complaints about administration were received.
- Since the last meeting two FOI requests have been received and responses issued. A response to a voluminous and complex subject access request has been issued.

• **RESOURCES AND PERFORMANCE**

3.1. Finance

- An update on expenditure between April and January was provided. The cost of Investigating Officers' workload is driving a significant projected overspend and a bid for contingency funding has been submitted to the Scottish Parliament. The PAA budget is also under pressure. Expenditure in other areas is under budget.
- It likely that the budget bid for 2017/18 will be approved within the next two weeks.

3.2. Staffing

The meeting was reminded that the fixed term contract of employment for one employee will end on 31 March 2017.

3.3. Accommodation

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

3.4. IT

- Development of case management system – progressing to timescale. The specification has been drafted and a business case has been submitted to the Scottish Parliament. A full procurement exercise will be required and assistance from the SG's Procurement team will be sought.
- The ICT support tender closed on 9 January 2017. Fifteen tenders were received. SLAB IT assisted with the assessment. The final stages of assessment are being carried out and a decision will be made within the next week. The new supplier will be in place by the end of March.
- The website redevelopment project has been moved to financial year 2017/18.

Actions

- i. BT to thank SLAB for their participation in assessing the ICT support tenders.

3.5. Other active projects

- The SPSO are holding a learning event – Making the Most of Complaints - on 15 March 2017. HH to attend
- A final draft of The Prescribed Persons (Report on Disclosures of Information) Regulations 2017 has been laid before the UK Parliament. At time of meeting, the order had not been passed. If passed, changes to the annual report will be required. Information for complainants has been prepared and will be added to the website.
- In October 2017, the SG must publish a British Sign Language National Plan. The Commissioner must publish his own plan by October 2018. KE will lead on the project and plans to attend a training event in April 2017.
- The meeting agreed to continue holding this meeting every two months and with the same attendees. KE to arrange meeting dates for 2017/18.

Actions

- KE to arrange place for HH at SPSO event [No places available].
 - KE to monitor when the Prescribed Persons (Report on Disclosures of Information) Regulations 2017 come into force. BM to update the website.
 - KE to lead on BSL plan and attend training event in April 2017.
 - KE to arrange MTM dates for 2017/18.
- **AOB**
 - KE hosted MyCSP's Regional Employers Forum on 18 January 2016 at Thistle House.
 - **FUTURE MEETINGS**

The dates below are to be confirmed.

 - 10.00 on Wednesday, 19 April 2017 (HH)



19 April 2017

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

Date of Approval

APPENDIX 1 – POLICIES DUE FOR REVIEW BY MARCH 2017

No.	Policy	Action
2	Attendance	KE to review latest draft and agree how widely to consult with BT.
3	Grievance	KE to review latest draft and agree how widely to consult with BT.
4	Disciplinary	KE to review latest draft and agree how widely to consult with BT.
5	Dignity at Work	Link to Grievance. BT to undertake first review.
6	Internal Recruitment & Promotion	Allocated to Casework Co-ordinator (AH). Draft received end Nov. KE to review.
7	Special Leave	Allocated to Casework Co-ordinator (AH). Draft received end Nov. KE to review.
8	Substance Abuse	Allocated to Casework Co-ordinator (AH). Draft received end Nov. KE to review.
10	Pensions Admin Instructions	KE to draft and BT to review. No further reference to MTM.
11	Risk Management Policy	BT to review and consider whether revision required.
12	Leaving	Moved to 2016/17
13	Home/Remote Working Policy	KE to draft
14	ICT Strategy	Completed October 2016