



Commissioner for Ethical Standards in Public Life in Scotland

Minutes of the Investigating Officers Meeting

held on

31 August 2016 from 10.15 to 12.00
at Thistle House, 91 Haymarket Terrace, Edinburgh

Present:

Bill Thomson, Commissioner (BT)
David Sillars, Senior Investigating Officer (DS)
Douglas Winchester, Investigating Officer (DW)
Jon Miller, Investigating Officer (JM)
Claire Gilmore, Investigating Officer (CG)
Ian Mackay, Investigating Officer (ITM)
Ian Innes, Investigating Officer (II)
Karen Chambers, Investigating Officer (KC)
Ralph Noble, Investigating Officer (RN)
Helen Hayne, Investigations Manager (HH)
Brenda McKinney, Investigations Manager (BM)
Katheryn Yates, Casework Co-ordinator (KY)

Apologies: Ruth Hogg, Investigations Manager (RH)

1. MINUTES OF PREVIOUS MEETING AND MATTERS ARISING

1.1 Minutes of the meeting held on 28 July 2016 were approved.

2. DISPENSATIONS FOR ABERDEEN CITY REGION DEAL

2.1 Raised for information by BT.

3. WORKSHOP EVENT FOR MONITORING OFFICERS – COSLA

3.1 CG, DS, and ITM will be attending on 8 September. Feedback will be provided at the next IO meeting.

4. WITNESS POLICY

4.1 DW is reviewing the policy. BT asked for comments. Suggestions were made regarding certain wording and approved **(KY to action)**.

4.2 BT asked the IOs for their opinion regarding using the term 'complainer' rather than 'complainant', to fall in line with MSP complaints. This was agreed by the IOs with immediate effect. The standard letters will be updated accordingly **(CCs to action)**. Regarding the term 'respondent' it was agreed that it would be up to the individual IO's discretion to use 'respondent' or the individual's name where appropriate.

5. STYLE GUIDE

- 5.1 The IOs were reminded to follow the Style and Layout Guide, as it ensures continuity of style for drafting documents, and encouraged to suggest beneficial revisions to the style guide.

6. FORMAT OF REPORT/NOTE OF DECISION

- 6.1 BT made reference to a different style of decision letter which he had agreed was appropriate for the particular circumstances of the complaint. RN explained the reason for drafting the decision letter in this manner. BT encouraged IOs to discuss with himself beforehand if they considered they needed to draft a report or note of decision in non-standard format.

7. LA/AB/1758 ORDER OF PROCEEDINGS

- 7.1 DS explained the approach agreed at the pre-hearing meeting, which would involve submissions on the first day of the hearing, after which it was expected that the panel would be invited to reject the complaint – on the basis of there being no case to answer – or to proceed to hear evidence on later dates, subject to any decisions on the relevancy of proposed witnesses' evidence.

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:
- BT compared the rate of case completion in the current financial year to the same period last year. Comparably, the number of completed cases has increased, which BT commended.
 - BM outlined the proposed revised approach to initial office assessment of new complaints, which will be trialled soon. This is designed to ensure clarity over the issues raised in the complaint, and therefore over the scope of any investigation, and to streamline the early stages of complaint handling.
- 8.3 Target and Statistics Reports
- BM gave an update on this quarter's targets and statistics.
 - BT asked the IOs to prioritise for completion the cases with upcoming 3 month or 6 month deadlines.

9. RECENT/UPCOMING HEARINGS

- 9.1 LA/AB/1758 – the Hearing will be presented by DS, on 20 September and continuing on 19 and 20 October if necessary.
- 9.2 LA/R/1800 – the Hearing will be presented by BT, on 17 October.
- 9.3 LA/Fa/1799 – the Hearing will be presented by CG, on 24 October.

9.4 LA/WD/1879 - the Hearing will be presented by BT on dates to be confirmed.

9.5 LA/WD/1882 & NHS/Lo/1872 – the Hearing will be presented by CG, on 24 November and continuing on 25 November if necessary.

10. REVIEW OF CURRENT COMPLAINTS/CASES – MSPS

10.1 Current cases were discussed.

11. ANY OTHER BUSINESS

11.1 BT asked the IOs to send telephone notes to the office immediately after taking telephone calls, in order to avoid any misunderstandings which might arise when follow up calls are received in the office.

11.2 ITM suggested that consideration be given to arranging a joint CESPLS and Monitoring Officers/SOLAR meeting. It was agreed that this should be explored.

12. FUTURE TOPICS FOR DISCUSSION

- Article 10 ECHR - invite HR Commission
- Taking Witness Statements
- The new lobbying regime (DW)
- SC guidance on the Code
- Social Media
- CESPLS and MOs/SOLAR meeting

13. DATES FOR FOLLOWING MEETINGS

12 October 2016
23 November 2016
21 December 2016
1 February 2017
15 March 2017

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

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Date of Approval