

# Ethical Standards Commissioner

## OUR STRATEGIC PLAN 2020-24

Efficient, impartial, quality driven

Assuring  
ethical excellence  
in Scotland

ESC

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This plan is laid before the Scottish Parliament by the Commissioner for Ethical Standards in Public Life in Scotland as required by section 14 of the Scottish Parliamentary Commissions and Commissioners etc. Act 2010.

## **COMMISSIONER'S FOREWORD**

With rising volumes of both incoming complaints and public appointment rounds in recent months, together with the upcoming expansion of my remit to include bullying and inappropriate behaviour complaints, the need for optimal efficiency and quality of service is increasingly paramount. Fortunately, having initiated a far-reaching restructure since taking up office in April 2019, significant progress has already been made towards providing a fast, modern and professional service which fulfils these needs.

December 2019 marked a milestone month for my office as a full staff complement was in post for the first time in a year and a robust modern IT infrastructure fully deployed.

Many challenges lie ahead – most notably that of clearing the legacy complaints caseload – but with the sound foundations created by the restructure, the office is well placed to assure ethical excellence in Scotland as statute intended.

This strategic plan sets out my high-level objectives for the coming years of my term, 2020 – 2024.

The plan aims to inform MSPs, local authority councillors, public body board members and, of course, the Scottish public, about my vision for the future. It also provides my staff with a broader understanding of the office and enables them to see how their own work contributes to the whole picture.

The office of the Ethical Standards Commissioner was formed by the 2011 merger of three organisations which were originally established under statute between 2000 and 2003. With the passage of almost two decades, a full refresh of the office was overdue. The restructure has included a remodelling of the staff complement and marked the start of this refresh which will be augmented and consolidated over the coming few years.

Through necessity, the shorter-term focus will be on embedding operations, systems and staff, with a view to then presenting a revised strategic plan once such foundations achieve a degree of maturity and consolidation.



Caroline Anderson FCA  
Ethical Standards Commissioner

31 March 2020

## OUR VISION AND VALUES

### OUR VISION



### OUR VALUES



**Striving for quality and best value in all we do**

## ACTIVITY OVER THE PAST YEAR

Since taking up office in April 2019, the Commissioner and her team have:

- Developed and implemented a full restructure of the organisation
- Recruited and inducted seven new team members
- Become an accredited Living Wage employer
- Codified the processes used for investigating complaints about the conduct of MSPs
- Continued to develop cyber security processes building on Cyber Essentials Plus accreditation gained in early 2019.
- Installed a more robust broadband service
- Renewed IT equipment to ensure all operating systems continue to be secure and resilient
- Launched a new case management system
- In order to broaden the organisation's knowledge base and share good practice, taken part in a range of events, such as:
  - the Scottish Government's Digital Champions programme
  - the First Ministers' National Advisory Council on Women and Girls
  - the Scottish Government's Cyber Resilience Unit seminars
  - EQUATE Scotland events for women in STEM subjects
  - The Scotland's Women Stand event at the Scottish Parliament
  - A Women Mean Business Forum hosted by Holyrood Insights
- To further the work of the office, the Commissioner has:
  - presented at two public body board member induction events
  - held a meeting with the Cabinet Secretary for Finance, Economy and Fair Work, who has responsibility for ministerial appointments
  - given evidence to the Standards, Procedures and Public Appointments Committee
  - hosted the inaugural meeting of the Network of Ethical Standards Investigators
  - incepted introductory meetings with Directors-General of the Scottish Government
  - presented at and contributed to Monitoring Officer events

## OVERVIEW OF THE COMMISSIONER'S PLANS

Some of the key changes I want to deliver are:

***Driving quality*** via targets, indicators and review systems

***Modernised governance*** tailored to our strategic plans

***Innovating*** to secure a proportionate and public interest focus in our work

***Building on intelligence*** using data and knowledge to identify trends and future proof the services we offer

***Developing staff*** to ensure consistent high quality of our professional skills base

***Better complaints handling*** via a streamlined, faster, high quality service

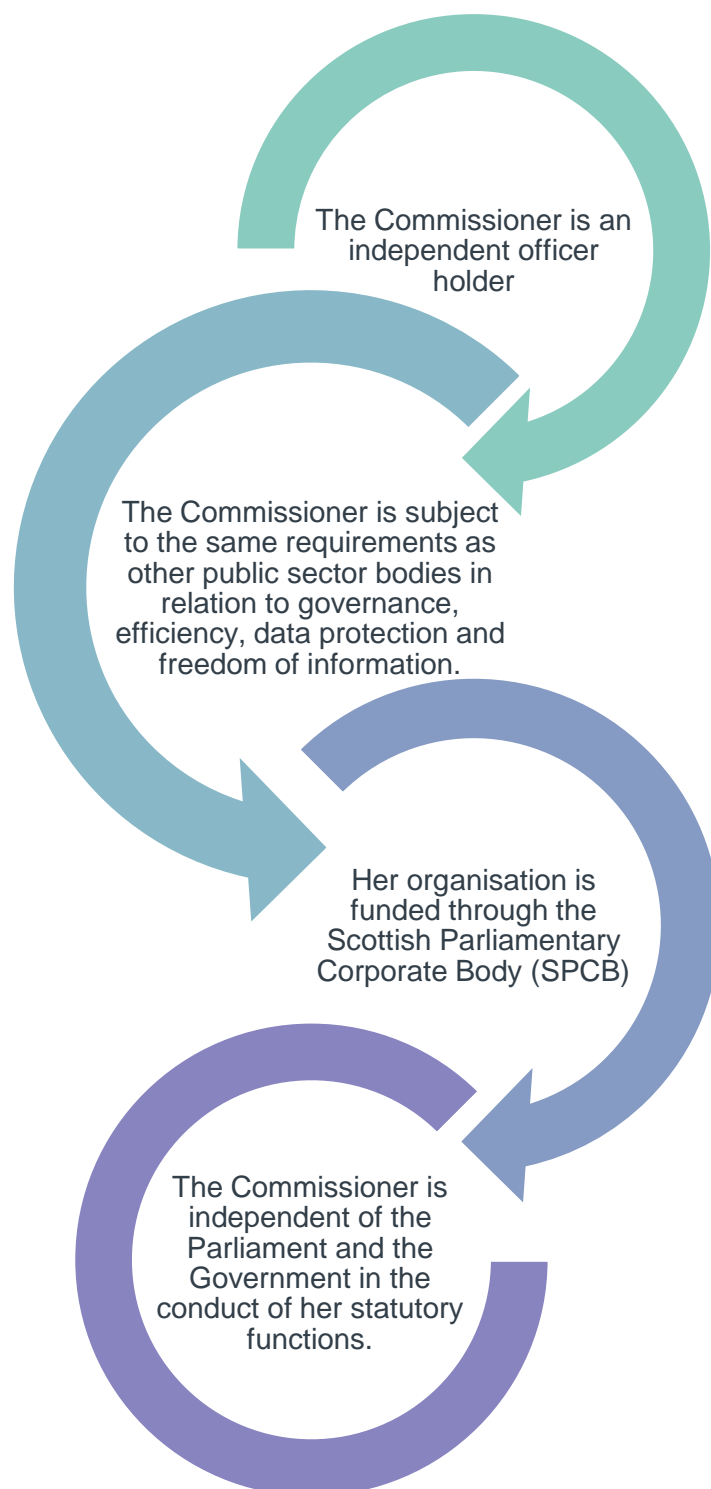
***Engagement*** with MSPs, local authority councillors and public body board members to inform and shape service delivery

***Codifying*** a coherent, comprehensive suite of procedures

***Revisiting our approach*** to public appointments regulation to ensure appropriate evolution and maturity

***Revising the Code and guidance*** on Ministerial Appointments to Public Bodies in Scotland

## ABOUT THE COMMISSIONER'S OFFICE



## OPERATING CONTEXT

My office operates in a **demand driven environment**, with the volume of public appointment rounds and incoming complaints both fluctuating over time.

The scope of my remit is set to expand over the early years of this strategic plan. This expansion relates to changes to the Code of Conduct for MSPs to include complaints from MSP staff and parliamentary staff, of bullying, harassment (including sexual harassment) and other inappropriate behaviour with no time bar on historic incidents. Suitable expertise may be required to cater for complaints arising under this newly expanded scope, which has the potential for considerable operational impact.

The extent to which complaint volumes increase as a result of this scope expansion may further impact what has been a marked increase in total complaints over the past year.

## CONTRIBUTION TO NATIONAL PERFORMANCE FRAMEWORK

The Commissioner's activities are relevant to the people, prevention, performance and partnership elements of the [Scottish Government's reform agenda for public services](#).

- The existence of an independent body responsible for investigating and reporting on alleged breaches of the various codes of conduct contributes to prevention and to performance, and to the maintenance of public confidence in the ethical standards observed by many institutions which are responsible for the development and implementation of public policy and for the delivery of public services.
- The Commissioner's public appointments work, and in particular the role of the Public Appointments Advisers' (PAAs') and the Commissioner's engagement with the Scottish Government officials tasked with enhancing board appointments and governance, contributes to the people, performance and partnership elements of the reform agenda, and to the wider [human rights](#) outcome by promoting equality of opportunity and diversity in the public appointments process.

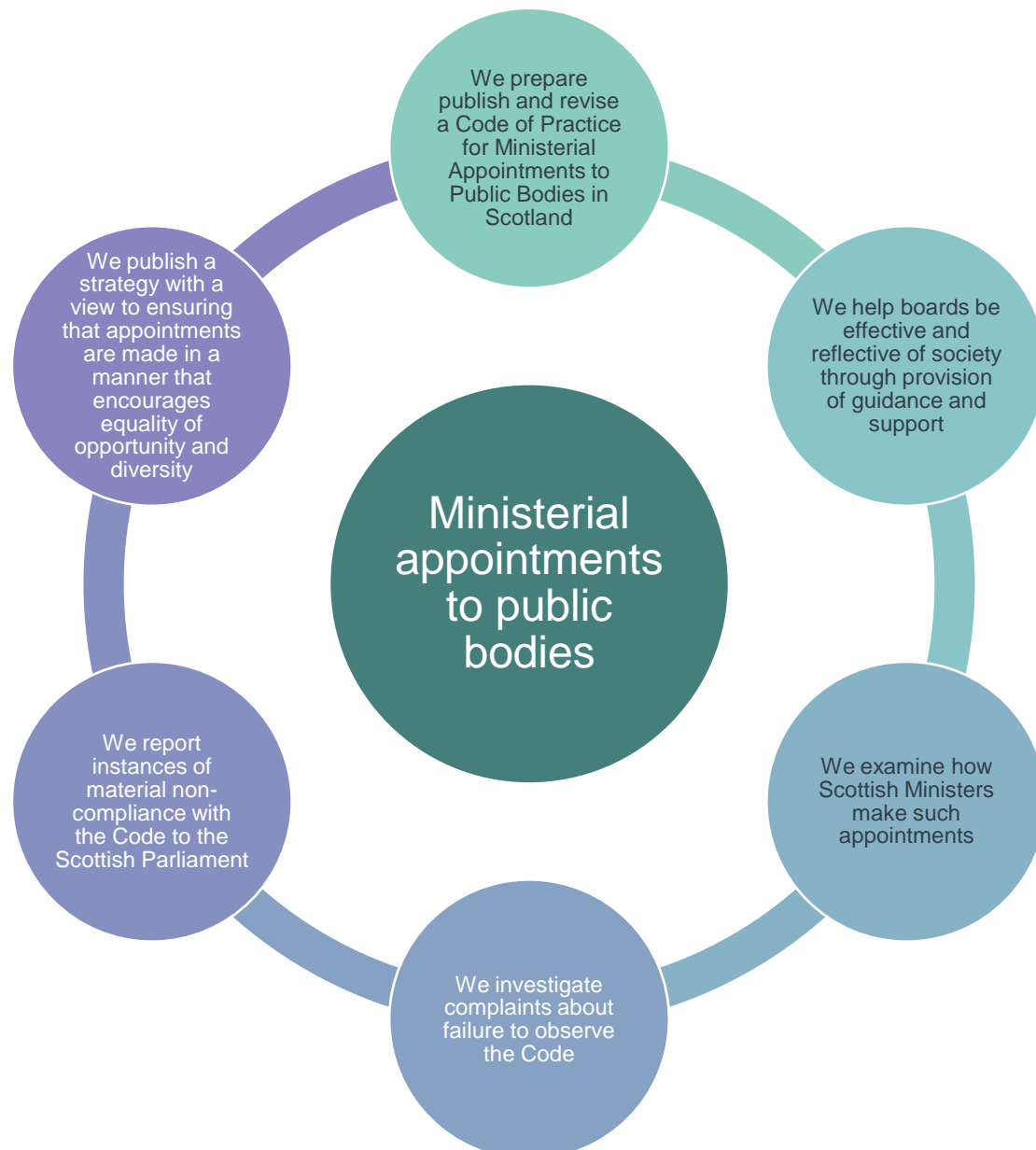


## OUR STATUTORY FUNCTIONS

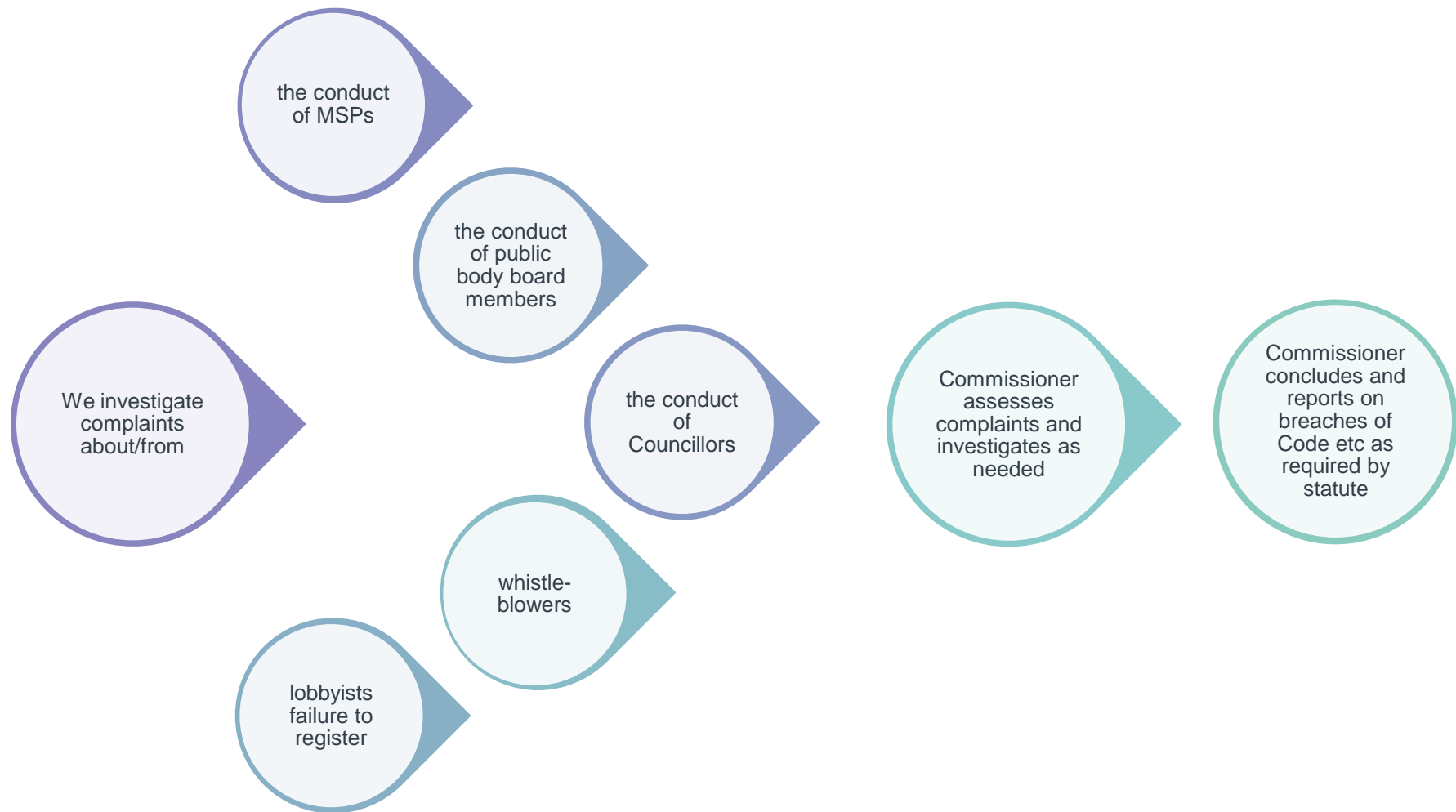
The Commissioner has a broad range of statutory functions which can be summarised as:

- regulation of ministerial appointments to public bodies
- complaints handling

### REGULATION OF MINISTERIAL APPOINTMENTS TO PUBLIC BODIES



## COMPLAINTS HANDLING



The Commissioner's remit is statutory. All relevant statutes are listed in Appendix 1.

## OUR STRATEGIC OBJECTIVES

### Assuring ethical excellence through delivery of a high-quality complaints handling service

- Develop and implement new investigation procedures to optimise service provision
- Implement risk-based quality assurance monitoring to foster further improvements
- Innovative thinking around legislative and related changes which secure public interest and best value

### Evolution and maturity as a regulator, responsive to contextual and scope change

- Help create public body boards that are effective and reflective of society through our regulatory and outreach work , including our Diversity Strategy
- Consider adoption of a traditional regulatory role more fitting to the current environment
- Prioritise evolution of systems fit for handling sexual harassment and bullying complaints

### Developing a talented professional team to further drive quality

- Plan for breadth of experience in our team to facilitate succession and cover
- Identify new capabilities required to support continual modernisation and deliver strategy
- Perform training needs analysis and tailor provision to identified development needs

### Creating an effective information governance system designed to support our business aims

- Review our risk management procedures to ensure they are fit for purpose
- Ensure that we manage the information we hold in a secure and appropriate manner
- Utilise technological developments to improve our services

## HOW WE REPORT ON PROGRESS

We will report progress against the strategic plan through our:

- Annual Report
- Annual Report and Accounts

These annual reports will set out achievement against the published business plan.

The annual business plan sets out the activities of the organisation and how they support the delivery of our strategic objectives. The plan is a mixture of regular business as usual activity as well as actions to deliver specific pieces of work. It may include operational performance indicators, targets, monitoring mechanisms and quality standards for the organisation. These are reviewed annually.

Progress will also be reported via:

- Parliamentary scrutiny
- Specific reports required by legislation and national guidance
- Special reports
- Publications of documents such as minutes and governance reports
- Ad hoc reports
- Engagement with a range of stakeholders

## COSTS

We recognise that public sector resources are limited and understand that we must review and scrutinise our services to ensure best value and continuous improvement.

The following table shows current expenditure projected over the period of this plan, assuming no change in real terms. This budget is the minimum required to deliver current statutory functions to published standards and timescales.

	2020/21	2021/22	2022/23	2023/24
<b>Staff Costs</b>	645	686	732	771
<b>Staff Related Costs</b>	9	8	9	9
<b>Property Costs</b>	85	89	93	97
<b>Professional Fees</b>	145	151	146	147
<b>Running Costs</b>	50	52	53	55
<b>Sub-total</b>	<b>934</b>	<b>986</b>	<b>1,033</b>	<b>1,079</b>
<b>Capital Expenditure</b>	3	5	5	4
<b>TOTALS</b>	<b>937</b>	<b>991</b>	<b>1,038</b>	<b>1,083</b>

These budgets take account of the fact that almost all of our work is demand led. They will be refined each year to reflect any significant changes and agreed with the Scottish Parliamentary Corporate Body. Changes to the budget may be driven by external forces, such as pay increases and adjustments to pension contribution rates, as well as additional statutory functions and regulatory requirements. Funding for additional specific projects supporting this strategic plan will be sought as part of the annual budget exercise. An indication of these costs is given in the following table. Where possible, we will absorb these costs in the existing budget.

## TIMEFRAME AND ESTIMATES

Strategic Objective	2020-21	2021-22	2022-23	2023-24
	£000's	£000's	£000's	£000's
<b>Assuring ethical excellence through delivery of a high-quality complaints handling service</b>				
Develop and implement new investigation procedures to optimise service provision	•			
Implement risk-based quality assurance monitoring to foster further improvements		5	•	•
Innovative thinking around legislative and related changes which secure public interest and best value	•	•	•	•
<b>Evolution and maturity as a regulator, responsive to contextual and scope change</b>				
Help create public body boards that are effective and reflective of society through our regulatory and outreach work, including our Diversity Strategy	2	5	10	2
Consider adoption of a traditional regulatory role more fitting to the current environment	4	12		
Prioritise evolution of systems fit for handling sexual harassment and bullying complaints	6			
<b>Effective information governance designed to support our business</b>				
Plan for breadth of experience throughout the team to facilitate succession and cover	•	•	•	•
Identify new capabilities required to support continual modernisation and deliver strategy	•	•	•	•
Perform training needs analysis and tailor provision to identified development needs	2	5	5	5
<b>Creating an effective information governance system designed to support our business aims</b>				
Review of our risk management procedures to ensure they are fit for purpose	•	4	4	4
Ensure that we manage the information we hold in a secure and appropriate manner	3	5	5	5
Utilise technological development to improve our services	•	5	10	10

- Activity planned, but currently anticipate costs can be absorbed.

## APPENDIX 1

### STATUTORY PROVISIONS

The Commissioner's functions in relation to public standards were originally set out in

- a) the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the Ethical Standards Act), and
- b) the Scottish Parliamentary Standards Commissioner Act 2002 (the Parliamentary Standards Act).

The Commissioner's functions in relation to public appointments were set out in the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (the Public Appointments Act).

Revisions to the institutional arrangements and performance requirements were set out in the Scottish Parliamentary Commissions and Commissioners etc Act 2010, and in The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 (Scottish Statutory Instrument 2013/197)

The remit was extended by the Interests of Members of the Scottish Parliament (Amendment) Act 2016 and by the Lobbying (Scotland) Act 2016.

## APPENDIX 2

### OUR PURPOSE

1. We investigate complaints about the conduct of MSPs, local authority councillors and board members of public bodies.

Standards of behaviour are set out in codes of conduct for MSPs, councillors and board members.

Where the Commissioner considers that the relevant Code has not been followed, she will report to

- the Standards Commission for Scotland, in the case of councillors and board and
- to the Scottish Parliament, in the case of MSPs.

The Commissioner also investigates complaints about lobbyists, where they fail to register or supply certain information to the Scottish Parliament. Any breach is reported to the Scottish Parliament.

2. We regulate how the Scottish Ministers make appointments to the boards of regulated public bodies. The Commissioner has the power to:
  - prepare and publish and, as necessary, revise a Code of Practice for Ministerial Appointments to Public Bodies in Scotland
  - issue guidance on the Code
  - examine how the Scottish Ministers are making appointments and in particular assess whether they are following the Code of Practice, and
  - report any serious instances of non-compliance to the Scottish Parliament

We must also ensure that, as far as possible, appointments are made fairly and openly and allow everyone, where reasonably practicable, the opportunity to be considered for an appointment.

Details of the legislation underpinning these functions are available on our website.



