

No.	Recommendation	Priority	Progress
● No further action; ● Fully implemented; ● Partially implemented; ● Outstanding			
1.1	The Commissioner's Office should include the monitoring of the actual savings achieved against targets in the monthly financial monitoring reports.	Low	●
1.2	An independent internal audit function should be appointed via an open and transparent tender process as a matter of urgency to provide challenge and scrutiny of the Commissioner's Office.	High	●
2.1	The budget process should be reviewed and formalised to have greater involvement from SMT as a whole including recommending the budget for submission to the SPCB. Wider staff engagement should also be carried out through business and financial planning to enable them to understand how they contribute to the objectives of the budget.	Medium	●
2.2	Financial monitoring arrangements should be utilised to identify and respond to unexpected variances as a result of the lack of business planning. A business plan should be put in place for 2021/22 as a matter of priority.	High	●
2.3	A medium-term financial plan should be prepared, including, but not limited to, alternative scenarios of expected income and expenditure in future years, associated assumptions for each scenario, quantifying the funding gap, to then be able to plan effectively for the medium to longer term. Through these plans, we would expect to see consideration of the impact of leaving the EU, the Covid-19 pandemic and other expected changes.	Medium	● Awaiting feedback from Audit Scotland on how to proceed
2.4	Workforce planning should outline the current workforce, the future workforce and how the organisation can achieve its required future workforce. It should also include workforce statistics covering not just the headcount but also the skills required. Audit Scotland has produced reports on workforce planning in the NHS in Scotland, identifying key areas which need to be considered for effective workforce planning. Although not directly applicable, the overarching principles here should be used to guide the Commissioner's Office workforce planning. Staff to be recruited and inducted.	High	●
2.5	We recommend that a formal staff survey is held both in response to the Covid-19 pandemic, including the future of work, but also on a regular basis. This would allow employees to submit responses anonymously which could have an impact on engagement and responses given the small nature of the organisation. It also allows comparisons using trend data over time.	High	●
2.6	The Commissioner's Office should recruit into current vacant roles as a matter of priority and begin cross skilling teams to ensure resilience, particularly within the investigations team. It should also consider whether temporary resource is required to support the SMT in the Commissioner's absence.	High	●

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3.1	An independent review of the implementation of the restructure should be carried out to assess whether the current structure is fit for purpose. This should include the scheme of delegation and standing orders to ensure operations can continue in the absence of the Commissioner. These governance documents should be updated to reflect the expectation that all decisions are dealt with in a collaborative way with key items being decided by the SMT group.	High	●
3.2	The Commissioner's Office should introduce a formal training programme for all staff varying by role. This should include a combination of internal and external training. This should be considered in conjunction with the review and updating of all policies and procedures.	High	●
3.3	The whistleblowing policy should be reviewed to make it fit for purpose. It must then be communicated to all staff members to improve awareness.	High	●
3.4 a)	We recommend that a full investigations manual is constructed and the assessment criteria are removed so that the process complies with the legislation.	High	●
3.4 b)	Following this, all eligibility decisions and investigations carried out since August 2020 should be reviewed by an appropriate external investigator.	High	●
3.4 c)	Once this review has been undertaken, we recommend that all statistics produced and reporting made in relation to investigations is redrafted and submitted to the relevant stakeholder including but not limited to the Standards Commission and Parliamentary committee's using information directly from the CMS system.		●
3.5	We recommend that the AAB is re-engaged and that there is engagement on a regular basis.	High	●
3.6	We recommend that the Commissioner's Office returns to the previous methods of managing risk by reintroducing a risk register and risk management policy. The risk management policy should then be reviewed annually and the risk register quarterly. Engagement should be made on a regular basis with AAB members to review the risk management approach and risk register. We would recommend that internal auditors (once appointed) also perform a review in this area.	High	●
3.7	SMT meetings should be formalised with an agenda and formal minutes taken to record both the discussions undertaken and the decisions made. Any decisions made outside of these meetings should be recorded within the minute. Minutes should be made available to staff and be published on the website in line with the publication scheme.	High	●
3.8	Given the direction of travel and the expectation for public sector organisations to demonstrate continuous improvement on openness and transparency we recommend that the Commissioner's Office considers holding public meetings.	Low	●
3.9 a)	The Commissioners' Office need to urgently review all policies and procedures in place. Although the organisation is aware of this it should be treated with a higher priority level.	High	●

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3.9 b)	It also needs to review its compliance with its own publication scheme. All information that can be published online should be to enable openness and transparency for the public, staff and stakeholders. The Commissioner's Office should use the openness and transparency guidance available from Audit Scotland.	High	●
4.1	A performance management framework should be implemented to include processes to monitor the organisations performance against key performance indicators. The targets should be set in order to achieve the outcomes in the strategic and business plans. This information should be monitored on a quarterly basis and shared widely with staff so that they understand how they contribute to the performance of the organisation.	High	●
4.2 a)	Eligibility statistics should be monitored and compared with other similar complaints investigation bodies or historic ESC statistics on a regular basis to identify the impact of changes in processes.	High	●
4.2 b)	See also recommendation on removing the assessment criteria process from eligibility.	High	●

<b>Actions relating to SPCB</b>			
ESC has engaged with SPCB where possible to drive forward governance improvements. Engagement is now ongoing.			
5.1	The Commissioner's Office should engage with the SPCB and Parliament to determine the reporting route for concerns about a Commissioner.	High	●
5.2	We recommend that the governance structures in place for this type of organisation are reviewed the Commissioner's Office needs to engage with the SPCB and Parliament to identify improvements. This should include improved communications between the different organisations who are involved in the governance of the organisation and stakeholders.	High	●
5.3	In view of the wider governance issues identified in this report, we recommend that the SPCB, in consultation with the Commissioner and other Officeholders, review whether the governance structure in place remains sufficient and appropriate.	High	●