



INTEGRITY IN PUBLIC LIFE

**SURVEY OF COUNCILLORS 2022:
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 the councillors of all 32 local authorities in Scotland.
2. The intention of the survey was to learn about councillors' experiences with the ethical standards framework and, in particular, their training on, and awareness of, the provisions of the Councillors' Code of Conduct. The Standards Commission intends to use information gathered to inform its future training events and to identify the need for any further educational material or guidance. The Standards Commission was also keen to see if it could improve how enquiries are handled and its Hearings and adjudicatory processes
3. Actions the Standards Commission hopes to take in light of the responses to the survey, subject to budget and resources constraints, are also outlined in the document under Section 10 below ('Next Steps'). It should be noted that as respondents were not asked to provide the dates of any experiences that are the subject of comments, it may be that changes and improvements have been made by either the Standards Commission or the Ethical Standards Commissioner's office in the intervening period.

ANALYSIS OF RESPONSES

4. In terms of experience, 49% of respondents advised they had been councillors for less than 5 years, 18% had been in post between 5 and 10 years, and 32% had been elected members for more than 10 years. 82% of respondents advised that they were members of a political party.
5. The vast majority (89%) of councillors who responded received an induction from their Council on the Code when they were elected. 83% of respondents reported that they found the training to be 'wholly adequate' or 'reasonably adequate'.
6. 69% of respondents were offered refresher training by their Council on the Code. 91% found that refresher training to be 'wholly adequate' or 'reasonably adequate'.
7. Only 28% of respondents reported having attended a Standards Commission training event. Of these, the majority found them 'wholly adequate' (39%) or 'reasonably adequate' (41%).
8. Overall, respondents indicated they had a good awareness of Standards Commission's Guidance and Advice Notes. However, the numbers advising that they used this material were significantly lower. There was good awareness and engagement with the Standards Commission's quarterly Standards Updates and the 'Cases' page of its website. There was also good awareness of the Standards Commission's 'About Us' and 'News' website pages and social media channels.
9. Some 23% of respondents reported having made an enquiry to the Standards Commission, either in writing or by telephone. While some 40% of respondents advised they did not consider the response helpful at all, it appears from the comments on this section that there was widespread confusion between the Standards Commission and the office of the Ethical Standards Commissioner (ESC), who is a separate and independent officeholder, responsible for the investigation of complaints. The remaining 60% of respondents indicated that they found the responses they received to be 'very helpful' (20%), 'reasonably helpful' (20%) or 'somewhat helpful' (20%).
10. The Standards Commission's Hearings process and decision-making is seen as 'wholly adequate' or 'reasonably adequate' by 69% of respondents. 26% of respondents advised that they

considered the quality of its written decisions to be ‘very clear’, with 34% of respondents stating they found them to be ‘reasonably clear’.

11. Respondents had very mixed responses to the question of whether they considered there was strong compliance and understanding of the Code.

1. INTRODUCTION

1.1 In February 2022, the Standards Commission for Scotland (Standards Commission) asked councillors to complete a survey to learn about their experiences with the ethical standards framework and, in particular, their training on, and awareness of, the provisions of the Councillors’ Code of Conduct.

1.2 A total of 152 completed responses were received by the closing date of 22 March 2022, resulting in a response rate of 12% (there are 1,227 elected members in Scotland). This paper summarises the responses and comments received. It should be noted that percentages have been rounded to the nearest whole number.

2. RESPONDENTS

2.1 The survey was sent to the Monitoring Officers of the 32 council areas in Scotland, who were asked to disseminate the survey to the elected members of their council area. The survey was also published on the Standards Commission’s website and reference was made to it in a COSLA elected members’ bulletin in March 2022.

2.2 Respondents were asked to identify their local authority. Responses were received from elected members of 24 councils. Disappointingly, no responses were received from eight council areas.

2.3 Respondents were asked to identify their gender. The Standards Commission has compared the responses to the overall profile of councillors in Scotland. While it is satisfied that, generally, that there were no significant differences in the proportion of responses by gender, only 32% of female respondents felt that there was strong compliance and understanding in respect of the bullying and harassment provisions in the Code, compared to 62% of men.

2.4 Almost half of respondents advised that they had been councillors for less than 5 years, with just under a 20% having been elected for between 5 and 10 years. Just over 30% of respondents had been serving councillors for over 10 years.

2.5 Just over 80% percent of respondents reported being members of a political party. This is broadly consistent with the overall profile of councillors in Scotland.

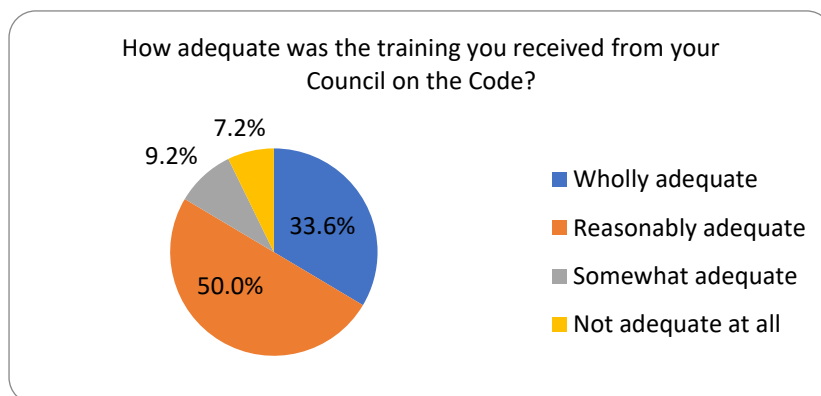
3. INDUCTION AND TRAINING

3.1 Respondents were asked whether their Council had provided an induction on the Councillors’ Code of Conduct for newly elected members after the last local government election in May 2017, and, if so, what form had this taken.

3.2 Just under 90% of respondents confirmed that they had received an induction on the Councillors’ Code. Most respondents indicated that they had received in-person training, usually spread over a number of sessions. Some respondents indicated they had received a “training pack” or other similar handouts, including copies of the Councillors’ Code.

3.3 When asked to indicate the adequacy of the training received, 84% of respondents described their training as ‘wholly’ or ‘reasonably’ adequate. 9% of respondents felt their training was

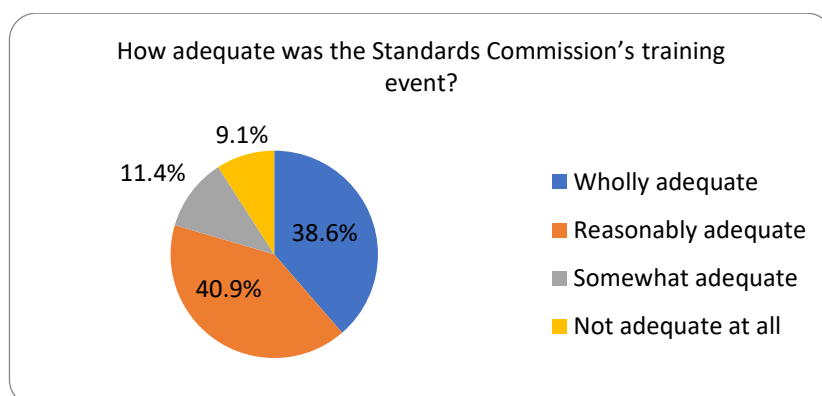
'somewhat adequate' with the remaining 7% reporting they considered it had not been 'adequate at all'.



- 3.4 Comments on the adequacy of training were wide-ranging. Many respondents commented on the thoroughness of their training, albeit in both positive and negative terms. Some praised the level of detail, finding it helpful and comprehensive, with one respondent noting it to be “very informative” and commenting that it allowed councillors to “work with [the] public and officials with greater knowledge”. Other respondents reported, however, that they considered the training provided was “overwhelming”, “a lot to take in at once”, “long and somewhat dull” and “a lot to digest”.
- 3.5 One respondent noted that the Councillors’ Code was too focused on what elected members are not allowed to do, rather than on how it could assist them in undertaking their role. The themes of context and experience cropped up in many responses. For example, one respondent reported that while they considered the training to be adequate at the time it was provided, they considered their later experience demonstrated there were “some shortfalls”. Another respondent advised that they considered the training received to be “wholly adequate for an experienced councillor”, but that it could have been “more detailed for new councillors”. Other respondents noted that the implications and importance of the Code only really became apparent with experience.
- 3.6 Respondents were asked whether their Council offered any refresher training on the Code, with just under 70% confirming they had. Many received regular reminders and updates through various mediums, such as online training, councillor briefings and emails from Monitoring Officers.
- 3.7 A few respondents advised that they had received refresher training when the Code was last updated in December 2021. Some respondents noted that they received updates when issues arose, either within their local authorities or elsewhere, although one respondent felt that different local authorities’ experiences could be shared more effectively.
- 3.8 On the adequacy of their refresher training, 91% felt it to be either ‘wholly’ or ‘reasonably’ adequate. Again, comments were made in respect of context and experience, with one respondent criticising the “abstract” nature of the training provided, and another reporting that they were unconvinced as to the extent of any benefit less experienced and newly elected councillors might gain from the training. One respondent felt the training to be “technically correct” but lacking in context.
- 3.9 Respondents were asked whether they had attended any of the Standards Commission’s training events, with 28% saying they had. Some respondents reported being unaware of any training events. A few respondents were of the opinion that such events would not be useful, stating “personally, I do not feel that it would have been the best use of my time” and that they had “better things to do with [their] time than spend time listening to yourselves waste

taxpayers' money". A few respondents indicated how difficult it was to find time for such events, with travel and family commitments also cited as potential barriers to attendance.

- 3.10 When asked to comment on the adequacy of the Standards Commission's training events, 80% of respondents reported finding them to be 'wholly' or 'reasonably' adequate, with the remaining 20% finding them to be only 'somewhat adequate', or 'not adequate at all'.



- 3.11 One respondent advised that they had left a Standards Commission training event with "more questions than answers". Others commented negatively on the presenter, and the format of the event, with one describing the session as "old fashioned". Of the mainly positive comments, some respondents found the events they had attended to be helpful, informative and worthwhile, noting that it was "always interesting to learn from the experience of others". One respondent found the case illustrations to be particularly helpful, with another praising a "good session" covering a "variety of topics and situations".

4. THE STANDARDS COMMISSION'S GUIDANCE AND EDUCATIONAL MATERIAL

- 4.1 Respondents were asked to identify whether they are aware of and had used any of the following guidance and educational materials produced by the Standards Commission:

- Guidance on the Councillors' Code
- Advice for Councillors on Arm's Length External Organisations
- Advice Note for Councillors on Distinguishing between Strategic and Operational Matters
- Advice Note for Councillors on Bullying and Harassment
- Advice Note for Councillors on the Application of Article 10 of the European Convention on Human Rights
- Advice Note for Councillors on How to Declare Interests
- Flowchart for Councillors on Making Declarations of Interest
- Advice Note for Councillors on the Role of the Monitoring Officer
- Assisting Constituents Card for Councillors

- 4.2 58% of respondents indicated that they were aware of the Standards Commission's Guidance on the Councillors' Code, with 42% reporting having used it. Awareness of the Advice Notes was generally higher, ranging from 58% to 83%. Use of the Advice Notes, however, was markedly lower, with the most used Advice Note on How to Declare Interests, having been by only 42% of respondents. The least employed Advice Note was the one on the Application of Article 10 of the European Convention on Human Rights (ECHR), with only 17% of respondents reporting having used it.

- 4.3 Respondents were also asked if they had any comments or suggestions on the content or format of the guidance and educational materials produced by the Standards Commission. With regards to the format, some respondents gave positive feedback, with one respondent describing it as "excellent", and another noting that the digital format allowed easy reference. One respondent, while noting they did not have any difficulties themselves, questioned

whether the documentation had been screened for accessibility. Others were less positive, with one respondent deeming the material in question far too long and wordy, and another advising they considered it complicated matters.

- 4.4 Some respondents indicated a preference for the provision of different formats of the material, with informal videos or modules suggested as an alternative, as well as a short, up-to-date hard copy handbook. Other respondents indicated that they would prefer a yearly update on all matters, discussion-led activities, workshops with examples of behaviour or face-to-face training with scenarios.
- 4.5 Notably, a number of respondents indicated that they had not heard of the guidance and educational materials and requested that, in future, they be emailed to councillors directly.
- 4.6 Comments on the content of the training and educational material were again varied. On the positive side, a number of respondents praised the material, calling it “clear”, “easy to follow” “helpful”, and “a vital service”. One respondent found the examples to be helpful in respect of explaining nuances in the Code’s provisions. Another indicated that while they found the material to be useful, they would nevertheless prefer to seek guidance from their council’s Monitoring Officer. One respondent called for more focus on the rights of councillors, rather than just their responsibilities, noting that it was “quite overwhelming to hear about all the hoops you have to jump through” with no corresponding commentary on “support or protections, especially for underrepresented groups”. One respondent felt there should be more emphasis on the consequences of breaching the Code. Another, while noting the Advice on ALEOs to be helpful, would like information to be provided to non-councillor ALEO members in order that they may understand better the responsibilities of councillor ALEO members. The Assisting Constituents Card was praised, as it helped explain the matters that a councillor could and could not help with.

5. THE STANDARDS COMMISSION’S STANDARDS UPDATES, WEBSITE AND SOCIAL MEDIA

- 5.1 Respondents were asked whether they engaged with the Standards Commission’s quarterly Standards Update newsletter and content on its website and social media pages. Then majority of respondents indicated they were aware of, or had read, the content posted, with 76% of respondents confirming they were aware of information on the ‘About Us’ and ‘News’ pages of the Standards Commission’s website, and 52% advising that they were aware of the content on the ‘Cases page’ (including the written decisions of Hearings). While 47% of respondents advised that they read the Standards Commission’s quarterly Standards Updates, fewer reviewed its social media content (with only 25% reading the Standards Commission’s tweets and only 20% engaging with its Facebook posts). One respondent advised that they had been unable to keep up to date with any correspondence issued due to having many other priorities arising from their community responsibilities and the coronavirus pandemic.
- 5.2 Feedback on the Standards Updates was positive with respondents commenting that they were “happy with the current format” and that it was “fit for purpose”. One respondent noted, however, that the Standards Update was difficult to access for those who were not IT literate. Another suggested that they were unaware that Standards Updates were published and suggested that the Standards Commission should do more work to promote the existence of these.
- 5.3 Several respondents advised that they did not engage with social media, with one respondent noting that it could be “dangerous” and “should not be a platform used to update elected members on issues”. A small number of respondents advised that they considered that it was sometimes overlooked that not everyone used social media or, indeed, preferred electronic communication. Others advised that they enjoyed the Standards Commission’s social media

content and suggested councils could promote this more. One respondent noted that “the social media pages are less formal and more approachable for the public”.

5.4 Comments on the Standards Commission’s website were generally positive with respondents noting that the “format and content seem fine and fit for purpose”. Several respondents advised that they found information about Hearing decisions useful to help them understand how the Code was to be interpreted. One respondent complained that while information had been published on the website about the imposition of an interim suspension, no corresponding decision made been published when this had subsequently been lifted.

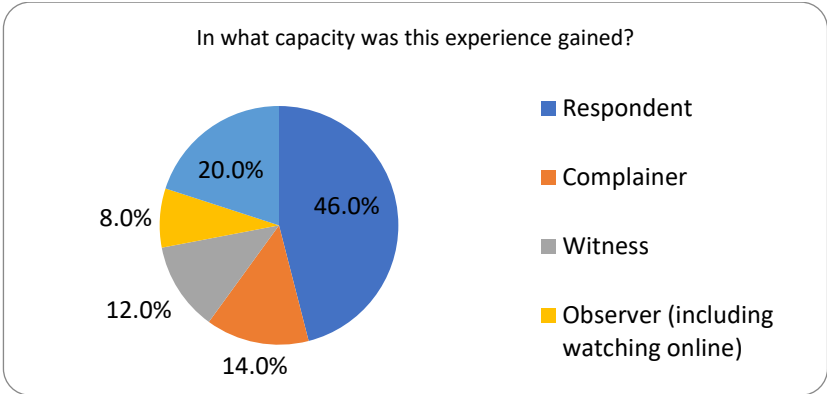
6. ENQUIRIES MADE TO THE STANDARDS COMMISSION

6.1 In response to a question about whether they or any of their colleagues had made an enquiry to the Standards Commission (either in writing or by telephone), some 25% of respondents confirmed that they had, while the remainder advised they had not. While 60% of respondents advised that they had found the response from the Standards Commission to be either ‘very helpful’ (20%), ‘reasonably helpful’ (20%) or ‘somewhat helpful’ (20%); some 40% advised it was ‘not helpful at all’. Unfortunately, having reviewed the accompanying comments, the Standards Commission has noted that several respondents appear to be confusing the Standards Commission with the office of the Ethical Standards Commissioner (ESC), who is a separate and independent officeholder, responsible for the investigation of complaints. This is because the majority of comments concern enquiries made at the investigation stage and decisions made by the ESC not to progress or uphold complaints.

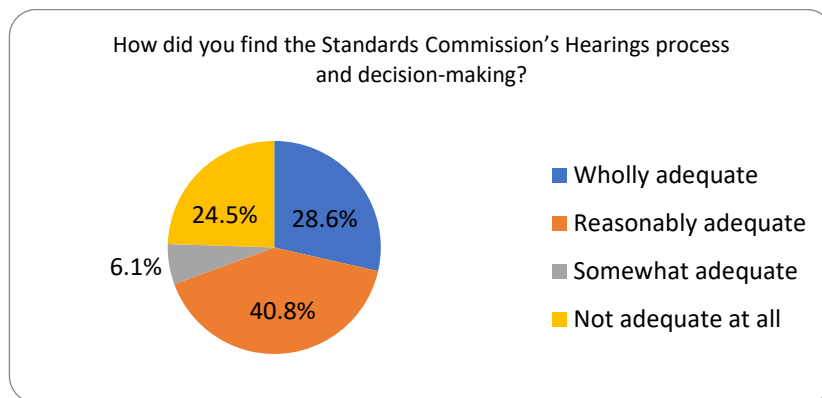
6.2 Of the comments that appear to be about enquiries made to the Standards Commission, one respondent noted that the response was “helpful in clarifying how to an approach a particular issue but the enquiry appeared to contradict the wording of the Code”. Another commented that “whilst the officer I spoke to and corresponded with was excellent and thoroughly professional, it was the rules that they were applying that were ridiculous.”

7. COMPLAINTS ABOUT BREACHES OF THE COUNCILLORS’ CODE OF CONDUCT

7.1 33% of respondents advised that they had experience of the Standards Commission’s Hearings and adjudicatory processes. Of these, 46% of respondents advised that they had been the Respondent (the person that was the subject of the complaint) at a Hearing, with 14% having experience as the complainer and 12% as a witness. A further 8% of respondents advised that they had observed a Hearing, either in person or online, with the rest reporting that they had engaged in an ‘other’ (i.e. had heard about a Hearing or read a written decision).

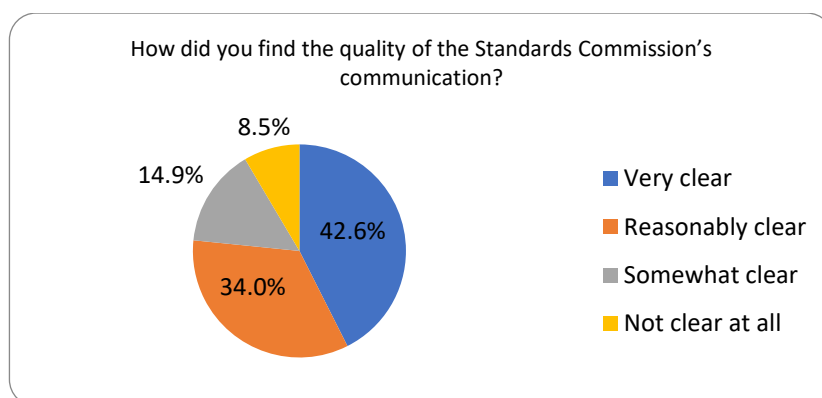


7.2 In response to a question about how they had found the Standards Commission’s Hearings process and decision-making, 69% of respondents advised they considered it to be ‘wholly adequate’ or ‘reasonably adequate’. Some 24% of respondents advised that they were of the view that the Hearing had been ‘not adequate at all’.



- 7.3 **Hearings:** Several respondents commented that staff of the Standards Commission had been “very professional” throughout the handling of the case and the Hearing itself. One respondent commented that they had been “impressed by the conduct of all officers, and the handling of the sensitivity of the case”, while another advised that while they were unhappy with the decision reached, they considered the case had been “well handled”. A further respondent noted that they had observed an online Hearing as the complainer and had been “impressed by the thoroughness, fairness and transparency of the process”.
- 7.4 A couple of respondents raised concerns about the cost / benefit of the complaint process, particularly in respect of what many would perceive as minor transgressions of the Councillors’ Code. The respondents questioned whether the holding of a Hearing was proportionate to the majority of contraventions of the Code (which were of a minor nature), and noted that what appeared to be more serious breaches often did not appear to attract the appropriate sanction.
- 7.5 Other respondents noted that the quasi-judicial nature of Hearings was quite daunting. Two respondents noted that Respondents are at a disadvantage as they were often facing solicitors with legal training and questioned whether all Respondents should be given access to legal representation (it was noted that securing legal representation was often beyond the means of councillors). One respondent noted that there was “a lack of understanding of the mental health strain” that the complaint process can put people under. While the respondent acknowledged that “most of my issues were with the Ethical Standards Commissioner’s office”, they felt that the Standards Commission did not “take the impact of this into consideration at all”. Another argued that there should be an appeals process.
- 7.6 Conversely, another respondent who had been a witness noted that they had been cross-examined by the Respondent’s solicitor in a “very aggressive” manner “for about two hours”. The respondent noted that the Respondent councillor had “lied all the way through” the Hearing and that his solicitor had behaved as if it was a criminal trial.
- 7.7 One respondent noted that “it was absurd that you can be found guilty under the Code and then exonerated under Article 10 of the ECHR”, given that the Code “should be subservient and compliant with Article 10”.
- 7.8 Two respondents questioned the amount of information being made public. One noted that evidence from witnesses was immediately in the public domain, even if this was potentially confidential and /or inappropriate (although the respondent noted that is not always possible to control what was said). Another respondent questioned whether it was fair for the Standards Commission to have released the substance of the case to the press, despite deciding to take no action on the matter.

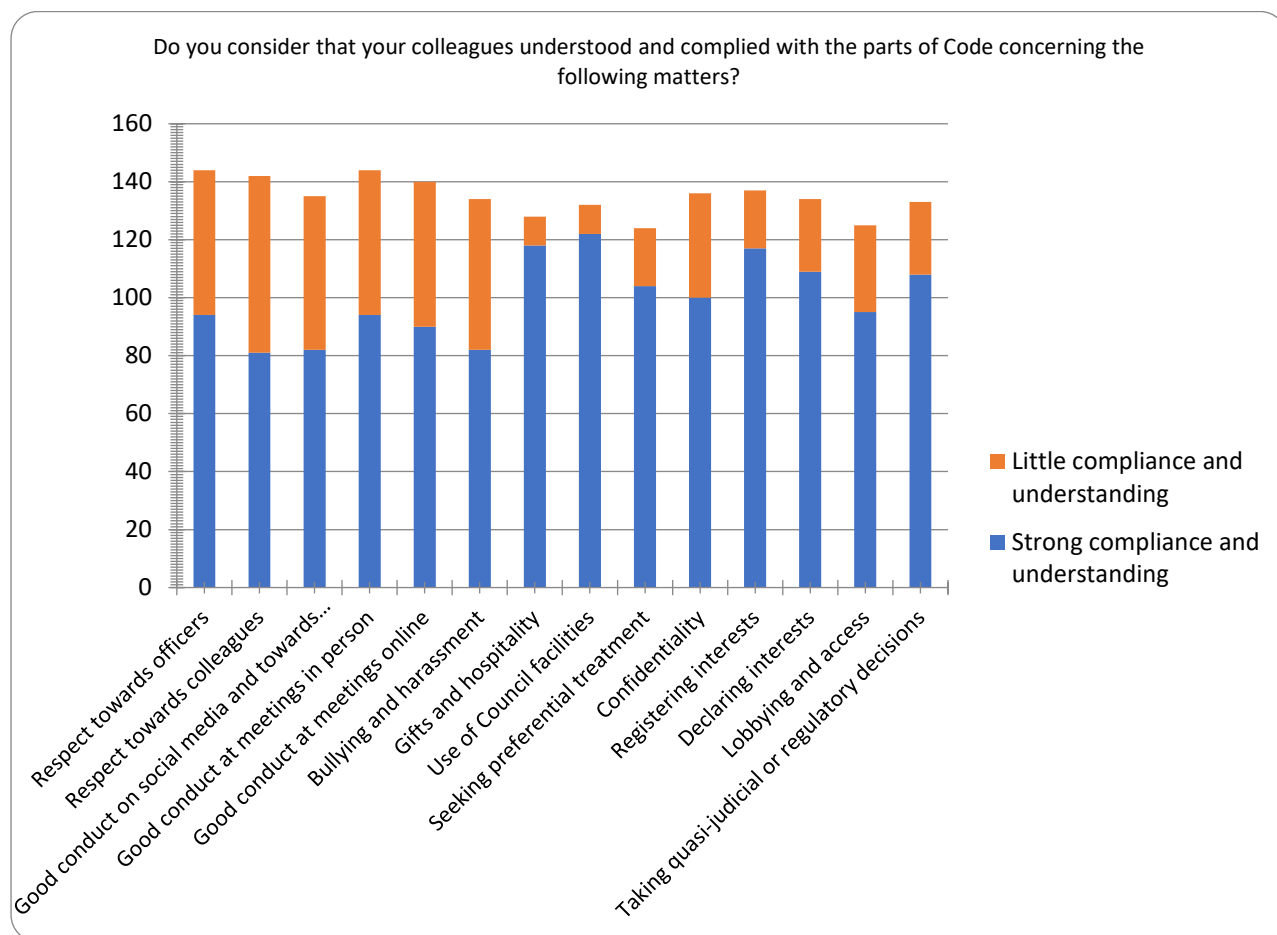
- 7.9 One respondent suggested that Panel Members should have a better understanding of, and training on, equality and diversity issues (although they noted that their experience of Hearings was from in 2012).
- 7.10 **Investigations:** Several respondents raised concerns about the length of the investigation process and decisions made by the Ethical Standards Commissioner (ESC).
- 7.11 **Overall complaint process:** One respondent raised a concern that the overall complaint process failed to recognise the intent behind complaints and that it was possible for any individual (even senior officers and elected members) to make false complaints or to give false evidence. Another respondent noted that they had been reported, by an opponent, to the ESC for political reasons. While the complaint had been rejected, it had wasted not only the respondent’s time but that of officers and the Ethical Standards Commissioner’s staff.
- 7.12 In response to a question about the quality of the Standards Commission’s communication in respect of cases, the majority of respondents indicated they had found it to be ‘very clear’ (43%) or reasonably clear (34%). 9% of respondent advised they had found the communications to be ‘not clear at all’.



- 7.13 The majority of respondents who commented advised that they considered the correspondence to be very clear, with one stating that responses provided were “clear, accurate and informed”. While one respondent indicated that after dealing with the Ethical Standards Commissioner’s office, the Standards Commission’s communications were a relief and that it had been “like chalk and cheese”; another noted that they had been “overwhelmed by the amount of paperwork” issued.
- 7.14 Respondents were asked about the quality of the Standards Commission’s written decisions of Hearings. While some 20% of respondents advised they had not read a decision, 60% of those who had advised they considered them to be either ‘very clear’ (26%) or ‘reasonably clear’ (34%). Of the remainder, 14% of respondents indicated they considered written decisions to be ‘somewhat clear’, with 5% reporting that they found them ‘not clear at all’.
- 7.15 Several respondents described the written decisions as clear and straightforward, with one commenting that a decision report about a fellow councillor was reported to the Standards Commission was “very easily followed and understood”, and another commenting that “judgements tend to be communicated well”. A number of the respondents advised that they found the written report clear, even if they did not necessarily agree with the decision. One respondent indicated that they considered that written decisions about why no action was to be taken would benefit from including more detail about the alleged conduct in question. Respondents advised that they reviewed the Standards Commission’s written decisions to help them understand how the provisions in the Councillors’ Code apply in practice.

8. COMPLIANCE WITH THE COUNCILLORS' CODE OF CONDUCT

8.1 Respondents were asked whether they considered that their colleagues generally understood and complied with specific the parts of Councillors' Code. Respondents were asked to indicate, for each part, whether they considered their elected members demonstrated 'strong compliance and understanding' or 'little compliance and understanding'. The responses received by area are reflected in the line graph below.



8.2 Several respondents noted that the question was very difficult to answer as some elected members were very aware of the rules and very compliant, whilst others were not. Respondents advised that there could be huge variations in behaviours and noted that it would have been helpful for the Standards Commission to have included a further option such as 'the majority demonstrate strong compliance and understanding, but a minority demonstrate little compliance and understanding', to better reflect their experience.

8.3 Most respondents advised that while the vast majority of their colleagues were aware of, and complied with, the provisions in the Councillors' Code of Conduct, a minority did not. Some respondents noted that there were occasionally lapses by a few, with some of these being inadvertent and others intentional. It was noted that a failure by a minority of councillors to comply with the Code and to behave appropriately took up a disproportionate amount of officer time.

8.4 Respondents were asked to provide comments or suggestions in respect of their experiences of elected members' compliance with the Code and, in particular, whether they considered that standards of conduct had improved or deteriorated during their term of office and / or during the coronavirus pandemic. Some 98 comments were received, with Respondents being almost evenly split as to whether conduct was of a high or poor standard, and whether behaviours had improved or deteriorated.

- 8.5 Of the respondents who reported that conduct was of a poor standard and / or had deteriorated, the vast majority cited disrespect, bullying and harassment as being the main issue. Several of these respondents noted that such disrespect, bullying and harassment had a detrimental effect on officers and other councillors and, in some cases, led to them resigning or choosing not to stand in the forthcoming elections.
- 8.6 Reasons given for poor conduct and / or a deterioration in standards included the approaching election, and party politics resulting in failure to act collegiately in the best interests of the public and council. Some respondents noted that the use of online meetings during the pandemic also led to poor behaviour. One Respondent argued that the Standards Commission was seen as “toothless”, with being reported to it being regarded as “a badge of honour”. Another noted that as colleagues and officers became accustomed to and more accepting of lower standard, those responsible for them felt they could “push the boundaries” further.
- 8.7 As noted under Section 2 above, only 32% of female respondents felt that there was strong compliance and understanding in respect of the bullying and harassment provisions in the Code, compared to 62% of men. Conversely, however, there was no real discrepancy between female and male respondents in terms of their perception of whether there was ‘little compliance and understanding’.

		Do you consider that your colleagues understood and complied with the parts of Code concerning the f... Bullying and harassment		
What is your sex?		Strong compliance and understanding	Little compliance and understanding	Row Totals
	Female	26 31.7%	25 48.1%	51 38.1%
	Male	51 62.2%	26 50%	77 57.5%
	Prefer not to say	5 6.1%	1 1.9%	6 4.5%
	Column Total	82 61.2%	52 38.8%	134 100%

- 8.8 There were discrepancies between respondents who had been councillors for different periods of time, in respect of answers to the question as to whether they considered their colleagues understood and complied with the bullying and harassment provisions in the Code. As demonstrated in the graph below, 54% of councillors who had been elected members for less than five years considered there was ‘little compliance or understanding’, whereas only 25% of councillors who had been in post for more than 10 years held the same view.

		Do you consider that your colleagues understood and complied with the parts of Code concerning the f... Bullying and harassment		
Please indicate how long you have been a councillor:		Strong compliance and understanding	Little compliance and understanding	Row Totals
	less than 5 years	38 46.3%	28 53.8%	66 49.3%
	between 5 and 10 years	14 17.1%	11 21.2%	25 18.7%
	more than 10 years	30 36.6%	13 25%	43 32.1%
	Column Total	82 61.2%	52 38.8%	134 100%

A total of 18 responses were not included in the above report as they skipped one of the questions.

- 8.9 Many respondents reported, however, that behaviour had either remained the same or had improved. Several advised that they considered standards were high, with the vast majority of their colleagues complying fully with the Code. Comments received included that “standards of conduct appear to be generally high and largely unchanged”, and “in the main, compliance with the Code amongst my colleagues has been beyond reproach.” A majority of those commenting advised that they did not consider that standards had deteriorated during the pandemic, with some advising that they considered online meetings to have helped by providing “some distance”. One respondent advised that they had noted an improvement in respect of colleagues identifying and declaring interests as required by the Code.
- 8.10 Respondents nevertheless reported that they considered the areas of the Councillors’ Code in respect of which there was ‘strong compliance and understanding’ were:
- Gifts and hospitality (92%);
 - Use of Council facilities (92%);
 - Seeking preferential treatment (83%);
 - Confidentiality (74%);
 - Registering interests (85%);
 - Declaring interests (81%);
 - Lobbying and access (76%); and
 - Taking quasi-judicial or regulatory decisions (81%).
- 8.11 Respondents did, however, identify a few concerns in respect of the areas noted above with a few noting that they had witnessed colleagues taking part in matters where they had clear financial and non-financial interests. One respondent noted that there was a tendency for some councillors to make what appeared to be a declaration of interest but to then remain in the room and participate in the discussion and voting on the matter. Another respondent reported that, after several incidents, colleagues on a planning committee now tended to make declarations of interest in situations where they were not required to do so. One respondent advised that there had been instances where colleagues had disclosed confidential information during public meetings, which had caused difficulties for the officers present.
- 8.12 The areas that scored the lowest in terms of the ‘strong compliance and understanding’ were:
- Respect towards officers (65%);
 - Respect towards colleagues (57%);
 - Good conduct on social media and towards members of the public (61%);
 - Good conduct at meetings in person (65%);
 - Good conduct at meetings online (64%); and
 - Bullying and harassment (61%).
- 8.13 The vast majority of comments in respect of these matters concerned respect, bullying and harassment. Several respondents reported experiencing bullying and harassment by colleagues or witnessing such behaviour towards other councillors and officers. A number of respondents noted that officers, in particular, were reluctant to complain out of fear that doing so could be detrimental to their careers or could have other negative repercussions. Several respondents reported that much of the bullying and harassment was directed towards female and younger councillors. A number of respondents advised that female elected members and officers often faced misogyny, with one noting that the impact of this was women leaving politics and local government “in droves”. Several respondents advised that they had witnessed or experienced poor conduct from older or more experienced councillors towards younger or more recently elected colleagues, with officers being less willing to challenge the behaviour of more senior elected members.
- 8.14 A number of respondents reported that party politics was a root cause of much of the unacceptable behaviour, with councillors failing to respect each other's viewpoints and becoming increasingly less tolerant of others’ views. It was noted that the political parties could

and should act to try to prevent this, but that they failed to do so. Respondents also commented that committee chairs had a role to play in ensuring all voices were heard, but that sometimes they contributed to the problem by “stifling political opponents” or simply by doing nothing at all when a councillor was rude or disrespectful to other colleagues or officers present.

- 8.15 Councillors becoming inappropriately involved in operational matters was also identified by respondents as being a problem. One respondent noted that some of the councillors elected in 2017 clearly believed that “they were the boss and that they should sack a number of the senior officers”. Another advised that colleagues “resented the fact when it was made clear to them that their role was strategic” and that it was officers who were responsible for operational decisions.
- 8.16 Several respondents reported witnessing or experiencing disrespectful behaviour and bullying and harassment on social media. A number noted that colleagues often used social media to make thinly veiled attacks on other councillors and officers or to disclose confidential information.

9. OTHER ISSUES RAISED

- 9.1 Several respondents commented on several other issues that were not directly the subject of the questions in the survey. These comments are outlined below.

General comments on the ethical standards framework

- 9.2 **Sanctions:** Five respondents indicated that they considered stronger sanctions should be imposed on councillors who were found to be in breach of the Code. One respondent advised that the Standards Commission was perceived as being “toothless”, with another two indicating that breaching the Code was seen by some councillors as worth it, if the only consequence was a censure. Another respondent described a censure as being seen by some as “a badge of honour”.
- 9.3 **Complaints:** One respondent noted that the ethical standards framework and the Standards Commission were very important in respect of independent councillors, as they are not accountable to any political party. Another suggested that it would be helpful to have a “middle ground” between the Provost or Chair being required to keep good order in a meeting, and the threat of a formal complaint and referral being made to the ESC if any intervention by the Chair or Provost was unsuccessful. The respondent suggested that more self-policing, or group / political party policing could be the answer.
- 9.4 A few respondents advised that they considered that it was too easy for councillors to make vexatious and damaging complaints about their colleagues. One noted that it would be far better if councillors were encouraged to resolve disputes locally to prevent escalation to the ESC. Another noted that the ethical standards framework also provided members of the public with the opportunity to be malicious and suggested individuals who were found to have made repeated vexatious complaints should be prevented from making further ones. A further respondent suggested that there should be a way for councillors to make a complaint to the ESC without their identity being disclosed, especially if their concern was about bullying and harassment from a colleague within the same party group. One respondent commented that the ESC and Standards Commission should not treat officers’ words and reports “as gospel”, noting that they could be fallible and, in some cases, malicious.
- 9.5 **Timescales:** Several respondents commented on the length of time it took to investigate complaints. One stated that some councillors did not care how they behaved as they were aware that any complaint would not be dealt with timeously and the complaint process could take up to two years to conclude.
- 9.6 **Membership of Standards Commission:** One respondent suggested that the Standards

Commission could be perceived as a “just another quango comprising some people who go from one NDPB to another”. The respondent suggested that it would benefit from the inclusion of current or former elected members, particularly those who have been subject of complaints, as this would enable the organisation to have a “real 'feel' for the complaints / Hearings process from a different perspective”.

- 9.7 **The Code.** Three respondents reported that they considered councillors were held to a higher standard than MPs or MSPs and argued that the rules should be the same for all elected politicians. Two respondents indicated that they considered the Code fettered unnecessarily the capacity of elected members to properly scrutinise service provision and officer competence.
- 9.8 **Officer conduct:** Several respondents made comments about the conduct of council officers. One advised that they considered officers threatened reporting councillors to the ESC as a “method of officers bullying members into doing what they want”. Another stated that they believed officers use the Code of Conduct as a tool against legitimate scrutiny and criticism by elected members.
- 9.9 A further respondent advised that they considered officers demonstrated less respect to councillors since the start of the pandemic, by failing to brief elected members on decision-making and failing to adhere to agreed reporting timelines. The respondent noted that officers had been under considerable strain throughout the period in question but considered the failings had weakened the democratic processes. Another respondent suggested that it would be useful for officers and councillors to discuss and agree on a common understanding of what constitutes strategic and operational matters. The respondent noted that discussing this openly and without prejudice could prevent difficulties and misunderstandings and lead to better relationships.
- 9.10 **Abuse from Members of the Public:** A respondent raised the issue of the abuse that councillors receive from members of the public (particularly online). The respondent noted that it seemed that councillors must just take the abuse but if they cracked, as any human would, they were punished. The respondent noted that the ESC and Standards Commission should take context into account as otherwise the “trolls” will persist with the abuse, knowing that they can use the system to their advantage, to goad councillors into breaking the Code.
- 9.11 Another respondent raised concerns about the behaviors at community council meetings where local councillors and, in some cases, officers were “sitting ducks for verbal abuse and ill-founded comments”. The respondent advised that they were aware that a number of councilors had stopped attending community council meetings as a result.
- 9.12 **Workload / Time Pressures:** A respondent suggested that there may be a need to have some oversight of the range and variety of work carried out by councillors. The respondent noted that some councillors did not serve on any committees and had a minimal caseload, whereas others had very heavy workloads.
- 9.13 A number of respondents made reference to the fact that they were often unable to attend training due to time pressures and other work commitments. One called for more evening meetings, with another noting that attending a training event would have been an expensive day away requiring a paid childminder.

10 NEXT STEPS

- 10.1 The Standards Commission has identified below the actions it hopes to take in light of the responses to the survey, subject to budget and resources constraints. These are listed in the order in which they will be actioned, depending on priority and resource capacity.

- 10.2 Council Training Events:** The Standards Commission will raise with Monitoring Officers the comments received on Council-provided induction and refresher training. Monitoring Officers will be reminded that a standard presentation and video on the provisions in the Councillors' Code of Conduct are available to download on its website, which can be used to supplement any induction and / or refresher training. The Standards Commission will suggest that training on the Code should focus on what compliance with it achieved, in terms of public perception, the effective running of the council and decisions being taken fairly and in the public interest. The Standards Commission will also suggest that it is helpful to include real life scenarios and case examples (hypothetical and real) where possible and particularly in respect of refresher sessions, to help give context and connect training with councillors' experiences.
- 10.3 Standards Commission Training Events:** The Standards Commission will ensure it includes more case illustrations and examples in future training events and its training material. It will continue to hold some events online to reduce the time commitment and will consider the possibility of providing shorter sessions on targeted topics, rather than trying to cover the whole Code or all the key provisions at one event. The standards Commission will remind Monitoring Officers that it had produced a video on the Councillors' Code of Conduct that they can draw to the attention of any elected member who is unable to attend any training event to which they are invited.
- 10.4 Enquiries made to the Standards Commission:** The Standards Commission will publish and disseminate as widely as possible more information about differences between the Standards Commission and the ESC and their respective roles and responsibilities. Monitoring Officers will be asked to include this in any induction information for new councillors.
- 10.5 Standards Commission's Written Decisions:** The Standards Commission will review all written decisions of Hearings before they are issued, with a view to ensuring they are as understandable and concise as possible. The Standards Commission will continue to publish summaries of the written decisions in its quarterly Standards Updates and in its annual report.
- 10.6 Communications on Hearings:** The Standards Commission will review its standard correspondence to ensure this is as clear and concise as possible. It will also review the amount and timing of correspondence it issues, to ensure that no party to a Hearing is left feeling overwhelmed.
- 10.7 Guidance and Educational Material:** The Standards Commission will review its Guidance and Advice Notes to check the contents are in plain English and are as concise as possible, and will continue to screen its material for accessibility.
- 10.8** The Standards Commission will investigate how to best promote awareness and use of its Guidance and educational materials. The Standards Commission will also explore the possibility of producing the Guidance and Advice Notes in alternative formats, such as videos, modules or interactive online courses.
- 10.9** While it is noted that a number of Respondents indicated they would like to hear directly from the Standards Commission, this is not possible as the Standards Commission does not maintain a database of every elected councillor in Scotland. The Standards Commission will, however, work with Monitoring Officers to ensure that they draw the attention of elected members' to any Guidance and educational material when its issued, and that they encourage engagement with it.
- 10.10** The Standards Commission will discuss with Monitoring Officers how to ensure that non-councillor ALEO members have a better understanding of the responsibilities of councillor ALEO members.
- 10.11 Complaints about breaches of the Councillors' Code of Conduct:** The Standards Commission will remind Respondents that they may be able to obtain legal representation through their

political party (if applicable), and that there is a statutory right of appeal against breach and sanction decisions made at Hearings.

- 10.12 The Standards Commission will make it clear that it will consider, and can find at Hearings, whether there has “on the face of it” been a breach of the Code, even if the Respondent nevertheless attracts protection of freedom of expression under Article 10 of the European Convention on Human Rights. In particular, the Standards Commission will endeavor to make clear its Written Decisions its decision-making process and the fact that the three-stage approach to Article 10 ECHR matters (as set out in its Advice Note for Councillors on Article 10 ECHR) has been followed.
- 10.13 The Standards Commission will remind its Hearing Panel chairs that they should intervene if they consider a witness is disclosing information that is potentially confidential and /or inappropriate. Hearing Panel Chairs will also be reminded to intervene if any questioning becomes aggressive, hostile or repetitive. Representatives will be reminded at all times to focus on relevancy.
- 10.14 It is noted that the Standards Commission may release general information about the substance of a case to the press / into the public domain but will not name anyone in it (including the Respondent and Complainer) if it has decided to take no action on the matter.
- 10.15 The Standards Commission will ensure all of its Members receive refresher training on equality and diversity over the next two years.
- 10.16 The Standards Commission will explain, in publicly available documentation, that a breach of the Code is precisely that and the motivation behind complaints is irrelevant if a breach is found.
- 10.17 The Standards Commission will pass on concerns raised about timescales in relation to the investigatory process to the ESC.
- 10.18 **Complaints:** As noted above, the Standards Commission will explain, in publicly available documentation, that a breach of the Code is precisely that and the motivation behind complaints is irrelevant if a breach is found. The Standards Commission will, however, pass on concerns about the making of vexatious complaints to the ESC. The Standards Commission understands the ESC does allow the making of anonymous complaints, in certain circumstances, and that information about this is to be published in its forthcoming investigations manual. As noted above, the Standards Commission will advise the ESC of the concerns raised about the length of time it has taken to investigate complaints.
- 10.19 **The Standards Commission’s Standards Updates, Website and Social Media:** The Standards Commission notes that not all councillors have a presence on social media, and as such will aim to ensure that all content is also available on its website.
- 10.20 The Standards Commission will work with Monitoring Officers to discuss the best ways to promote and encourage wider readership of Standards Updates and ask them to explore the possibility of providing this in different formats on request.
- 10.21 The Standards Commission will publish information on its website to confirm if an interim suspension has been imposed but subsequently lifted.
- 10.22 **Compliance with the Councillors’ Code of Conduct:** The Standards Commission will ensure the potential answers to any questions about compliance with the Code in any future surveys allow scope for responses in respect of whether the majority or minority of councillors comply. The Standards Commission will compare the responses provided in respect of its surveys of council Monitoring Officers and councillors to determine if there are any significant discrepancies of perception in respect of the areas of the Code with which there is most and least compliance.

- 10.23 The Standards Commission will focus on: bullying, harassment and respect (both in person and online); the requirement to maintain confidentiality; and the need to declare certain interests its training and educational material. It will attempt to raise awareness not only of what types of behaviours constitute a breach of the Code but also the impact in terms of the public perception of councillors and the council itself, the efficient running of the council and the impact on victims.
- 10.24 The Standards Commission will discuss whether any work can be done with the Improvement Service and / or COSLA in respect of encouraging equalities and diversity training and preventing bullying and harassment; and to determine whether any work is being undertaken to understand whether this is a barrier to individuals from under-represented groups deciding to stand as candidates.
- 10.25 The Standards Commission will explore whether political parties are willing to play a greater role in encouraging compliance with the Code.
- 10.26 The Standards Commission will discuss with Monitoring Officers the extent to which the difference between operational and strategic matters is discussed between officers and councillors to determine whether it would be helpful to try to reach a mutual understanding about what is, and what is not operational, and the extent to which councillors can and should become involved in operational matters. The Standards Commission will also try to reinforce the message in its educational and training material that neither the requirement for councillors to refrain from becoming inappropriately involved in operational matters, nor the requirement to refrain from criticising officers in public, prevents effective scrutiny and why this is the case.
- 10.27 **Sanctions:** The Standards Commission will continue to undertake regular reviews of decisions made in respect of both breach and sanction at Hearings to ensure, as far as possible, consistency and clarity.
- 10.28 **Membership of Standards Commission:** Members of the Standards Commission are appointed by the Scottish Parliamentary Corporate Body, with approval of MSPs. The Standards Commission has no input into the recruitment, but will pass on to the SPCB the suggestion that former elected members should be considered. It is noted, however, that there could be an issue in terms of a perception of a lack of independence if such members had political party affiliations or membership.
- 10.29 **The Code.** Both the Codes for councillors and MSPs were approved by the Scottish Parliament. The Standards Commission will make this clear on its website so that any individuals with concerns about either Codes or any discrepancies between them should raise this with their MSP or the Scottish Government.
- 10.30 Hearing Panels of the Standards Commission will take into account the context in which any Respondent councillor at a Hearing has been the subject of abuse and whether this was a factor in their conduct, if such matters are brought to the Panel's attention at a Hearing.
- 10.31 The Standards Commission will discuss the issue of behaviour at community council meetings with both Monitoring Officers and the Scottish Government to see whether any action can be taken to monitor and, if appropriate, improve behaviour at such meetings.
- 10.32 **Workload:** The Standards Commission will advise COSLA of the concerns raised in respect of the discrepancies between councillor workloads, and also the issues raised in relation to work / childcare commitments hindering access to training.