



# Commissioner for Ethical Standards in Public Life in Scotland

## **Minutes of the Investigating Officers Meeting** held on 14 March 2018 from 10.15 to 12.30 at Thistle House, 91 Haymarket Terrace, Edinburgh

### **Present:**

Bill Thomson, Commissioner (BT)  
Claire Gilmore, Senior Investigating Officer (CG)  
Ian Mackay, Investigating Officer (ITM)  
Jon Miller, Investigating Officer (JM)  
Karen Chambers, Investigating Officer (KC)  
Brenda McKinney, Investigations Manager (BM)  
Helen Hayne, Investigations Manager (HH)  
Greta Elliott, Casework Co-ordinator (GE)  
Stuart Scott, Casework Co-ordinator (SS)

### **Apologies:**

Douglas Winchester, Investigating Officer (DW)  
Ralph Noble, Investigating Officer (RN)

## **1. MINUTES OF PREVIOUS MEETING AND MATTERS ARISING**

1.1 Minutes of the meeting held on 31 January 2018 were approved with two amendments.

## **2. GDPR UPDATE**

2.1 CG advised that a review of the data audit will take place on 20 March. The privacy notice for external viewers, published online, incorporated new sections covering rights in relation to personal data and cookie information. The Investigation Procedures were updated in line with GDPR. CG welcomed further questions and comments. BT gave thanks to those contributing to the preparation for GDPR.

## **3. CMS UPDATE**

3.1 HH advised that the submission period for tenders closed on 23 February 2018. Three tender applications were received, all of which were off-the-shelf solutions rather than bespoke designs. In line with the procurement advice, the costs of the tenders were not revealed; the tenders were marked by the panel solely against user requirements, using a points system. The tender assessment panel met on Monday and agreed their scores.

- 3.2 The bidders will present their proposals to the panel in March and April. The panel will discuss tender costs with them and clarify the user requirements.

#### **4. MONITORING OFFICERS WORKING GROUP**

- 4.1 On 21 February 2018 CG and BT met with representatives of the Monitoring Officers' Working Group and with Miss Lorna Johnston from the Standards Commission. In attendance at the meeting were Monitoring Officers Ms Karen Wiles, Mr Brian Frater and Mr Peter Hessematt. CG and BT reported on the key issues discussed, including a proposed advice note from the Standards Commission on the topic of councillor engagement with operational management, and matters relating to the impact of Article 10 of the European Convention on Human Rights. The replacement of case summaries with web notes was also discussed and received positive feedback.

#### **5. REVIEW OF CURRENT COMPLAINTS/CASES – COUNCILS AND PUBLIC BODIES**

- 5.1 Report on cases in progress:
- Current cases were discussed.
- 5.2 Any other current issues:
- None.
- 5.3 Target and Statistics Reports for the period ending 28 February 2018:
- BM advised that complaints received were 16% below the same period last year. The number of cases was 27% below the same period last year.
  - Completed complaints are 30% below the same period last year. In terms of cases, this was 28% below the same period last year.
  - Targets for completion within 3 months and 6 months were being achieved. Completion within 9 months or less was 93%, just below the target of 95%. Annual targets were discussed.

#### **6. RECENT/UPCOMING HEARINGS**

- 6.1 Investigations with concluded Hearings were:
- LA/Fi/2044 – Councillor Tim Brett was found in breach. The sanction was censure.
  - LA/DG/1922 – Former Councillor Tom McAughtrie was found in breach. The sanction was censure.

Investigations with upcoming Hearings were:

- LA/Fi/2050 – The Hearing involving the complaint against Councillor David MacDiarmid will be held on 25 April 2018.

#### **7. REVIEW OF CURRENT COMPLAINTS/CASES – MSPs**

- 7.1 Report on cases in progress:
- BT presented a summary of recent cases. A discussion followed.

## **8. LOBBYING**

- 8.1 BT advised that on Monday 12 March 2018 he met with the Lobbying Registrar at the Scottish Parliament. On the same day, the Lobbying Register came into force.
- 8.2 ITM presented key information relating to the Lobbying (Scotland) Act, including the definition of lobbying and a draft investigations protocol for complaints relating to lobbying. A discussion followed.

## **9. SEXUAL HARRASSMENT ENQUIRY BY THE SPPA COMMITTEE**

- 9.1 BT provided an update on the SPPA Committee inquiry into sexual harassment at the Scottish Parliament. He referred to the evidence given to the Committee by the Business Managers of the SNP, the Scottish Conservative & Unionist Party, Scottish Labour, Scottish Green Party and the Scottish Liberal Democrats. He understood that the Committee were planning a final evidence session before producing a report containing the Committee's conclusions and recommendations.

## **10 a. WEB NOTES**

- 10.1 The new format of web notes was raised for discussion. Issues discussed included cases with multiple respondents and allegations and the question of whether web notes would be required in circumstances where there was a number of similar complaints. CG noted the web notes' function as a GDPR compliant, public document. Action to be taken on the web summaries currently displayed on the website was discussed.

## **10 b. MENTAL WELFARE COMMISSION RE MENTAL HEALTH FIRST AID ADVICE**


- 10.2 BT advised that KE had recommended training by The Mental Welfare Commission. BT indicated that he hoped to arrange a visit/presentation at a future IO meeting.

## **11. ANY OTHER BUSINESS**

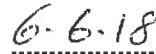
- 11.1 JM raised the topic of investigation start dates. This was discussed with reference to the process of the initial office assessment procedure and the Targets and Statistics Report (see 5.3).

## **12. DATES FOR FOLLOWING MEETINGS**

18 April 2018  
6 June 2018  
18 July 2018  
15 August 2018  
10 October 2018  
21 November 2018  
19 December 2018 (TBC)



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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