



INTEGRITY IN PUBLIC LIFE

**SURVEY OF MEMBERS OF
DEVOLVED PUBLIC BODIES
ANALYSIS OF RESPONSES**

EXECUTIVE SUMMARY

1. This document summarises the responses received by the Standards Commission for Scotland (Standards Commission) to a survey it issued to members of devolved public bodies.
2. The intention of the survey was to establish whether the lack of complaints about members of devolved public bodies was the result of a high level of adherence to the Codes of Conduct (based on the Model Code of Conduct) or whether poor conduct was taking place but going unreported. The Standards Commission also sought to establish the extent of awareness amongst members of certain provisions in the Codes.
3. The majority of Respondeees advised that they considered they had received wholly adequate training on the Code of Conduct for their devolved public body and that there were not any provisions within it that they found potentially confusing or difficult to understand. Where topics were identified by Respondeees as being challenging or problematic; these primarily related to the provisions on declaring interests and the extent to which the Code applied when members were using social media.
4. While a majority of Respondeees indicated they were 'entirely clear' about what interests required to be declared, a substantial minority reported that they were only 'reasonably' or 'not entirely' clear about this. Comments received from several Respondeees indicated there was some confusion about how to identify a declarable interest and about whether they were required to withdraw from the room having declared an interest.
5. Members were asked whether they were aware of, or had experienced, any disrespectful conduct by a fellow board member, such as conduct that could be described as bullying or harassment. While the majority of Respondeees confirmed they had not, a sizeable minority (16%) advised that they had. Examples of disrespectful behaviour provided included being dismissive of other members and using inappropriate language towards other members and officers.
6. Members were also asked about how reluctant they would be in making a complaint about a fellow board member. A substantial minority (43%) of Respondeees advised they would either be 'very' or 'somewhat' reluctant to do so. It is evident from the comments provided that a large proportion of members would only consider making a formal complaint about another member if the potential breach was serious and the matter could not be resolved informally / internally.
7. The Standards Commission intends sharing the survey results with the Scottish Government to help inform their induction and ongoing training programme for Chairs and members of devolved public bodies. The Standards Commission will also highlight the concerns raised about disrespectful behaviour in discussions with the Scottish Government regarding whether a bullying and harassment provision should be included in the Model Code of Conduct.

1. Introduction

- 1.1 At the end of August 2018, the Standards Commission for Scotland (Standards Commission) asked members of devolved public bodies to complete a survey to help it establish whether the lack of complaints about members of devolved public bodies was the result of a high level of adherence to the Codes of Conduct (based on the Model Code of Conduct) or whether poor conduct was taking place but going unreported.
- 1.2 A total of 299 responses were received by the closing date of 19 September 2018. This paper summarises the responses and comments received.

2. Respondees

- 2.1 Respondees were asked to indicate the type of public body of which they were a member. The following table compares the percentage of Respondees by category against the percentage of Members on each category of Board. It is evident from this that there was a relatively consistent response rate from each category.

CATEGORY OF PUBLIC BODY	% OF TOTAL BODIES	% OF RESPONDEES
National or regional public bodies	43	35
NHS Boards (including territorial health boards)	11	18
Health & Social Care IJBs	24	24
Further education college	17	18
Regional transport partnership	5	5

- 2.2 Respondees were asked to state their gender, sexual orientation, ethnicity and whether they considered themselves to have a disability. The Standards Commission has compared the responses to the overall profile of board members and is satisfied that that were no significant differences in the response uptake by gender, sexuality and / or ethnicity.

3. Training on and understanding of the Codes of Conduct based on the Model Code of Conduct (the Code)

- 3.1 Members were asked about the they had received on the Code for their devolved public body. 66% of Respondees confirmed they had received training when appointed or elected, with the remaining 34% advising they had not.
- 3.2 Members were asked whether training on the Code was provided on when they commenced in post. Just under 40% of Respondees who provided comments confirmed that training on the Code had been included as part of the induction, with another nearly 30% advising that while they had not received specific training on the Code they had been provided with a copy of it and / or had been made aware of it.

- 3.3 Some Respondee commenters had already received training on the Councillors' Code. They acknowledged, however, that while the Codes were different, a number of provisions were similar. It is considered, therefore, that such comments are not problematic.
- 3.4 It is noted, however, that approximately 17% of Respondee commenters either did not receive any training on the Code or did not consider any such training to be necessary. Two Respondee commenters stated that the Code was "straightforward" and, as such, they should not be required to attend or receive training on it.
- 3.5 In response to a question about the adequacy of training received, 78% of Respondee commenters indicated it was wholly adequate, with 20% advising it was 'somewhat adequate'. Just less than 2% indicated the training was not at all adequate. The majority of Respondee commenters were positive in their comments about how comprehensive the training had been. Some noted, however, that training would only remain relevant if Members were able to put any knowledge gained into practice.
- 3.6 The majority of Respondee commenters confirmed that there were not any areas of the Code that they found potentially confusing or difficult to understand. Areas that were considered more problematic were identified as being:
- The provisions in respect of declaring interests and, specifically, whether declaring an interest meant that you had to leave the room or whether a member could remain and participate in the discussion and any decision-making; and
 - The use of social media.

4. Registering Interests

- 4.1 Members were asked whether they received reminders in respect of updating their register of interests. 90% of Respondee commenters confirmed that they received reminders, with 10% advising they did not. Of those who commented, almost a third advised they received reminders annually, with approximately 40% advising that they received quarterly or regular reminders.
- 4.2 It was noted that members had to register interests separately for different public bodies and that it would be helpful to only have to do this once (if, for example, the information was recorded in one place).

5. Declaring Interests

- 5.1 Respondee commenters were asked whether members of their boards were reminded to declare any interests at the start of each board or committee meeting. A clear majority of Respondee commenters 88% confirmed that they were always given a reminder, with a further 6% confirming this was usually the case. Of the Respondee commenters who answered 'not usually' or 'never', comments were made to the effect that there was no need to do so as a reminder was included in the papers or as a standing item on the agenda. A further comment was made that although there was no formal reminder, members invariably declared interests, which in itself acted as a prompt for others to do so.

- 5.2 Members were asked whether they were clear about what constituted a declarable interest. 66% of Respondees indicated they were ‘entirely clear’, with a further 33% indicating they were only ‘reasonably’ or ‘not entirely’ clear, and 1% advising that they were ‘not at all’ clear.
- 5.3 A number of Respondees commented on what they would do if they were unsure about whether or not an interest should be declared. Of the Respondees who provided comments, only a relatively small minority indicated they would apply the objective test. Others stated they would seek advice from the Chair, fellow members or officers. More than a quarter of Respondees providing comments indicated that they would err on the side of caution and declare the interest even if it was not necessary to do so.
- 5.4 In addition, comments were made to the effect that most confusion over whether a declaration was required concerned non-financial interests and, in particular, interests in other organisations and bodies. A further comment was made that they were ‘differing standards’ for Councils, IJBs and Community Planning Partnerships in respect of what had to be declared.
- 5.5 Respondees were asked whether they were aware of any instances where a fellow board member had failed to declare a relevant interest and had proceeded to take part in the discussion and decision-making. A substantial majority of nearly 94% advised they had not, but some 6% confirmed they were aware of such an instance. Comments from those who stated that they were aware included ones to the effect that they had raised the issue and it had then been debated by the Board. It was noted that raising a concern was an ‘uncomfortable’ experience. A further comment was made that when the Respondee had questioned whether a fellow Member had a conflict, the Chair had not known how to handle the matter.

6. Respect

- 6.1 Members were asked whether they were aware of, or had experienced, any disrespectful conduct by a fellow board member, such as conduct that could be described as bullying, harassment or being dismissive. An 84% majority of Respondees confirmed they had not, with 16% advising that they had.
- 6.2 The question about respect attracted the highest number of comments. More than half of those who answered the question in the positive indicated that they had witnessed dismissive behaviour by members to their colleagues or in general. Sizeable minorities of Respondees indicated they had experienced bullying by other members and / or had witnessed bullying behaviour by members towards officers. A number of Respondees indicated that they had experienced members having used inappropriate language or tone in their communications with fellow members and officers.
- 6.3 Some examples of dismissive behaviour provided included “treating a board member as though they were a child, treating them in a demeaning way in front of the full board”; “dismissive of comments made” and “made to feel inadequate in front of other board members”; “showing disapproval, contempt, mocking in facial expression” and “putting a hand in front of a person trying to talk in order that they can be silenced”; “talked over and ignored on repeated occasions”; and “made to feel my views were not relevant”.

7. Complaints

- 7.1 Members were asked whether they were clear about how and to whom a formal complaint about a potential breach of a Code of Conduct could be made. 77% of Respondees advised that they were clear about this, with the remainder advising they were unclear.
- 7.2 Of the Respondees who provided comments, more than half indicated that while they were unsure about how and to whom they could make a complaint, they were confident they could find this out. A number of Respondees advised that they would make a complaint to the Chair of the Board in the first instance.
- 7.3 Members were asked about how reluctant they would be in making a complaint about a fellow board member. A total of 43% of Respondees advised they would either be 'very' or 'somewhat' reluctant to do so, with the remainder indicating they would be either 'not very' or 'not at all' reluctant to do so.
- 7.4 Reasons given for reluctance included a fear of repercussions or concern about the outcome. A sizeable majority of Respondees who commented advised that their decision about whether to make a complaint would depend on the circumstances and seriousness of the matter, whether they were sure a breach of the Code had occurred and / or whether there was any evidence to support an allegation that it had been contravened. Similarly, a sizeable majority of those who provided comments indicated that they would explore all possible internal avenues for resolving the matter (such as raising it in the first instance with the member concerned or the Chair) of the Board before making a formal complaint.
- 7.5 Some examples given in respect of why Respondees would be reluctant to make a complaint due to fear of repercussions or concern about the outcome included:
- Fear of losing their job;
 - Concern about impact on relationships;
 - Concern that nothing would be done;
 - Not being comfortable about making a formal complaint of bullying and harassment (would prefer an informal route to resolve concerns);
 - That challenging the Chair of the Board was very difficult; and
 - That the CESPLS would only be able to investigate breaches of the Code and not those who behaved 'inappropriately'.
- 7.6 It was evident from the comments provided that a large proportion of members would only consider making a formal complaint about another member if the potential breach was serious and the matter could not be resolved informally / internally. One Respondee indicated that he or she would prefer to step aside than to do so.

8. Gifts & Hospitality

- 8.1 Members were asked whether their organisation had a clear policy on gifts and hospitality. The majority of Respondees (94%) confirmed that there was either a 'very clear' or 'clear' policy in place. None of the comments received referred to the

organisation's policy being unclear but instead, 10 Respondees advised that they were unsure as to whether such a policy existed or were unaware of one.

9. Next Steps

- 9.1** The Standards Commission will further analyse the survey results and produce a further paper outlining its conclusions. The Standards Commission will share these with Scottish Government, where appropriate, to help inform their induction and ongoing training programme and online materials for Chairs and members of devolved public bodies.