STRATEGIC PLAN 2021-2024

Ethical, empathetic, effective

How we’ll fulfil our role in

public life in Scotland

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Following consultation, this plan was 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.

**ACTING COMMISSIONER’S FOREWORD**

The introduction of this revised strategic plan coincides with the sixth session of the Scottish Parliament. I have introduced it earlier than anticipated by the usual planning cycle to reflect our significantly altered operational context. The final months of the Parliament’s fifth session saw a significant increase in complaints made to the office about the ethical conduct of individuals in public life. Those same months coincided with a decision by our external auditors to conduct a full wider scope review into the work of this office. These were difficult months coming, as they were, towards the end of a year in which people had endured loss, hardship and exceptional stress as a result of a global pandemic.

I am grateful for the auditors’ work on the review and have welcomed their recommendations, the majority of which are addressed in this plan and in my more detailed biennial business plan which I plan to publish during the course of October.

The public’s trust in those whom they elect to serve is of paramount importance to a healthy democracy. When public trust is eroded, so is public confidence in the individuals and institutions privileged enough to fulfil positions in public life. Trust, it is said, arrives on foot but departs on horseback. This plan sets out the steps that this office is already undertaking and intends to take in future to contribute to the restoration of the public’s trust in us and in those individuals and institutions.

Our role is to investigate, without fear or favour, whether complaints about lobbying, the conduct of MSPs, local authority councillors and public body board members are well-founded. We report on our findings to other bodies, such as the Scottish Parliament itself in the case of MSPs and the Standards Commission for Scotland in the case of councillors and board members, which then take a view on whether inappropriate conduct identified is worthy of sanction. We are therefore part of a system of checks and balances intended to both promote good conduct and to hold individuals to account when that conduct falls short of what is expected. Each part of this system has to work effectively in order for the public to have trust in it.

We also oversee the system made to appoint chairs and board members to the majority of the boards of public bodies in Scotland. Whilst not elected, the members of the boards of nearing 100 regulated public bodies in Scotland have responsibility for providing the governance oversight of vital services that affect us all. These touch every aspect of our lives; from health to housing, the environment to education, the economy to enterprise, the creative and cultural sectors to crofting, or policing to public transport. Each Board within its different sector and particular remit provides strategic direction, scrutiny of performance and of course, stewardship of significant amounts of public money. It is in everyone’s interests that these important public bodies are led by people who have a diverse range of the most appropriate skills and experience, who act with independence of thought, integrity and commitment and who are reflective of Scotland’s geography, demography and breadth of experiences and insights.

Our role is to promote good practice in the making of these appointments, to encourage and enable improvements in board diversity and to report publicly when such practice isn’t followed. Such reports present the Scottish Government and ourselves with opportunities to learn and improve on the appointments process.

The plan aims to inform MSPs, local authority councillors, public body board members and, of course, the people of Scotland, upon whose trust every elected individual and public authority relies, about what we plan to do in the coming years and, just as importantly, how we plan to do it.

I am very grateful to all of the individuals and organisations that took the time to respond to the draft of this plan during the consultation period. Their constructive views have led to a number of changes, reflected in this final version, which I hope and trust meets their aspirations for the work of this office.



Ian Bruce

Acting Ethical Standards Commissioner

8 October 2021

**OUR PURPOSE, VALUES AND STRATEGIC OBJECTIVES**

We have concluded that our previous plan lacked a clear statement about how we will go about fulfilling our purpose and our objectives. The introduction of a statement of our values seeks to address this gap.

**OVERVIEW OF THE ACTING COMMISSIONER’S PLANS**

**Some of the key changes we plan to deliver are:**

**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.

**ABOUT THE COMMISSIONER’S OFFICE**

**OUR OVERSIGHT AND REPORTING LINES**

**OPERATIONAL CONTEXT**

The introduction of this plan coincides with a new session of the Scottish Parliament and presents an opportunity to encourage conversations about the ethical conduct that the public anticipates from MSPs, councillors and board members.

With the easing of lockdown measures, put in place as a result of a global pandemic, we will have to consider whether our traditional operating model for acquitting our statutory functions remains appropriate. Staff have been working almost exclusively remotely and that will have ramifications for the office’s approach to working in the future. Increased flexibility in working patterns and practices can realise benefits both for staff and for those who come into contact with us.

Our office operates in a demand driven environment, with the volume of public appointment rounds and incoming complaints both fluctuating over time. The scope of our 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 will be required to cater for complaints arising under this newly expanded scope, which has the potential for considerable operational impact.

Additionally, new Codes of Conduct for Councillors and Members of Devolved Public Bodies have been laid with the Scottish Parliament. The changes made to the previous versions will mean a change to the expectations placed on those subject to both Codes’ provisions. They place much greater emphasis on personal responsibility. We worked alongside the Scottish Government and the Standards Commission for Scotland on the revised Codes as they were being developed. The Standards Commission has an adjudicatory role, given that it reaches conclusions on the cases that we bring before it, regardless of the conclusions that we have reached. It can also issue us with directions in relation to relevant aspects of our work and did so in the preceding year. Although we operate at arms-length from each other to ensure independence on individual cases, it is vital that we also work together to ensure a shared understanding of the Codes, the guidance and their application to individual circumstances. We anticipate continuing with and building on that productive working relationship, inclusive of attendance at training on the revised Codes, to ensure that there is consistency in the system of regulation such that everyone knows what to expect from us. We will also support the Standards Commission with the provision of training for board members, councillors and others on the revised Codes to ensure wider understanding of their provisions.

The extent to which complaint volumes increase, as well as an increase in their complexity, as a result of this scope expansion and the changes made to the Codes of Conduct, may further impact what has been a marked increase in total complaints over recent years.

Over and above this, we are consulting on revisions to the Code of Practice for Ministerial Appointments to Public Bodies in Scotland and also seeking support for a renewal of Diversity Delivers, the first strategy designed and published in 2008, intended to secure more diverse boards. Board diversity has never been more important, given the exceptional challenges that our public bodies face and the innovative solutions required to deliver against ministerial ambitions.

**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](http://www.gov.scot/Topics/Government/PublicServiceReform).

* 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](https://nationalperformance.gov.scot/national-outcomes/human-rights) outcome by promoting equality of opportunity and diversity in the public appointments process. We are also committed to equality, diversity and inclusion in our own work, in our interactions with others and in relation to our staff. Assurance that appointments are made on merit and that the process secures diverse boards also contributes to performance against the framework. Good governance of our public bodies will not be attained without diverse boards populated by people who are effective in their roles.

**EQUALITY, DIVERSITY AND INCLUSION**

* As with other public authorities, the Commissioner’s office is subject to the Public Sector Equality Duty (PSED). Equality and the PSED are at the heart of and inform all of our work. We will ensure all staff know how to meet the duty in their work, so they can carry out their roles effectively. We will also collect and analyse demographic data and qualitative views to ensure that our policies and practices are equitable and meet the needs of people, regardless of the protected characteristics that they share.

**OUR STRATEGIC OBJECTIVES**

We aim to ensure that we have the staff and resources in place that are needed to deliver all of our objectives. We value people and recognise that unless we have staff who are valued and supported to maintain their wellbeing, feel happy in and proud of our work and the way in which we do it, we will have failed. Actions under this heading are set out in page 18 of this plan.

**HOW WE WILL REPORT ON PROGRESS**

We will report progress against the strategic plan through our:

* Annual Report and Accounts
* Regular publication of minutes of Senior Management Team meetings at which progress will be discussed and recorded.

The annual report and minutes will set out achievement against the published business plan.

The biennial 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 will include references to operational performance indicators, targets, monitoring mechanisms and quality standards for the organisation. These will be reviewed annually on a rolling basis and progress against the plan will also be published annually.

Progress will also be reported via the following channels, with all publications available on our website and highlighted on social media as appropriate:

* Reports and evidence to the relevant subject committees of the Scottish Parliament
* Specific reports required by legislation and national guidance
* Special reports
* Publications of documents such as minutes from senior management team meetings and governance reports
* Ad hoc reports
* Good practice case studies on our website, to celebrate and encourage wider adoption

The results of our engagement with a range of stakeholders using surveys and other methods will also be reported on.

The individuals and organisations that we consulted in order to develop this strategic plan are included in Appendix 3.

**COSTS**

We recognise that public sector resources are limited and understand that we must review, scrutinise and report publicly on our work 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. The projections have been varied to take account of recommendations arising from the wider scope review referred to in the Acting Commissioner’s foreword.

One of the recommendations marked as requiring urgent attention was the recruitment of staff into key posts in order to address a lack of capacity in relation to governance and fulfilling our investigatory functions. A business case to address this recommendation was submitted to the SPCB and agreed. It allowed us to recruit an additional Investigating Officer and an additional Corporate Services Officer as well as increasing to full time the hours of the Public Appointments Officer. The new staff structure is reflected in on p17.

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2021/22 | 2022/23 | 2023/24 |
|  | Approved Budget  £’000s | Indicative Budget  £’000s | Indicative Budget  £’000s |
| **Staff Costs** | 651 | 779 | 824 |
| **Staff Related Costs** | 13 | 16 | 17 |
| **Property Costs** | 90 | 92 | 92 |
| **Professional Fees** | 140 | 199 | 160 |
| **Running Costs** | 50 | 53 | 54 |
| **Sub-total** | **944** | **1,139** | **1,147** |
| **Capital Expenditure** | 2 | 6 | 6 |
| **Contingency funding** | 105 |  |  |
| **TOTALS** | **1,051** | **1,145** | **1,153** |

These budgets take account of the fact that the majority 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, adjustments to pension contribution rates, the impact of the UK’s exit from the European Union and the aftermath of a global pandemic 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 table on the following page. Where possible, we will absorb these costs in the existing budget.

**OUR STRUCTURE**

**Timeframe**

Detailed delivery dates for our strategic objectives are published in our [Biennial Business Plan 2021-2023](https://www.ethicalstandards.org.uk/publication/biennial-business-plan-2021-2023) available on our website.

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**APPENDIX 1**

**Statutory provisions**

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

1. the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the Ethical Standards Act), and
2. 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**

**WHAT WE DO**

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 has concluded his investigation, he 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 and where in his view a breach of the relevant provisions has occurred.

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.

1. 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.

**APPENDIX 3**

The individuals and organisations with a stake in our work, and who we consulted on this plan.

* The Scottish Parliament
* The Scottish Government
* The Standards Commission for Scotland
* COSLA
* The Society of Local Authority Lawyers & Administrators in Scotland
* SOLACE Scotland
* Chief Executives and Council Leaders of all Local Authorities in Scotland

Aberdeen City Council

Aberdeenshire Council

Angus Council

Argyll and Bute Council

City of Edinburgh Council

Clackmannanshire Council

Comhairle nan Eilean Siar

Dumfries and Galloway Council

Dundee City Council

East Ayrshire Council

East Dunbartonshire Council

East Lothian Council

East Renfrewshire Council

Falkirk Council

Fife Council

Glasgow City Council

Highland Council

Inverclyde Council

Midlothian Council

Moray Council

North Ayrshire Council

North Lanarkshire Council

Orkney Islands Council

Perth and Kinross Council

Renfrewshire Council

Shetland Islands Council

South Ayrshire Council

South Lanarkshire Council

Stirling Council

West Dunbartonshire Council

West Lothian Council

Scottish Borders Council

* The Chairs of Public Bodies

North East Scotland College

the Accounts Commission for Scotland

Architecture and Design Scotland

Ayrshire Regional College

the Bord na Gaidhlig

Borders NHS

Borders Regional College

the Cairngorms National Park Authority

Caledonian Maritime Assets Ltd

Forth Valley College

Children's Hearings Scotland

NHS National Services Scotland

Community Justice Scotland

Creative Scotland

the Crofting Commission

Crown Estate Scotland

Dumfries & Galloway Regional College

Dundee and Angus Regional College

Edinburgh Regional College

Fife Regional College

Food Standards Scotland

Grampian NHS

Highland NHS

Highlands and Islands Airports Ltd

Highlands and Islands Enterprise

Historic Environment Scotland

the Independent Living Fund

the Judicial Appointments Board for Scotland

the Regional Board for Lanarkshire Colleges

the Local Government Boundary Commission for Scotland

Lothian NHS

the Mental Welfare Commission for Scotland

the Mobility and Access Committee for Scotland

the National Galleries of Scotland

the National Library of Scotland

the National Museums of Scotland

NHS 24

the Office of the Scottish Charity Regulator

Orkney NHS

Quality Meat Scotland

the Risk Management Authority

the Royal Botanic Garden Edinburgh

the Schools Closure Review Panel

the Scottish Agricultural Wages Board

the Scottish Ambulance Service

the Scottish Children's Reporter Administration

the Scottish Commission on Social Security

Scottish Enterprise

the Scottish Further & Higher Education Funding Council

the Scottish Futures Trust

the Scottish Housing Regulator

the Scottish Land Commission

the Scottish Law Commission

the Scottish Police Authority

the Scottish Social Services Council

Skills Development Scotland

VisitScotland

the Water Industry Commission for Scotland

West Lothian Regional College

Western Isles NHS

Scottish Advisory Committee on Distinction Awards

City of Glasgow College

Glasgow Clyde College

Glasgow Kelvin College

Inverness College

Lews Castle College

North Highland College

Perth College

Ayrshire and Arran NHS

the Care Inspectorate

David MacBrayne Ltd

Dumfries and Galloway NHS

Fife NHS

Forth Valley NHS

Greater Glasgow and Clyde NHS

Healthcare Improvement Scotland

Lanarkshire NHS

Loch Lomond and the Trossachs National Park Authority

NHS Education for Scotland

the Parole Board for Scotland

the Poverty and Inequality Commission

Public Health Scotland

Revenue Scotland

the Scottish Criminal Cases Review Commission

the Scottish Environment Protection Agency

the Scottish Fire and Rescue Service

the Scottish Legal Aid Board

the Scottish Legal Complaints Commission

the Scottish Qualifications Authority

Scottish Water

Shetland NHS

South of Scotland Enterprise

sportscotland

the State Hospitals Board for Scotland

Tayside NHS

West Regional College

the Regional Board for Glasgow Colleges

the Golden Jubilee Foundation Board

the Scottish Fiscal Commission

Scottish Natural Heritage

Scottish Canals

Moray College

East Ayrshire Health and Social Care Partnership

North Ayrshire Integration Joint Board

South Ayrshire Integration Joint Board

Scottish Borders Health and Social Care Integration Joint Board

Dumfries and Galloway Integration Joint Board

Fife Integration Joint Board

Clackmannanshire and Stirling Integration Joint Board

Falkirk Health and Social Care Partnership

Aberdeen City Integration Joint Board

Aberdeenshire Integration Joint Board

Moray Integration Joint Board

East Dunbartonshire Health and Social Care Partnership Integration Joint Board

East Renfrewshire Integration Joint Board

Glasgow City Integration Joint Board

Inverclyde Integration Joint Board

Renfrewshire Integration Joint Board

West Dunbartonshire Integration Joint Board

Argyll and Bute Integration Joint Board

Highland Health and Social Care Partnership

North Lanarkshire Health and Social Care Integration Joint Board

South Lanarkshire Integration Joint Board

City of Edinburgh Integration Joint Board

East Lothian Integration Joint Board

Midlothian Integration Joint Board

West Lothian Integration Joint Board

Orkney Islands Integration Joint Board

Shetland Islands Integration Joint Board

Angus Integration Joint Board

Dundee Heath and Social Care Partnership

Perth and Kinross Joint Integration Board

Western Isles Integration Joint Board

Highlands and Islands Regional transport partnership

North-East of Scotland Regional transport partnership

Shetland Regional transport partnership

South-East of Scotland Regional transport partnership

South-West of Scotland Regional transport partnership

Strathclyde Regional transport partnership

Tayside and Central Scotland Regional transport partnership

Additionally, the Chairs of NHS Boards as a separate group

* Equalities Organisations

Inclusion Scotland

the Equality and Human Rights Commission Scotland

CEMVO

Age Scotland

the Scottish Women's Convention

MECOPP

Changing the Chemistry

Stonewall Scotland

the Scottish Youth Parliament

BEMIS

Women on Boards

the Equality Network

Disability Equality Scotland

the Coalition for Racial Equality and Rights

Neish Training

Young Scot

LGBT Youth Scotland

EQUATE Scotland

the Glasgow Centre for Inclusive Living

VOX Scotland

Youth Scotland

Engender

the First Minister's National Advisory Council on Women and Girls

Close the Gap

the University of the West of Scotland

Heriot-Watt University

PATH Scotland

the West of Scotland Regional Equality Council

Central Scotland Regional Equality Council

Edinburgh and Lothians Regional Equality Council

* Other Significant Organisations

Accounts Commission for Scotland

Audit Scotland

Chartered Institute of Public Finance and Accountancy

Colleges Scotland

Committee on Standards in Public Life

Institute of Chartered Accountants of Scotland

Institute of Directors Scotland

Law Society of Scotland

Office of the Commissioner for Public Appointments

Office of the Commissioner for Public Appointments in Northern Ireland

Scottish Chambers of Commerce

Scottish Council for Voluntary Organisations

Scottish Human Rights Commission

Scottish Public Services Ombudsman

Scottish Trades Union Congress

the Improvement Service

* Public Appointments Advisers

Di Airey

Neelam Bakshi

Jayam Dalal

Matt Dynan

Kay Hampton

Bernard Horsford

Ali Jarvis

Paul Matheson

Bill Smith

Alec Spencer

Duncan Wallace

Heidi Winser

Sue Young