



To: Audit, Risk and Scrutiny Board

On: 24 January 2022

Report by: Acting Director of Finance & Resources

Heading: Commissioner for Ethical Standards in Public Life in Scotland – Annual Report 2020/21

1. Summary

- 1.1 The Acting Commissioner for Ethical Standards in Public Life in Scotland has issued his 2020/21 Annual Report (the Report). The Report is available on the Commissioner's website at <https://www.ethicalstandards.org.uk/publication/esc-annual-report-2020-21>.
- 1.2 The Report provides details of investigation of complaints about the conduct of councillors, members of devolved public bodies and MSPs and scrutiny of Scotland's Ministerial public appointments process. Where there has been contravention of the relevant Code, the Commissioner reports this, in the case of councillors and members of public bodies, to the Standards Commission for Scotland and in the case of MSPs and in relation to lobbying complaints, to the Scottish Parliament.
- 1.3 The statutory functions of the Commissioner in relation to conduct and public appointments are set out in the Report together with details of the restructure exercise that was conducted.
- 1.4 The Report refers to a revised strategic plan for 2020 to 2024 which was redrafted as of 31 March 2021 and an explanation for the revision is outlined within this report at Section 3.
- 1.5 This report also refers to the revised Code of Conduct for Councillors which was issued in December 2021.

2. Recommendations

- 2.1 That the 2020/21 Annual Report by the Commissioner for Ethical Standards in Public Life in Scotland be noted; and
 - 2.2 That the actions taken in Renfrewshire in relation to the Code of Conduct and members' development be noted.
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3. Background

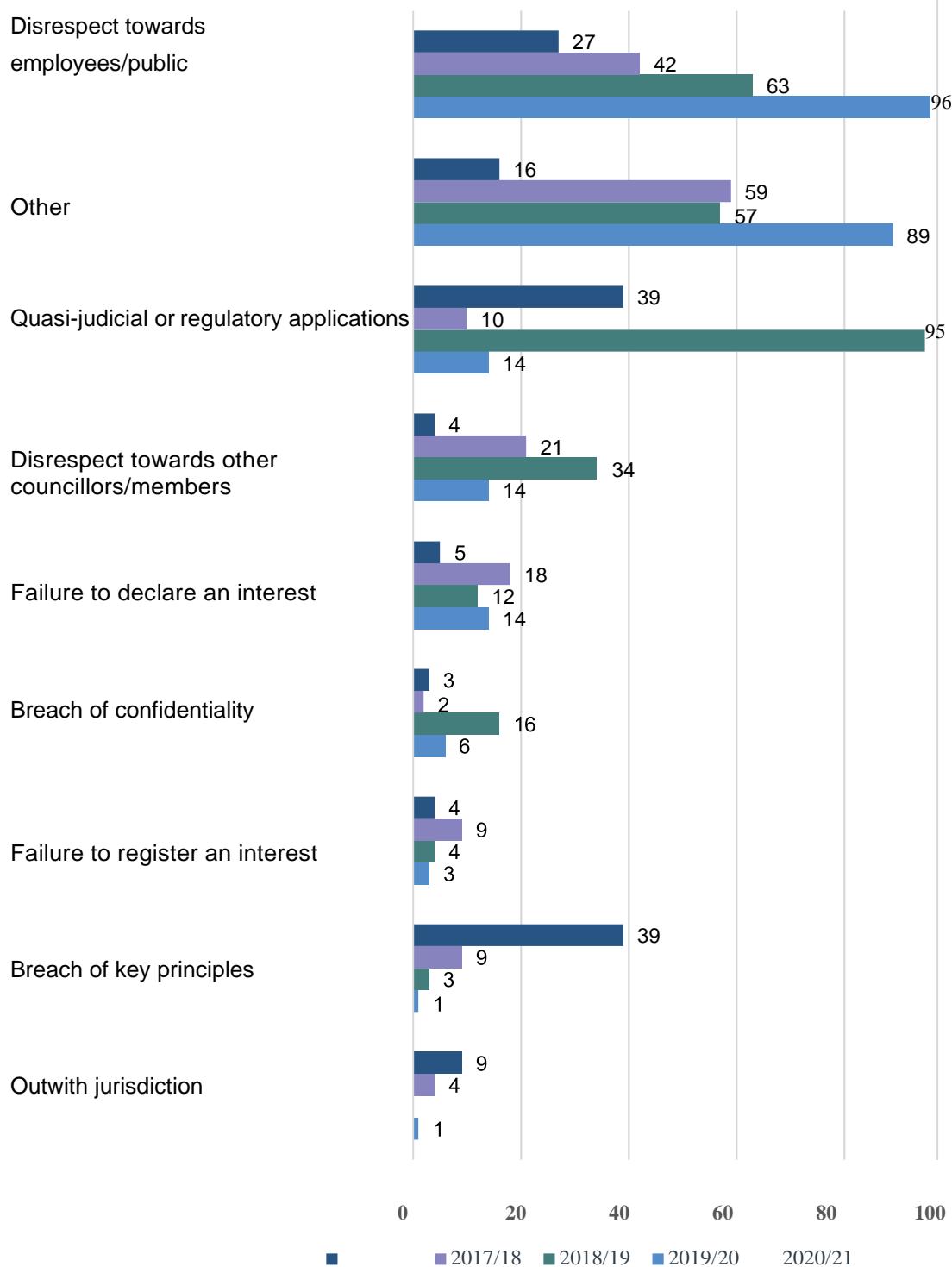
- 3.1 The Report outlines that on 1 April 2019 Caroline Anderson commenced her term as Ethical Standards Commissioner. In April 2021 Ian Bruce took over as Acting Ethical Standards Commissioner as the Commissioner took an extended period of leave. The Report advises of the significant activity during a particularly challenging period due to staff movement and restructure.
- 3.2 The Report notes that during 2020/21 public appointment activity was halted for a time due to the pandemic as officials were redeployed to other duties. Some administration tasks were backlogged at the end of the year and backlogs developed in MSP, councillor, and devolved public body complaints because of reduced staffing capacity.
- 3.4 The Report detailed the challenges faced by the organisation during the year due to, among other things, the loss of staff because of which the Standards Commission for Scotland issued directions to the Commissioner (an action without precedent) with a view to providing assurance to itself and others that the office was acquitted of its functions in accordance with its founding legislation. This, combined with high staff turnover and the absence of engagement with an Advisory Audit Board, led to their external auditor undertaking a wider scope audit.
- 3.6 The Report advised that under Section 22 of the Public Finance and Accountability (Scotland) Act 2000, the external auditors have now sent the accounts and their report to the Auditor General who will in due course make the audited annual report and accounts, and any additional report that is required, available for laying in the Scottish Parliament.
- 3.7 The Report highlighted that since the temporary appointment of the Acting Commissioner for Ethical Standards in Public Life in Scotland, action has been taken to remedy as many of the issues as possible. A revised strategic plan, to address recommendations from their external auditor, was developed for the next three years, which incorporated the values that were missing from the previous version and clear statements of intent about how the office would fulfil its statutory obligations in accordance with the expectations of the Parliament, public and stakeholders.

4 Complaints About Conduct

- 4.1 The Report advised that nationally the Commission experienced a slight decrease in the number of complaints received. The largest category of complaints related to disrespect toward employees/public (96).

- 4.2 Nationally, during 2020/21 the Commissioner received a total of 238 complaints, compared with 284 in 2019/20. Complaints originated from: Members of the Public (169); Councillors (52); Council Officers (7) and Others (10.)
- 4.3 The categories of complaints received, and the number of complaints received for 2020/21 are indicated below and are compared with the figures for the previous years.

No. of complaints by alleged breach



- 4.4 The Report advised that nationally a total of 24 cases (49 complaints) progressed to full investigation and were reported on and finalised during the year, with 17 being breach reports (regarding 39 complaints) which were heard by the Standards Commission, and 7 being reported on as non-breach (regarding 10 complaints).
- 4.5 No specific figures relative to Renfrewshire Council are included in the Report. However, information has been received separately from the Commissioner that, during the period covered by the report, five complaints were received compared with five in 2019/20 and three in 2018/19.
- 4.6 Of the five complaints received in 2020/21 relating to Renfrewshire Council, three of these were about disrespect to the public/council officers, one related to a declaration of interest and one concerned disrespect towards councillors.
- 4.7 Four of the complaints were dismissed at the admissibility stage and did not progress to investigation. One of the complaints progressed to investigation where the Commissioner found the Councillor in breach of the Code of Conduct and referred the case to the Standards Commission for Scotland.

5 Code of Conduct

- 5.1 At the Council meeting held on 16 December 2021, a report was submitted relative to the revised Councillors' Code of Conduct which came into force on 7 December 2021.
- 5.2 The purpose for the review of the Code was to bring it up to date, to make the Code easier to understand and to take into account developments in society such as the increased use of social media. It also proposed to strengthen the Code to reinforce the importance of behaving in a respectful manner and to make it clear that bullying and harassment was completely unacceptable and should not be tolerated. The aim was to produce a Code that was fit for purpose and would ensure the highest standards of conduct by councillors to maintain and strengthen the trust of those they were elected to serve.
- 5.3 The Revised Code of Conduct has been circulated to Councillors along with the Guidance which accompanies the Revised Code. These documents can also be accessed on the Standards Commission website through the undernoted links:-
- Revised Code of Conduct -
<https://www.standardscommissionscotland.org.uk/codes-of-conduct>
 - Revised Guidance -
<https://www.standardscommissionscotland.org.uk/guidance/guidance-e-notes>

- The Standards Commission has also updated and revised its Advice Notes in light of the changes to the Code. The revised Advice Notes can be found at;
<https://www.standardscommissionscotland.org.uk/education-andresources/professional-briefings>
- 5.4 The Head of Corporate Governance is available for members should they wish to seek advice on the Code of Conduct generally and specifically in relation to the registration and declaration of interests. In addition, the Standards Commission on 22 September 2021 provided a 'roadshow' on the Code of Conduct for Councillors for Renfrewshire.
- 5.5 It is intended that a briefing on the revised Code will be provided to elected members in early 2022. In addition, the Members' induction post the 2022 local government elections will include a session on the revised Code of Conduct.

6 Future Plans

- 6.1 The Report advised that the of the Commission's strategic objectives during 2020/21 were drawn from the revised 2020/24 Strategic Plan and these were detailed in the Report.
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Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community Planning** – None
4. **Legal** - None
5. **Property/Assets** – None
6. **Information Technology** - None
7. **Equality & Human Rights** – The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – None
9. **Procurement** - None
10. **Risk** – None.
11. **Privacy Impact** – None

12. COSLA Implications – None

13. Climate Risk - None

Background Papers - none

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