



Revision 1 July 2013:

The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (Scottish Statutory Instrument 2013/197) came into effect on 1 July 2013. The order

- a) abolishes the post of Public Standards Commissioner for Scotland
- b) abolishes the post of Public Appointments Commissioner for Scotland
- c) dissolves the Commission for Ethical Standards in Public Life in Scotland and
- d) creates the post of Commissioner for Ethical Standards in Public Life in Scotland

The functions of the Commission for Ethical Standards, Public Standards Commissioner and Public Appointments Commissioner are transferred to the Commissioner for Ethical Standards.

References in this document to the Commission, Public Standards Commissioner or Public Appointments Commissioner should be taken as referring to the Commissioner for Ethical Standards

Commission for Ethical Standards in Public Life in Scotland

Our Purpose

To make a visible, valued and lasting contribution to ethical standards in public life in Scotland.

Our Operating Principles

- Leadership
- Independence
- Accountability
- Objectivity
- Transparency
- Propriety
- Integrity

Laid before the Scottish Parliament by the Commission for Ethical Standards in Public Life in Scotland in pursuance of section 14(1) of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 on 28 March 2012

Foreword

The Commission for Ethical Standards in Public Life in Scotland opened its doors for business on 1 April 2011. We were formed by the merger of the offices of the Chief Investigating Officer, the Scottish Parliamentary Standards Commissioner and the Commissioner for Public Appointments in Scotland to create a single Commission with two Commissioners, the Public Standards Commissioner for Scotland and the Public Appointments Commissioner for Scotland. Information about the Commission, the Commissioners and their statutory duties can be found in the introduction to this document.

The Scottish Parliamentary Commissions and Commissioners etc. Act 2010 requires the Commission to lay before the Parliament a strategic plan setting out how the Commission and each Commissioner propose to perform their respective functions during the forthcoming four year period. This is the Commission's first strategic plan; it contains objectives for the period April 2012 to March 2016 and will be supplemented by annual business plans describing how each objective will be taken forward. The first business plan for the year April 2012 to March 2013 accompanies this document. It and future plans will be available on our website.

Every one of us is affected in some way by the work of public officials. The Scottish Ministers, MSPs, local authority councillors and board members of our public bodies all deliver valuable services to the people of Scotland. This Commission scrutinises the ways in which they do so, to confirm that their actions meet the requirements of the various codes of practice that govern what they do. When they do not, we take action. Thus we contribute meaningfully to enhanced ethical standards in public life in Scotland.

To inform the development of our first strategic plan we invited comments from stakeholders with whom we have an ongoing working relationship. We would like to take this opportunity to thank all those who responded.



Stuart Allan
Public Standards Commissioner
for Scotland



Karen Carlton
Public Appointments Commissioner
for Scotland

28 March 2012

Introduction

The Commission

The Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (the 2010 Act) established the Commission for Ethical Standards in Public Life in Scotland (the Commission) and two office-holders, the Public Standards Commissioner for Scotland (the Public Standards Commissioner) and the Public Appointments Commissioner for Scotland (the Public Appointments Commissioner).

The Commission is responsible for providing the Commissioners with the property, staff and services they need in order to perform their functions. In addition, the Commission makes arrangements for the co-ordination of the performance of those respective functions.

The statutory functions of the Public Standards Commissioner are:

- to investigate cases of contravention of the appropriate Codes of Conduct by
 - Councillors
 - Members of Public Bodies
 - Members of the Scottish Parliament

and, where there has been contravention of the relevant Code

- to report
 - in the case of Councillors/Member of the Public Bodies, to the Standards Commission for Scotland
 - in the case of MSPs, to the Scottish Parliament.

The statutory functions of the Public Appointments Commissioner are to:

- prepare and publish and, as necessary, review and revise a Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the code) to be followed by the Scottish Ministers and their officials when making non-executive appointments to the boards of public bodies
- examine the methods and practices employed by the Scottish Ministers when making appointments, to ensure they comply with the code of practice. The Commissioner may issue guidance on code compliance to the Scottish Ministers.
- report to the Scottish Parliament instances of material non-compliance with the code of practice. If an appointment has not been made, the Commissioner may direct the Scottish Ministers to delay making the appointment until Parliament has considered the situation.

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- investigate complaints about the public appointments process
- ensure that appointments are made fairly and openly and that people have the opportunity to apply
- prepare and publish a strategy for ensuring that appointments are made by the Scottish Ministers in a way which encourages equal opportunities.

The final duty above has been acquitted by the production and publication of Scotland's first equal opportunities strategy for the ministerial public appointments process, Diversity Delivers.

The strategic plan

The 2010 Act requires the Commission to lay before the Scottish Parliament a strategic plan setting out how the Commission and each Commissioner propose to perform their respective functions during the succeeding four year period. The first four year plan must be laid before Parliament by 1 April 2012.

The Act sets out a formal framework to be used when developing the content and consulting on the strategic plan. The plan must set out the Commission's and each Commissioner's objectives and priorities during the four year period and must describe how they plan to achieve these objectives, specifying the timeframes and costs of achievement. Prior to laying the plan before the Parliament, the Commission must provide a draft to the Scottish Parliamentary Corporate Body and consult with other bodies and individuals the Commission considers appropriate, including, for example a committee of the Parliament. Once the final plan has been laid it may be replaced by a revised version when the Commission considers review and revision necessary.

The plan gives details of the estimated expenditure necessary to provide the services the Commission is required to deliver over the four year period.

The strategic plan is supported by annual business plans, specifying how each objective will be taken forward. The business plan for 2012-13 is available on our website. Business plans for subsequent years will also be published on our website.

Our Strategic Objectives

We will:

1. provide a fair, effective and efficient investigative service of excellence in relation to the ethical standards of conduct of MSPs, councillors and members of public body boards

2. deliver risk-based, resource-effective scrutiny of the ministerial public appointments process and encourage continuous improvement through proportionate regulation and supportive guidance

3. create a leading standards body with effective performance and resource management.

In doing so, we will:

- deliver our services to high standards based on continuous improvement and best value
- contribute fully to the achievement of sustainable growth
- encourage equal opportunities within our services and promote full compliance with the public sector equality duty.

Regulation is not an end in itself. Whilst statutorily required to scrutinise and regulate the activities of a range of public office holders, we will do so in a way that promotes standards of conduct of which Scotland can be proud.

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Strategic Objective One – the investigative service

Public Standards Commissioner

We will provide a fair, effective and efficient investigative service of excellence in relation to the ethical standards of conduct of MSPs, councillors and members of public body boards.

Our priorities are to:

- Operate fair and rigorous investigative systems into complaints about the conduct of MSPs, councillors and members of public body boards.
- Set and apply challenging performance targets, which will be reviewed annually.
- Review the investigative service and monitor the codes of conduct to ensure they reflect best practice, are proportionate and offer best value.

Information on how the Commission will achieve the above is provided in the current annual business plan available on our website.

Strategic Objective Two – the public appointments process

Public Appointments Commissioner

We will deliver risk-based, resource-effective scrutiny of the ministerial public appointments process and encourage continuous improvement through proportionate regulation and supportive guidance.

Our priorities are to:

- Scrutinise all regulated appointment activity against the principles and practices contained in the Code of Practice for Ministerial Appointments to Public Bodies in Scotland (the code).
- Ensure scrutiny is risk-based, proportionate and resource-effective.
- Review and adjust the regulatory framework annually to ensure it reflects best practice in regulation.
- Take appropriate action when appointment rounds are conducted or appointments are made in a manner that does not comply with the code.
- Issue guidance on code interpretation and compliance to support continuous improvement of Scotland's Ministerial public appointments process.
- Monitor, measure and report on the achievement of Diversity Delivers targets and on stakeholder satisfaction with the public appointments process.

Information on how the Commission will achieve the above is provided in the current annual business plan available on our website.

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Strategic Objective Three – a leading standards body

The Commission

We will create a leading standards body with effective performance and resource management.

Our priorities are to:

- Formulate, implement and review policies and practices for the Commission and Commissioners to meet our statutory responsibilities.
- Effectively manage performance and resources on the basis of continuous improvement and best value to sustain services in an environment of reduced public sector funding.
- Plan and prepare for the merger of the Public Appointments Commissioner and Public Standards Commissioner as a single office-holder on 1 June 2012 and for subsequent statutory restructuring.
- Demonstrate our commitment to ethical standards in public life by undertaking our duties in a fair, open and transparent manner.

Information on how the Commission will achieve the above is provided in the current annual business plan available on our website.

Financing the plan

The Commission submits an annual budget bid to the Scottish Parliamentary Corporate Body in August each year. Estimated annual budgets required to implement this strategic plan are given in the table below. Costs are based on merging the posts of Public Standards Commissioner and Public Appointments Commissioner from 1 June 2012. At the time of launching the strategic plan the resultant restructuring has yet to be agreed with the Scottish Parliamentary Corporate Body. Therefore the costs below are indicative at this stage.

In preparing these budgets we have assumed that statutory requirements and demand for our services will remain broadly the same during the period of the plan.

Strategic Objective	2012-13 (£)	2013-14 (£)	2014-15 (£)	2015-16 (£)
One: Investigative service	407,069	409,612	416,482	419,974
Two: Public appointments process	185,894	174,690	169,245	183,091
Three: Leading standards body	98,194	103,418	107,480	111,107
Property Costs	71,123	72,528	76,154	77,704
Running Costs	49,389	42,307	40,616	40,968
Sub-total	811,669	802,555	809,977	832,843
Capital Expenditure	3,200	3,200	3,360	3,360
TOTAL	814,869	805,755	813,337	836,203
Budget approved	798,000	797,000		
Actual spend	768,000			

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In order to make this section of the Strategic Plan more informative, updated finances will be published each year.

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In preparing these budgets a number of assumptions have been made.

- Staff numbers and work patterns remain the same.
- Public sector salaries remain frozen.
- There is no increase in rates for employers' National Insurance or pension contributions during the period.
- Inflation, excluding staffing costs, rises at 5% per annum.
- The Commission must relocate its offices by 1 April 2014. We have assumed that rent, rates and maintenance costs will remain the same as for our current premises. No relocation costs have been included in the estimated budgets.

The Commission is fully committed to performing its functions effectively, efficiently and economically whilst continuing to improve its services.

Reviewing the plan

The Commission will review this strategic plan each October and identify any revisions required. This will allow the Commission time to consult on revisions prior to the start of the next operating year. Our operating year runs from April to March.

The business plan for the current year will be reviewed quarterly. Plans for the following operating year will be drafted by the end of February. Each April, the business plan for the previous operating year will be signed off and the plan for the coming year finalised.

Individual elements of the plan will be kept under regular review using Commission meetings, team meetings and the staff performance management system.

