

Standing Orders

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Review period: Ad hoc when a change to legislation or ESC process requires it and at least every five years

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1.0 Constitution

- 1.1 The Commissioner for Ethical Standards in Public Life in Scotland, known as the Ethical Standards Commissioner, (the Commissioner) is an office-holder appointed by the Scottish Parliamentary Corporate Body in pursuance of [section 1 of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#) as amended.
- 1.2 The functions of the Commissioner are those set out under:
 - a) the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#)
 - b) the [Scottish Parliamentary Standards Commissioner Act 2002](#)
 - c) the [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003](#)
 - d) the [Lobbying \(Scotland\) Act 2016](#)
 - e) such additional functions as may be conferred from time to time by an Act of the Scottish Parliament.
- 1.3 The operational duties of the Commissioner are set out in the [Scottish Parliamentary Commissions and Commissioners etc. Act 2010](#) as amended.
- 1.4 The Commissioner may do anything which appears necessary or expedient for the purpose of or in connection with, or conducive to the performance of the

Commissioner's functions or the efficiency of the Commissioner's administration.

- 1.5 The Commissioner must ensure that the necessary property, staff and services are in place to secure the effective, efficient and economic performance of the Commissioner's office.
- 1.6 The Commissioner has established a Senior Management Team to assist with this role.
- 1.7 The Senior Management Team consists of the Commissioner, the Head of Corporate Services, the Public Appointments Manager, the Senior Investigating Officer and the Hearings and Investigations Officer.

2.0 Meetings of the Senior Management Team

- 2.1 The Senior Management Team (SMT) will meet at least six times a year, normally on a bi-monthly basis or at such times as may be fixed by the Commissioner.
- 2.2 SMT meetings will be chaired by the Commissioner, who will decide all questions of order, relevancy, and conduct of business during the meeting. In the absence of the Commissioner, one of the members will assume that role for the duration of the meeting.
- 2.3 A minimum of the Commissioner and two other members of the SMT must be present for the meeting to be deemed quorate.
- 2.4 In the event of SMT members being unable to attend a meeting they may nominate a substitute to attend for part or all of the meeting, having agreed with the Commissioner in advance.
- 2.5 Decisions will be reached by simple majority, with the Commissioner having the casting vote.
- 2.6 In the event that the Commissioner has a conflict of interest, or the SMT decides that the Commissioner has a conflict of interest, then the SMT will appoint another member to chair the relevant part of the meeting.
- 2.7 Additional formal meetings may be convened as necessary on the suggestion of any member of the SMT and with the approval of the Commissioner, or the majority of SMT members in the Commissioner's absence.
- 2.8 A meeting schedule for the coming year will be agreed in March each year.
- 2.9 Meetings may be held in person, via video conference or by a combination of both (hybrid working).
- 2.10 Each function will provide a written report to the meeting on activity

undertaken in the previous calendar month. These will be circulated with the agenda. Items for active SMT consideration will be added to the agenda.

- 2.11 A finalised agenda and papers will be provided to members, wherever possible, five working days in advance of the meeting.
- 2.12 The SMT reserves the right to hold discussions on certain agenda items in private should it be considered appropriate. This decision will be made to ensure the protection of sensitive or confidential information, or where the discussion may involve matters of legal, organisational or commercial sensitivity.
- 2.13 The SMT may discuss and agree actions outwith the meeting via correspondence or ad hoc meetings. These decisions will be noted and captured at the next meeting. Interim, informal meetings may be convened as necessary on the suggestion of any member of the SMT.
- 2.14 A secretariat function will be provided by the Corporate Services Team, primarily through the Corporate Services Officer with support from the HR & Facilities Officer. Duties will include arranging meetings, as well as preparing and circulating agenda, papers and minutes.
- 2.15 The Corporate Services Team will prepare and keep a formal minute for each meeting of the SMT which will be published on the ESC website. The minute will include attendees, and apologies, a short summary of any discussions and capture and list decisions and actions. The three functional reports will be incorporated into the minutes. The minute of meeting shall be submitted to the next meeting for approval and then published.

3.0 Declaration of Interests

- 3.1 Any team member who has an interest which might conflict with the Commissioner's duties or interests in relation to any matter being considered at a meeting of the Senior Management Team must disclose the nature of that interest to the meeting in advance of that matter's discussion and withdraw from the meeting until discussion on that item has concluded.

4.0 Financial Regulations

Budget

- 4.1 Draft budget proposals shall be submitted to the Commissioner for approval not later than one month prior to the date determined by the Scottish Parliamentary Corporate Body (the SPCB) under section 20(1) of the 2010 Act in the year preceding the financial year to which they relate and the Commissioner shall send the budget to the SPCB by the determined date.

- 4.2 No expenditure shall be incurred, without the specific approval of the Commissioner, unless there is provision for that expenditure in the budget or allowed for under the Scheme of Delegation.
- 4.3 An effective system of internal financial control shall be maintained. Financial performance shall be monitored against budget and reported by the HCS every month to the Senior Management Team.
- 4.4 Systems of budgetary control shall be devised and maintained to include regular financial reports containing –
 - a) income and expenditure to date and forecast year-end position
 - b) explanations of any material variations
 - c) details of any recommended corrective action necessary
 - d) movements between budget headings.
- 4.5 Sufficient records shall be maintained to show and explain the Commissioner's transactions in order to disclose, with reasonable accuracy, the Commissioner's financial position at any time.

Accounts and Audit

- 4.6 Draft annual accounts shall be prepared by the HCS and submitted to the Commissioner no later than 30 June in respect of the financial year finishing on 31 March. The Commissioner shall send the approved annual accounts to the Auditor General for Scotland by the date agreed in the Annual Audit Plan.

Bank Accounts

- 4.7 Arrangements shall be made for the appointment of bankers in accordance with appropriate decisions of the Commissioner.
- 4.8 No monies of the Commissioner shall be held in any bank accounts unless approved by the Commissioner.
- 4.9 Detailed arrangements and instructions on the operation of bank accounts shall be prepared and maintained, including;
 - a) the conditions under which each bank account is to be operated
 - b) whether an overdraft is required and the limit to be applied
 - c) those authorised to sign cheques or other orders drawn on the Commissioner's bank accounts, and the limits of their authority.
- 4.10 Banking arrangements shall be reviewed at regular intervals to ensure that they reflect best practice and represent best value for money.

Insurance

- 4.11 Arrangements shall be made to ensure that all appropriate insurance cover is in effect, periodically reviewed and adjusted as necessary.

5.0 Strategic Plan

- 5.1 The Commissioner must, in respect of each four year period beginning on 1 April 2012, lay before the Scottish Parliament a strategic plan setting out how the Commissioner proposes to perform their functions during the four year period.
- 5.2 The Senior Management Team will advise on the contents of the strategic plan. Prior to laying the plan the Commissioner will consult with the Scottish Parliamentary Corporate Body, relevant committees of the Scottish Parliament and any other persons and organisations the Commissioner considers appropriate.
- 5.3 The Commissioner can lay a revised strategic plan before Parliament at any point during a four year period. The Commissioner must consult on the revised plan.

6.0 Alteration of Standing Orders

- 6.1 These standing orders may be varied or revoked by the Commissioner, with the agreement of a majority of the members of the SMT, at any time providing that at least one month's notice is given of the proposed alteration.
- 6.2 These standing orders shall be reviewed at least every five years.

Version	Description	Date	Author
1.0	Initial version	01/04/2011	Business Manager
1.1	Update on minor change of arrangements	11/12/2013	Business Manager
1.2	Update on minor change of arrangements	21/12/2015	Business Manager
2.0	Review with updated branding	10/11/2020	Head of Corporate Services
3.0	Reviewed following audit recommendations	17/07/2023	Head of Corporate Services
3.1	Update on minor change of arrangements	10/03/2024	Head of Corporate Services
3.2	Minor amendments to ensure section 2 is in line with current SMT Terms of Reference.	18/03/2026	Head of Corporate Services