



INTEGRITY IN PUBLIC LIFE

**SURVEY OF MEMBERS 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 board members of devolved public bodies in Scotland, including individual public bodies, Health and Social Care Integration Joint Boards, Regional Transport Partnerships, NHS Boards and Further Education Colleges.
2. The intention of the survey was to learn about members' experiences with the ethical standards framework and, in particular, their training on, and awareness of, the provisions of their Codes of Conduct, which are based on the Model Code of Conduct for Members of Devolved Public Bodies. 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 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 11 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 (ESC) office in the intervening period.

ANALYSIS OF RESPONSES

4. Only a minority of respondents reported having experienced issues in terms of their colleagues complying with their Code of Conduct. Similarly, only a minority of respondents reported that they considered that standards of conduct had deteriorated since their appointment.
5. Respondents indicated high levels of compliance among colleagues with all requirements of the Code, with 95% reporting that they considered 'all' their colleagues complied with the requirements relating to the acceptance of gifts and hospitality and use of public body facilities.
6. The vast majority of members (90%) indicated they had not experienced disrespectful or discourteous behaviour, or been bullied or harassed in their role as a member. However, a sizeable minority of respondents (15%) indicated that they had witnessed a colleague being the victim of such behaviour.
7. The majority of respondents (86%) indicated they would not be reluctant to make a complaint that a colleague had breached their public body's Code of Conduct, with the vast majority of respondents (94%) indicating they were aware of the existence and the roles of both the ESC and the Standards Commission.
8. Only 5% of respondents reported that either they, or one of their colleagues, had been the subject of an investigation undertaken by the ESC, with only 6% reporting having any experience of the Standards Commission's Hearings and adjudicatory processes. Of those who had read any of the Standards Commission's written decisions on complaints, the vast majority (87%) found them to be either 'very' or 'reasonably clear'.
9. Overall, respondents indicated they had a good awareness of the Standards Commission's Guidance and Advice Notes and its quarterly Standards Updates, website content and social media channels.
10. Some 58% of respondents reported having received an induction on the Code from the Scottish Government when they were appointed, with the vast majority (95%) finding this to be 'very'

or 'quite useful'. Similarly, 72% of respondents indicated that their public body offered its own induction or refresher training on the Code, with the vast majority (95%) finding it to be 'very' or 'quite useful'. Only 19% of respondents reported having attended a Standards Commission training event. Of these, the majority found them to be either 'very helpful' (50%) or 'reasonably helpful' (28%).

1. INTRODUCTION

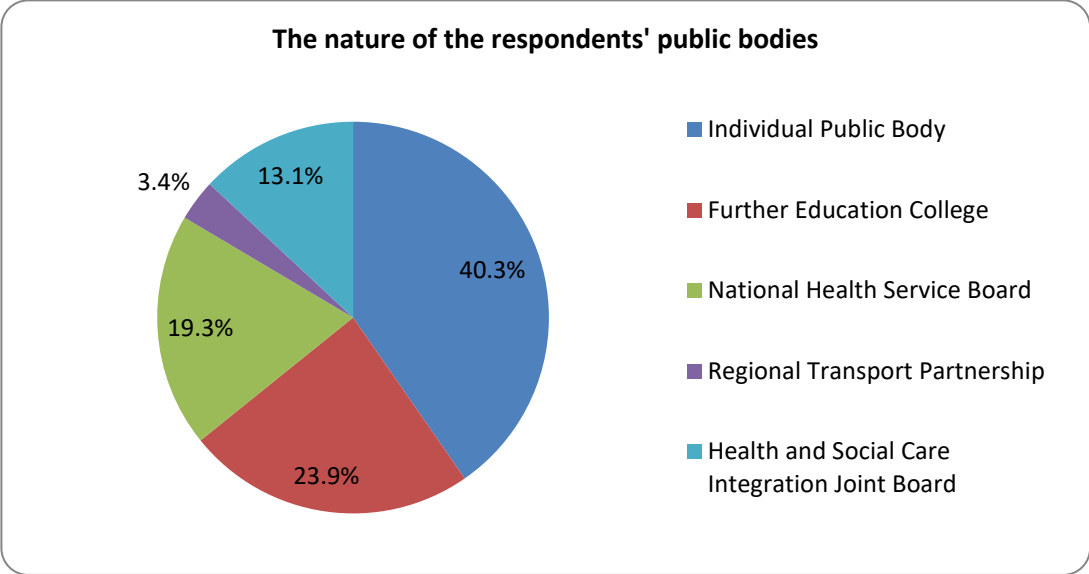
1.1 In April 2022, the Standards Commission asked members to complete a survey so that it would learn about their experiences with the ethical standards framework and, in particular, their training on, and awareness of, the provisions of their Code of Conduct (based on the Model Code of Conduct).

1.2 A total of 176 completed responses were received by the closing date of 24 June 2022. This paper summarises the responses and comments received. It should be noted that percentages have been rounded to the nearest whole number.

2. RESPONDENTS

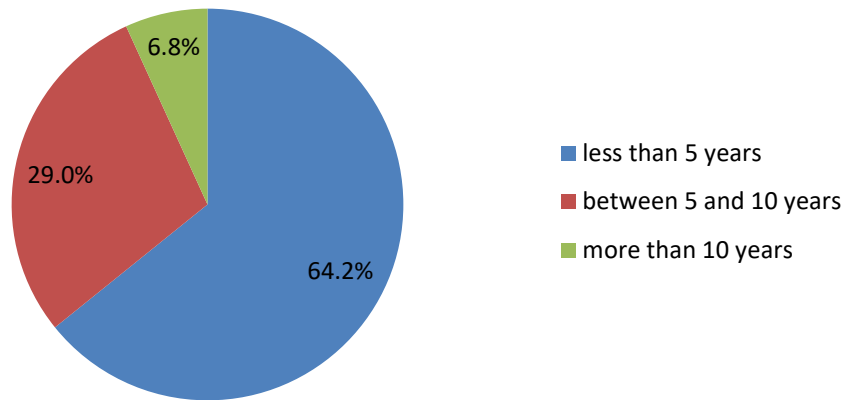
2.1 The survey was sent to the Standards Officers of devolved public bodies in Scotland, including individual public bodies, Health and Social Care Integration Joint Boards, Regional Transport Partnerships, NHS Boards and Further Education Colleges. The Standards Officers were asked to disseminate the survey to their board members. The survey was also published on the Standards Commission's website and promoted in its quarterly Standards Updates.

2.2 Respondents were asked to identify the nature of their public body. The largest proportion (40%) advised they were members of individual public bodies. Some 24% were members of Further Education Colleges, with 19% appointed to National Health Service Boards. Of the remaining respondents, 13% were members of Health and Social Care Integration Joint Boards and 3% were members of Regional Transport Partnerships. It should be noted that Health and Social Care Integration Joint Boards and Regional Transport Partnerships comprise of councillor and non-councillor members (the councillor members are nominated or appointed by their council).



2.3 When questioned on how long respondents had been members of their public body, 64% advised that they had been members for less than 5 years, with 30% having been members for between 5 and 10 years. Some 7% of respondents had been members for over 10 years.

How long you have been a member of your public body?

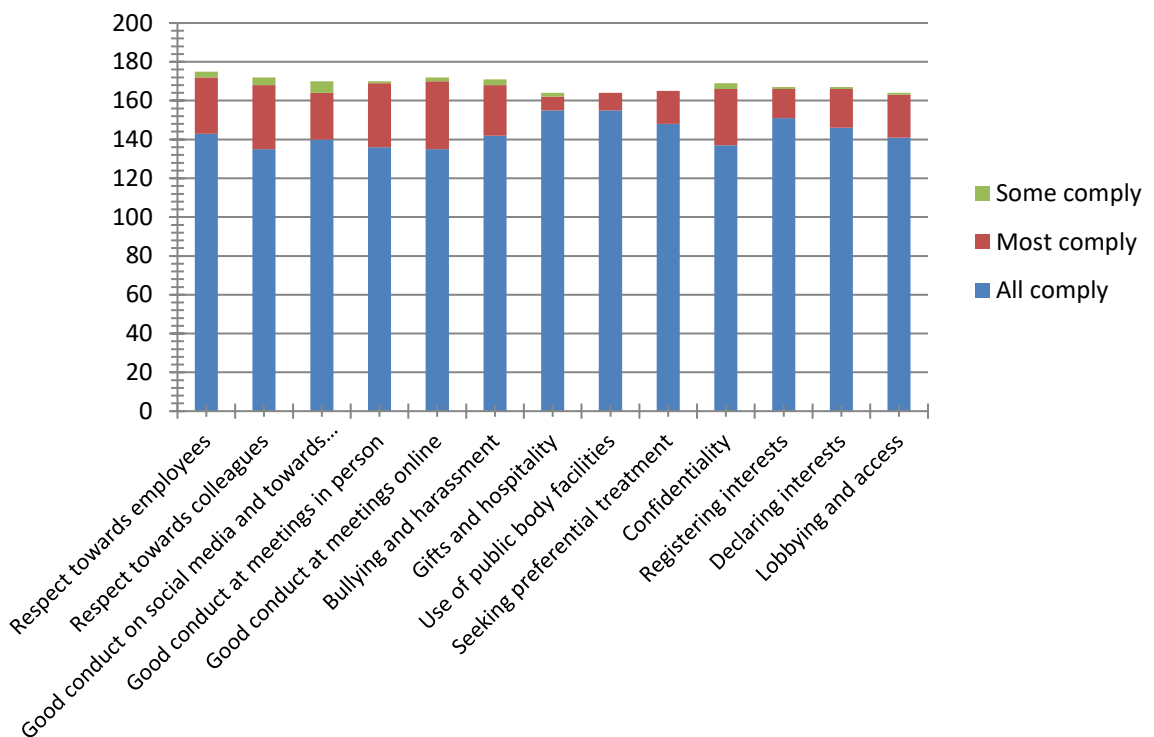


2.4 Respondents were asked if they currently served, or had previously served, on the board of any other public body. Some 44% of respondents advised they were currently, or had previously been, on the board of another public body.

3. COMPLIANCE WITH THE MODEL CODE OF CONDUCT

3.1 Respondents were asked whether they considered that their colleagues generally complied with specific parts of their public body's Code of Conduct. Respondents were asked to indicate whether they considered 'all', 'most' or 'some' of their colleagues complied with each part of the Code. The responses received for each part are reflected in the graph below.

Do you consider that your colleagues generally comply with the parts of Code concerning the following matters?



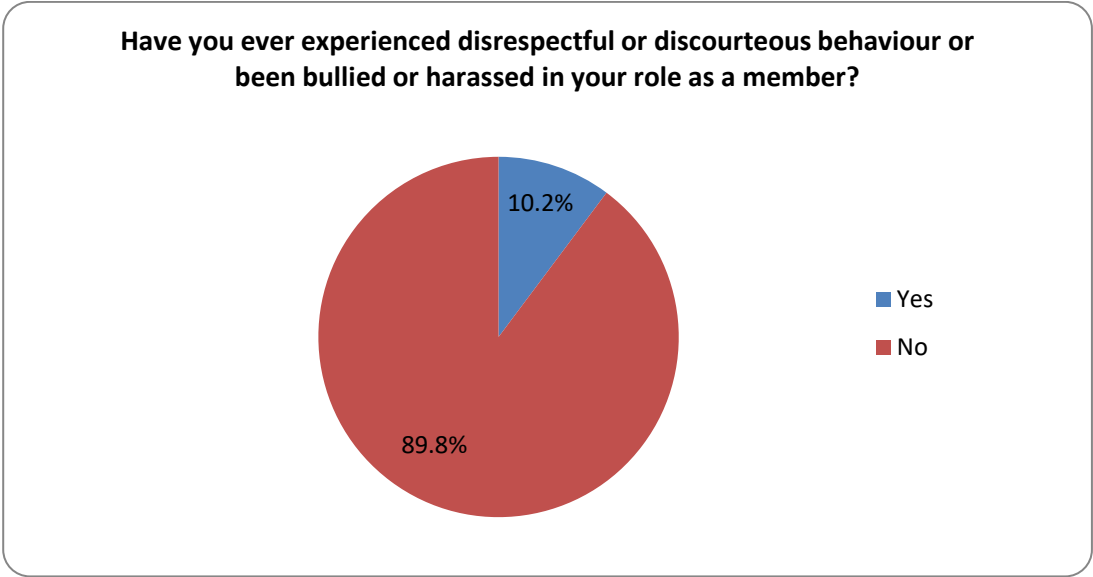
- 3.2 The vast majority of respondents advised that ‘all’ of their colleagues generally complied with the different requirements of the Code. The parts of the Code which respondents scored the highest for compliance by ‘all’ of their colleagues were the ones concerning gifts and hospitality and the use of public body facilities, at 95% each. Compliance by ‘all’ colleagues was reported as being the lowest for good conduct at meetings online, at 78%.
- 3.3 Respondents were asked to provide comments or suggestions in respect of their experiences of compliance with the Code and, in particular, whether they considered that standards of conduct had improved or deteriorated since their appointment as a member.
- 3.4 Some 107 comments were received, with a large majority of those who commented advising that they considered standards to have either improved or stayed the same. Many respondents highlighted an increased focus on standards, leading to increased awareness by members. Specific mentions were made of improvements in equality, with one respondent advising they had not experienced the type of poor behaviour “that might have occurred 10 years ago”. Another respondent noted that more thought was now given to gender balance in boards, and more respect afforded to female colleagues.
- 3.5 The importance of promoting the Code and standards of behaviour at the induction stage was also highlighted, with one respondent noting that this approach had “paid dividends”. Recruitment was also mentioned, with one respondent advising that an improvement in the recruitment process had led to new appointees having a better understanding of the need to meet and comply with the standards required by the Code.
- 3.6 As well as a focus at the induction stage, several respondents noted that regular discussions and updates on standards of conduct generally and on the Code itself were important. One respondent advised that standards and expectations were reiterated in their public body’s board meetings and communications. Another respondent advised their board continually reviewed compliance with the Code, with a further respondent commending the “good infrastructure” in their public body, which kept its members’ knowledge and awareness up to date. An improvement in the content and the promotion of the Code was noted by another respondent, who credited this approach with making the Code feel like a “live document”, rather than something referred to solely at induction before being filed away.
- 3.7 The need for strong leadership by the public body’s chair was emphasised by a number of respondents, who directly attributed a rise in standards of behaviour to “significant leadership”, as well as noting that chairs needed to recognise their “requirements and responsibilities”. Another respondent praised their chair for being very focused on standards.
- 3.8 One respondent reported that while they considered standards had improved, they considered there remained a “general reluctance to formally raise issues”, and suggested that more regular, and even compulsory, training was required.
- 3.9 A minority of respondents reported issues with compliance or indicated that standards had deteriorated over the past few years. Two respondents indicated that they considered this had been the case because there was no consequence for poor behaviour, with one suggesting that although boards were required to adopt a Code of Conduct, they had “no real idea how to enforce it”. The respondent also suggested that there should be compulsory training on the Code to improve compliance.
- 3.10 A further respondent also reported that they considered that standards had deteriorated, “with unpleasant comments” about the government, in particular, being made without any consequence. Conduct on social media was raised as an issue by two respondents, with one noting that its use had “lowered standards”, with the other respondent stating that nasty comments were commonplace.

- 3.11 One respondent advised that there was an issue with one member of their board who simply refused to register interests as required.
- 3.12 A number of respondents reported being concerned about the motivation of complainers, with one respondent highlighting that they considered “a culture where complaints are made for political gain” had been created. This was echoed by another respondent, who noted that the ethical standards framework did not make any allowance for the inevitable degree of political mischief, which they contended led to “unnecessary complaints”.
- 3.13 On complaints in general, one respondent noted that there did not seem to be a middle ground between the making of formal complaint to the ESC and taking no action, with another stating that more transparency and clarity was needed in respect of the matters about which a complaint could be made. Another respondent highlighted that while it was important to raise awareness about the required standards of conduct, this should be done in a way that did not discourage individuals from applying for board member vacancies.
- 3.14 One respondent raised the issue of how IJBs were structured. The respondent reported that it was often the case that a councillor’s political party removed them from membership of the IJB at the very point at which they had “grasped the nature of the business”. The respondent further noted that there was no place for party political allegiance on an IJB and suggested that the Code or Guidance should emphasise that.
- 3.15 A lack of awareness of current values was highlighted by two respondents, one of whom noted they had witnessed behaviour which was “unknowingly sexist and racist” from a member who “lacks self-awareness and is out of touch with current day values”. The other respondent noted that some conduct that may have been tolerated in the past might no longer be deemed acceptable.
- 3.16 A number of respondents commented on the revised Model Code. Some of these comments were positive, with few respondents praising it as being “well written”, “clearer” and “easier to read”. One respondent noted that drafting of the Code in the first person made it feel more relevant to individual board members. Another respondent argued, however, that the provision on the types of gifts that could be accepted by members was “too strict”. A further respondent noted they had misgivings about the provisions on hospitality and questioned whether these would prevent appropriate and necessary interaction between members of their public body and the bodies it funded.
- 3.17 One respondent commented on how the provision on bullying and harassment in the Code was defined. The respondent advised that they did not necessarily agree that bullying and harassment could be a one-off event and noted that this meant that “isolated cases of rudeness or misunderstanding might be misclassified as something more serious”. The respondent also commented that they felt that the focus on the perception of the victim, rather than the intent of the perpetrator, lacked objectivity.
- 3.18 Another respondent expressed concerns that members might be confused about the difference between expressing the views of service users or constituents and lobbying on their behalf or on behalf of a narrow sectoral interest.
- 3.19 A further respondent stated that they would like to see limitations placed on the number of boards to which an individual could be appointed. The respondent noted that this would help to prevent conflicts of interest from arising and would also improve diversity.
- 3.20 A number of respondents commented that the increase of online meetings and engagements had impacted on behaviours. One respondent noted that the lack of face-to-face contact has had “unpredictable consequences” for compliance and standards. Another respondent commented that the lack of personal interaction between members had been detrimental. A

further respondent contended that some of their colleagues engaged less while working online. That concern was echoed by another respondent, who indicated that online meetings prevented “full and balanced representation” as they were more difficult to chair and to ensure that everyone participated fully. Two respondents felt that the move to more online engagement made it difficult to even assess whether levels of compliance had changed.

4. EXPERIENCE OF DISRESPECTFUL OR DISCOURTEOUS BEHAVIOUR

4.1 Respondents were asked whether they had ever experienced disrespectful or discourteous behaviour, or had been bullied or harassed in their role as a member. While the majority of respondents (90%) indicated they had not, a notable minority (10%) reported that they had experienced such behaviour.



4.2 The 10% of respondents who had experienced such behaviour were asked to provide brief details of their experience, with a number of comments being received. Discourteous and disrespectful behaviour was a common theme amongst those who commented, with respondents highlighting cases where they had been undermined, talked over and not listened to, or simply where they had been made to feel that their views and opinions were of no consequence.

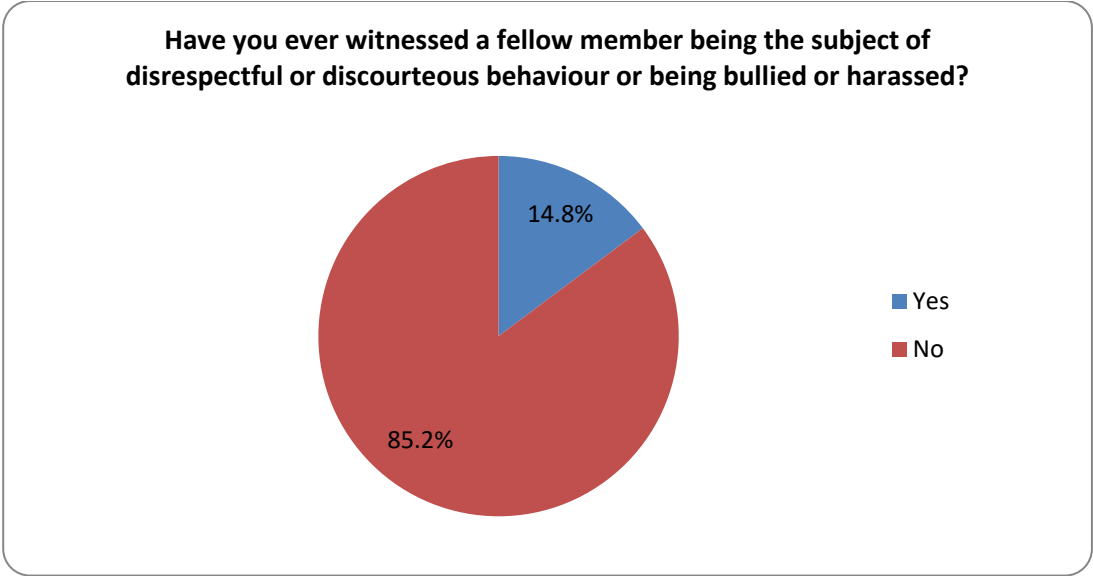
4.3 One respondent highlighted they had experienced “everyday sexism”, a theme echoed by another respondent who noted that there had been moments when language used had made them “a little uncomfortable” due to its “antiquated nature”. Another respondent detailed her experience in having received unwanted attention from a male colleague.

4.4 A number of respondents highlighted how the behaviour they had experienced had been handled. One respondent advised that the situation had been resolved through the use of an independent mediation process. Another respondent advised that the chair had dealt with the individual who had made disrespectful comments, but noted that they should not have made them in the first place. A further respondent advised that their colleagues had challenged the poor behaviour when it occurred.

4.5 When the answers to this question were cross-referenced by sector, clear differences arose, with markedly larger proportions of members of individual public bodies and NHS Boards indicating they had experienced disrespectful or discourteous behaviour, or had been bullied or harassed, than respondents from other types of public body. It should be noted that the Standards Commission’s last survey of members of devolved public bodies, undertaken in 2018,

indicated that members of NHS Boards and Health & Social Care Integration Joint Boards had more experience of disrespectful behaviour.

4.6 Respondents were also asked whether they had ever witnessed a fellow member being the subject of disrespectful or discourteous behaviour, or being bullied or harassed. While some 85% of respondents indicated they had not witnessed such behaviour, a sizeable minority (15%) indicated that they had.



4.7 The 15% who indicated they had witnessed such behaviour were asked to provide brief details of their experience. One respondent reported that it had only been one colleague, who did not appear to understand the conduct that was expected of board members, who had engaged in such behaviours. While a couple of respondents advised they had noted some isolated instances of behaviour that could be categorised as bullying or harassment, another reported having witnessed “everyday homophobia”. A further respondent reported having witnessed a male colleague behaving in a misogynistic manner towards their public body’s female Chief Executive Officer and other female senior managers. The respondent noted that the conduct in question took the form of preventing them from speaking or ignoring their input in favour of that from more junior male officers.

4.8 Several respondents indicated that the chair of the public body was responsible for the poor conduct they had witnessed. The respondents indicated that this had taken the form of the chair being dismissive of, or talking over, colleagues. A couple of respondents advised that they had witnessed their chair being disrespectful or rude to colleagues and employees of the public body, with one respondent noting that the chair had simply refused to accept any form of constructive challenge.

4.9 Several other respondents advised that they had witnessed poor behaviour by other board members. Examples provided included the making of disrespectful comments or using a tone that caused upset to others. A number of respondents noted that they had witnessed senior colleagues treating more junior members of the board differently and with less respect. Two respondents reported that a clique had formed within the Board, with a lack of respect for the diversity of thinking provided by members who were excluded from this.

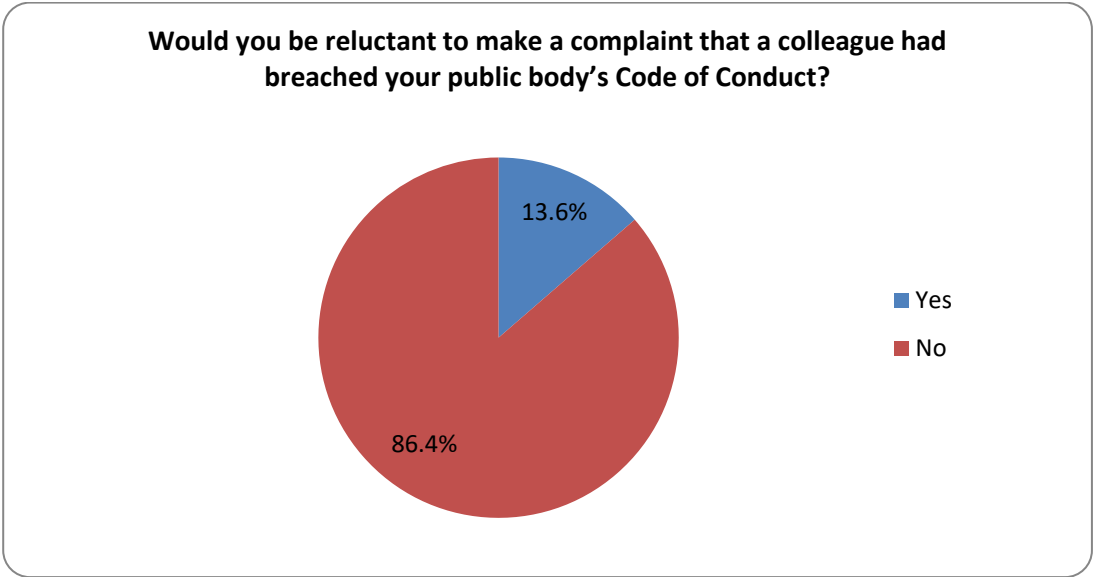
4.10 Several respondents also commented on having witnessed disrespect or bullying and harassment by colleagues towards employees of the public body. This included publicly questioning the employees’ performance and dismissing any contributions they made in meetings. One respondent reported having witnessed a member challenging a Chief Executive over an operational matter, while another respondent advised they had witnessed a colleague

demanding an “unreasonable course of action” in response to a grievance raised by an employee.

4.11 As with the previous question, the answers to this question were cross-referenced by sector. Again, clear differences arose, with markedly larger proportions of members of individual public bodies and NHS Boards indicating they had witnessed a fellow member being the subject of disrespectful or discourteous behaviour, bullying or harassment than respondents from other types of public body.

5. COMPLAINTS ABOUT BREACHES OF THE MODEL CODE OF CONDUCT

5.1 Respondents were asked whether or not they would be reluctant to make a complaint that a colleague had breached their public body’s Code of Conduct. While 86% of respondents advised they would not have any difficulty in making a complaint, the remaining 14% indicated they would be reluctant to complain.

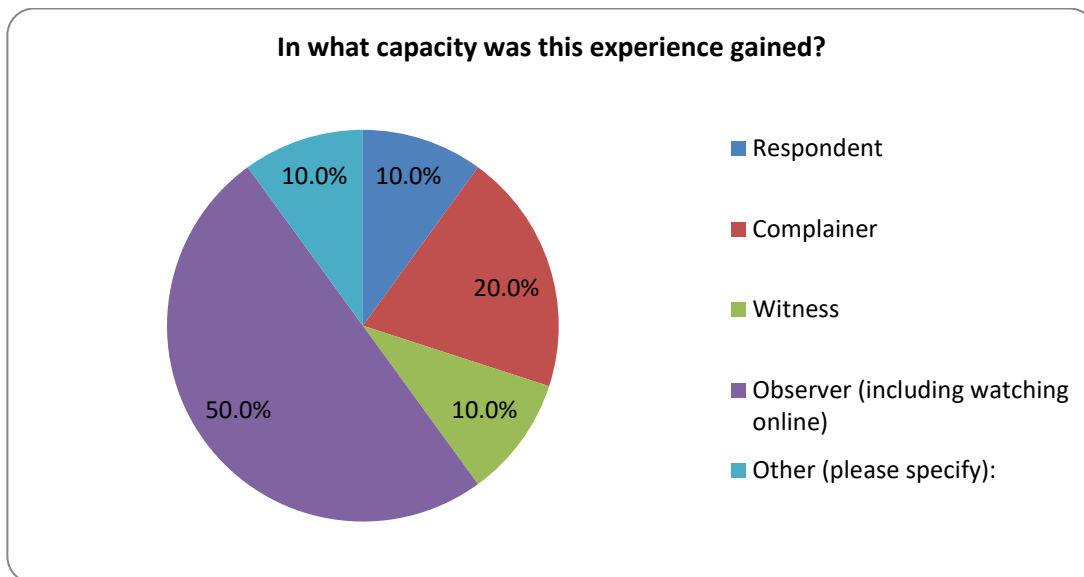


5.2 Respondents were asked to provide comments on this question, in terms of why they would or would not be reluctant to make a complaint.

5.3 A range of comments were provided by those who commented who indicated they would be reluctant to make a complaint against a colleague. Several respondents indicated they would be reluctant to complain if it was a one-off and not a particularly serious incident. One respondent noted they would complain formally if they were satisfied it was a clear breach that had been witnessed by others. Another respondent reported that unless the issue was clear cut and significant, they would be reluctant to make a formal complaint and would prefer to address the matter through alternative channels. A few respondents noted that they would be satisfied with having a word with the individual in question if they considered the breach was inadvertent or a trivial error of judgement. Another respondent noted that they would consider whether a colleague had just been exhibiting frustration before deciding whether to escalate the matter.

5.4 Other respondents who indicated they would be reluctant to complain explained it was because they would be worried about the outcome of the formal complaint process and any repercussions. One respondent in particular noted that they would be fearful of “possible retaliation” and also damage to their own reputation if they were then perceived as being a troublemaker.

- 5.5 Some of the respondents who advised that they would be reluctant to complain explained that they would want to try and resolve the matter internally in the first instance, potentially by raising their concerns with their public body's Chair or Chief Executive. Other respondents who indicated they would not be reluctant to make a complaint also indicated that they would be open to trying to resolve matter internally in the first instance, particularly if the conduct in question was not particularly serious. Several of these respondents indicated they would only escalate the matter to the ESC as a last resort, if matters could not be resolved.
- 5.6 The nature of the alleged breach and seriousness of the conduct in question was also a factor with those who reported that they would not have any difficulty in making a formal complaint to the ESC. One respondent noted that if they considered the alleged breach was inadvertent they would normally speak to colleagues before making a decision about whether to escalate the matter. Another indicated that they would definitely complain if they considered that a colleague had breached the Code for political or regional gain.
- 5.7 Other respondents were unequivocal about their willingness to complain about a colleague. One respondent noted they "would have no hesitation in making a complaint if that was needed, as the reputation of the board is of greater importance than any one individual". Several respondents noted that it was essential that complaints were made and investigated so that members of the public could have confidence in public bodies.
- 5.8 Respondents were asked whether they, or any of their colleagues, had ever been the subject of an investigation undertaken by the Ethical Standards Commissioner (ESC), with 95% of respondents indicating that they had not.
- 5.9 Respondents were asked to provide any comments they may have on the way in which any investigation was conducted. A number of respondents reported having a positive experience, with one advising that while two complaints had been made about them neither was upheld, and they "could not argue with the investigation or the outcome". Another respondent noted they had been the subject of an investigation several years ago and been content with the process. A further respondent advised that an investigation against them had been handled well and in a timely manner, albeit they noted that the complainer was left frustrated.
- 5.10 One respondent indicated that while they were aware that a complaint about them was being investigated, but advised that the ESC had not informed them that this was the case. Another respondent advised they had a negative experience and stated that they considered the investigating officer has been biased and unreasonable.
- 5.11 Some 94% of respondents advised that they had no experience of the Standards Commission's Hearings and adjudicatory processes. Of the 6% who indicated they had such experience, 50% advised that their experience had been as an observer, with 20% having experience as the complainer, 10% as a witness and a further 10% as a respondent.



5.12 In response to a question about how they had found the Standards Commission’s Hearings process and decision-making, 100% of respondents advised they considered it to be ‘wholly adequate’ or ‘reasonably adequate’. Three comments were provided, with one respondent noting that “the Hearings by the [Standards] Commission seem fair, adequate and reasonable, where the system falls down is in the work of the Ethical Standards Commissioner”. Another respondent advised that the while they thought the process was thorough, “in many respects the sanction was light for the conduct (a personal view is that this would not serve as a real deterrent)”. This was echoed by another respondent, who noted that the “sanctions... were inadequate. Three-month suspension without pay would have been better, being struck off even more so”.

5.13 In response to a question about the quality of the Standards Commission’s communication, the majority of respondents indicated they had found it to be ‘very clear’ (30%) or reasonably clear (60%). Some 10% of respondents advised they had found the communications to be ‘somewhat clear’. One respondent provided a comment, noting that the Standards Commission’s communication had been “historically competent but not recently”.

5.14 Respondents were asked about the quality of the Standards Commission’s written decisions of Hearings. While 68% 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’.

5.15 When asked to provide comments on the quality of written decisions, one respondent noted the circumstances of the complaint were explained and that this enabled the reader to follow the process to the conclusion. Another respondent noted, however, that there was “too much mumbo jumbo and waffle making it hard reading and discouraging further interest”, while a further respondent stated that too much jargon had been included and argued that this made the decision too difficult for members of the public to understand. One respondent reported that it was not always clear why further action had been ruled out in cases where the Standards Commission decided no action was taken on referrals from the ESC. The respondent accepted that reasons were given, but noted that the threshold for taking action seemed to be very high.

6. ROLES OF THE ETHICAL STANDARDS COMMISSIONER AND STANDARDS COMMISSION

6.1 The vast majority (94%) of respondents indicated that they were aware of the existence and roles of the Ethical Standards Commissioner (responsible for investigating complaints about

alleged breaches of the Codes of Conduct) and the Standards Commission (responsible for promoting the Codes, providing guidance and adjudicating on complaints).

7. THE STANDARDS COMMISSION'S GUIDANCE AND EDUCATIONAL MATERIAL

7.1 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 Model Code
- Advice Note for Members on Social Media
- Advice Note for Members on distinguishing between Strategic and Operational Matters
- Advice Note for Members on Bullying and Harassment
- Advice Note for Members on the Application of Article 10 of the ECHR
- Advice Note for Members on How to Declare Interests
- Advice Note for Members of Health and Social Care Integration Joint Boards
- Advice Note for Members on the Role of a Standards Officer
- Advice Note for Members on Relations between Members and Employees
- Advice Note for Members on Gifts and Hospitality
- Advice Note for the Public on the Model Code of Conduct

7.2 Some 72% of respondents indicated that they were aware of the Standards Commission's Guidance on the Model Code, with 28% reporting having used it. Awareness of the Advice Notes was generally higher, ranging from 92% in respect of the Advice Note for Members on the Application of Article 10 of the ECHR, and 90% on the Advice Note for Members on the Role of a Standards Officer to 70% on the Advice Note for Members on How to Declare Interests. Use of the Advice Notes, however, was markedly lower. While 31% of respondents advised that they had used the Advice Note for Members on How to Declare Interests and 28% advised they had used the Guidance on the Model Code, only 10% reported having used the Advice Note for Members on the Role of a Standards Officer.

7.3 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. Several respondents advised that they considered the content to be thorough and clear, with the Guidance and Advice Notes described as "a good resource". One respondent advised that they found the information provided to be "very helpful in setting up a new organisation", while another respondent reported that they found the guidance easy to understand and use (when necessary). A further respondent stated that the Standards Commission's training and educational material had "improved by far recently".

7.4 In terms of the format of the Guidance and Advice Notes, one respondent noted that they found the case examples to be useful. Suggestions on the format included tailoring the Guidance and Advice Notes to specific sectors or organisations and the inclusion of examples of both good and bad practice. One respondent suggested that the Standards Commission should record training sessions on specific topics. The respondent noted that this could be a useful tool for the induction of new members and noted that some individuals preferred verbal input over simply reading guidance. A further respondent suggested that eLearning modules be created, for members to use as a training tool at the start of their term of office. Another respondent suggested that both hard and online copies of the Guidance and Advice Notes be provided to all new members.

7.5 One respondent noted that training and educational material needed to be as clear and simple as possible for people to understand, while a further respondent advised that they preferred "simple-language and straightforward documents" that left no room for ambiguity. Another respondent questioned whether it would be better to amalgamate all information into one document to remove any risk of gaps in understanding.

7.6 A number of respondents advised that they were unaware of the Guidance and Advice Notes and suggested more work could be done to promote these. Two respondents noted that, regardless of the content of the Guidance and Advice Notes, the key was ensuring compliance with the Codes, particularly when boards were considering difficult matters or issues that were political in nature. One of these respondents suggested that monitoring of compliance “could be more rigorous”.

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

8.1 Respondents were asked whether they engaged with the Standards Commission’s quarterly Standards Update newsletter and content on its website and social media pages. The majority of respondents indicated they were aware of, or had read, the content posted, with 72% of respondents confirming they were aware of information on the ‘About Us’ and ‘News’ pages of the Standards Commission’s website, and 67% advising that they were aware of the content on the ‘Cases page’ (including the written decisions of Hearings). While 35% of respondents advised that they read the Standards Commission’s quarterly Standards Updates, fewer reported engaging with its social media content (with only 20% reading the Standards Commission’s tweets and only 13% engaging with its Facebook posts).

8.2 While several respondents advised that they did not engage with social media, feedback on the Standards Updates was positive with respondents commenting that they were “clearly written” and in plain English. Two respondents suggested, however, that the Standards Commission should do more work to promote the Standards Updates and to remind chairs and members that the contents applied and were relevant to them as well as councillors.

8.3 A number of respondents reported finding the case summaries in the Standards Updates to be useful, with one suggesting that the Standards Commission should highlight the lessons that could be learned from these. A couple of respondents advised, however, that they considered the Standards Commission should keep information “short and simple” as members did not have a huge amount of time to wade through lots of information to determine what might be relevant to them.

9. INDUCTION AND TRAINING

9.1 Respondents were asked whether they had received an induction from the Scottish Government on the Code when they were appointed. Just under 58% of respondents (102) confirmed they had received such an induction, with 42% reporting they had not.

9.2 Several respondents commented that the induction had been provided by their public body (see below). Two respondents commented on the timing of the induction offered by the Scottish Government, with one noting that they were newly appointed to their public body and had not yet had the chance to attend, while the other advised that the first available induction session had taken place four months after they were appointed. Other respondents advised that the training had been “very useful”, “well presented” and that the input from the Standards Commission had been “very helpful”. One respondent indicated that they had attended online but would have preferred the event to have been held in person. Another advised that they had found it useful to meet other members, albeit virtually.

9.3 In terms of the training on the Code provided at the Scottish Government’s induction session, 95% of respondents advised that they considered it to be ‘very’ (42%) or ‘quite’ (53%) useful. A couple of respondents noted that they had already been aware of the requirements of the Code having served on other public bodies. One respondent noted that there had been quite a lot of information to take in, but noted that a lot of this became clearer with experience in the role. One respondent noted that the training demonstrated that decisions on breaches of the Codes

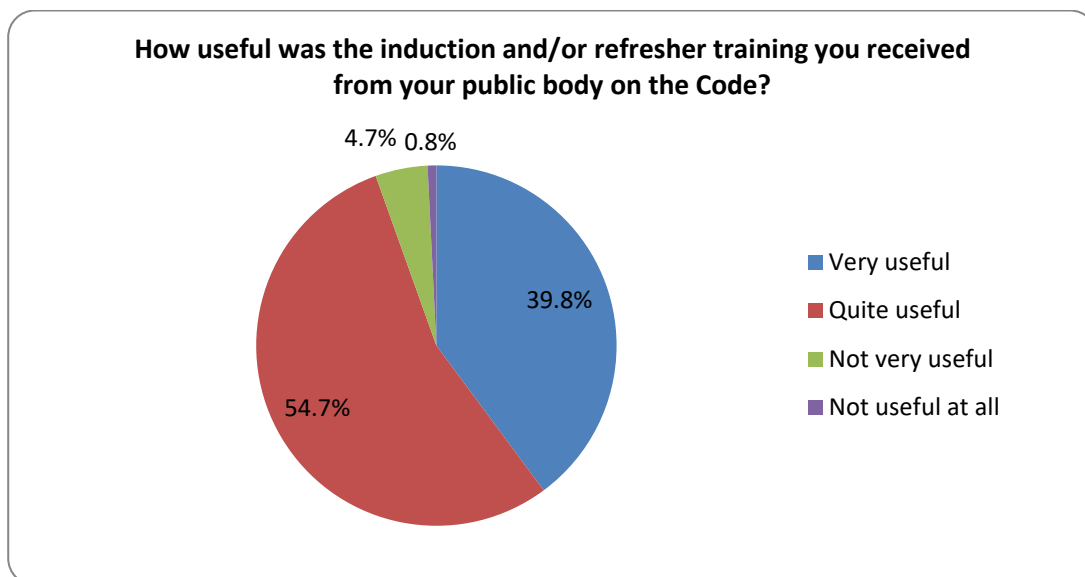
were taken after careful consideration, while another remarked that the case studies were “very helpful”.

9.4 Some 72% of respondents (127) reported that their public body had offered induction and/or refresher training on the Code. Responses on the format this had taken were mixed and included the following:

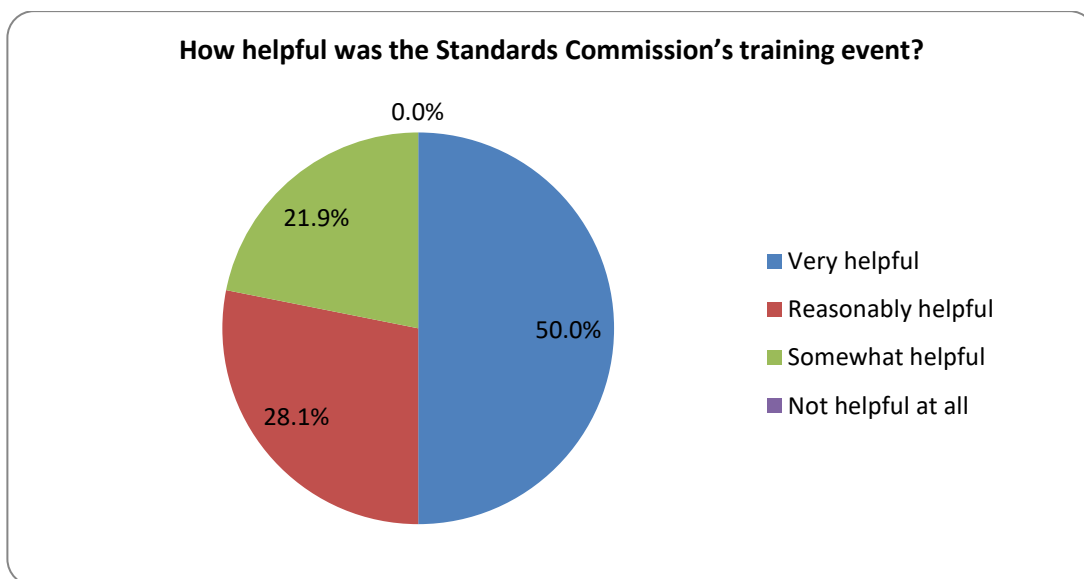
- A full induction was provided by the public body, with reference to the Code and the Standards Commission’s training and educational materials.
- Training was provided at induction and then when the Code was revised.
- The revised Code was discussed and approved at a recent Board meeting.
- Training was provided by the Standards Officer / Director of Legal Services / Board Secretary.
- Training was provided as part of the induction and also when the Model Code was updated.
- An induction was provided by both the college and the College Development Network.
- A comprehensive induction was provided by the public body, which included being provided with a paper copy of the Code.
- Several refresher sessions have been provided.
- A copy of the Code was provided, but I did not receive any training.
- The Code was mentioned at the induction.
- A written summary of the Code was provided as part of an induction pack.
- The public body provides a copy of the Code with its annual reminder to check the register of interests is correct.
- Appropriate training was provided and this has always been supplemented with advice when required.
- Training on the ‘Nolan Principles’ was provided, but not the Code.

9.5 A number of respondents advised that they could not recall whether any training had been provided as part of their induction. Several respondents reported that training was due to be provided with the next couple of months. One respondent reported that training on the Code had been provided “immediately before a meeting at which several members broke the Code”, which demonstrated this had gone “in one ear and out of the other”. Another respondent indicated that public bodies were still trying to recover from the pandemic and that they considered the provision of a proper induction had fallen by the wayside as a result.

9.6 When asked to indicate how helpful the induction or training provided was, 95% of respondents described it as ‘very useful’ (40%) or ‘quite useful’ (55%). Just under 5% of respondents felt their training was ‘not very useful’ with one respondent reporting they considered it had not been ‘useful at all’.



- 9.7 Comments on the usefulness of the training were also wide-ranging. A couple of respondents noted that the content of the refresher training provided by their public body had improved and was far clearer now, which helped ensure members were engaged. One respondent advised that they considered the training to be useful and felt it has ensured proper behaviour at meetings.
- 9.8 Several respondents indicated that the use of case examples in the training sessions was very helpful as they helped place the Code in context, which made it feel more relevant. Others noted that having discussions with colleagues about real cases and practical examples was particularly useful, as it brought the Code to life and helped members understand how breaches could be avoided in the scenarios they might find themselves in. One respondent suggested that asking members to become involved in role playing scenarios might improve engagement and prevent those attending from viewing any training session as simply a tick box exercise. A further respondent indicated that they considered it would be preferable to hold sessions in person to ensure engagement, while another commented that delivering training in as straightforward a way as possible was essential as it helped those in attendance to take in the details.
- 9.9 In terms of suggestions as to how training sessions could be improved, one respondent advised that there should be more clarity on how to identify and declare any interests. Another respondent suggested that more clarity should be provided in respect of how members are to distinguish between strategic and operational matters, particularly when operational issues become strategic (for example, when an issue could present strategic risks to the organisation's budget, public reputation or overall performance).
- 9.10 One respondent suggested that training on the Code should be obligatory and provided on an annual basis. Another suggested that members should be advised at all training sessions of the existence of the Standards Commission's Guidance, Advice Notes, Standards Updates and social media presence. A further respondent noted that while the training had been useful, the fact that the interpretation of a number of provisions in the Code was subjective was not particularly helpful to new members.
- 9.11 Respondents were asked whether they had attended any of the Standards Commission's training events, with 19% saying they had. Some respondents reported that while they had not attended any events, they would be interested in doing so.
- 9.12 When asked to comment on the adequacy of the Standards Commission's training events, 78% of respondents reported finding them to be "very" or "reasonably" helpful, with the remaining 22% finding them to be only 'somewhat helpful'.



9.13 One respondent advised that while they had found the content to be “all useful”, they considered the session “could have been more interactive” and that it would have benefitted from the inclusion of more case studies. Another respondent indicated that they considered that more content on bullying and harassment would have been helpful. One respondent noted that discussions in breakout groups had been helpful, while another suggested that it would be better to hold future events in person rather than online.

10. ENQUIRIES MADE TO THE STANDARDS COMMISSION

10.1 In response to a question about whether they had made an enquiry to the Standards Commission (either in writing or by telephone), only 6% of respondents (11) confirmed that they had, while the remainder advised they had not. While 82% of respondents advised that they had found the response from the Standards Commission to be either ‘very helpful’ (55%), ‘reasonably helpful’ (18%) or ‘somewhat helpful’ (9%); some 18% (two respondents) advised it was ‘not helpful at all’. Unfortunately, neither respondent who stated that they found the response ‘not helpful at all’ explained why they felt this to be the case.

11. NEXT STEPS

11.1 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 and in which quarter of 2022/23, depending on priority and resource capacity.

11.2 **Guidance and Educational Material:** The Standards Commission will emphasise in educational and promotional material (including in the Guidance on the Model Code) that while anyone can make a formal complaint to the ESC, there is no requirement to do so and that there is nothing to prevent a member, the public body’s chair or any employee from trying to resolve matters informally (quarter two).

11.3 The Standards Commission will include information in its Guidance on the Model Code and Advice Note on Bullying and Harassment about the importance of diversity of thought and how this improves decision-making, governance and enables public bodies to meet the needs of the communities they serve (quarter two).

- 11.4 The Standards Commission will also note in its Guidance on the Model Code and Advice Note on Bullying and Harassment that while it is the impact of any behaviour rather than the intent that is the key, any decision as to whether conduct could amount to a breach of the discourtesy, disrespect, bullying or harassment provisions in the Codes will involve an objective assessment (quarter two).
- 11.5 The Standards Commission will note in its Guidance on the Model Code and Advice Note for Members of Health and Social Care IJBs that councillor members are required to act in interests of the IJB when serving as one of its board members (rather than the interests of any political party to which they belong or are affiliated). The Standards Commission will note the same in relation to councillor members of RTPs in its Guidance on the Model Code (all in quarter two).
- 11.6 The Standards Commission will produce an Advice Note on conduct at online meetings (quarter two).
- 11.7 The Standards Commission will consider producing an Advice Note for chairs of public bodies which could include suggestions on:
- when and how to resolve issues internally;
 - how to promote diversity of thought and ensure all members have an opportunity to contribute; and
 - how they may wish to deal with a situation where a member is being disrespectful or is failing to register or declare an interest as required (quarter three).
- 11.8 The Standards Commission notes that there seems to be some misunderstanding / uncertainty about when hospitality can be accepted. The Standards Commission will emphasise in its training material that the Code allows hospitality to be accepted if it is hospitality that would reasonably be associated with the individual's duties as board member; or hospitality that has been approved in advance by the public body (quarter two).
- 11.9 The Standards Commission will review its Guidance on the Model Code to see if the content on Section 6 and, in particular, the advice on the difference between assisting service users and lobbying can be strengthened (quarter three).
- 11.10 The Standards Commission will check whether the requirement to abide by a Code of Conduct is stated in any public appointment recruitment literature (quarter three).
- 11.11 **Induction and Training on the Code:** The Standards Commission will raise with the Scottish Government's Public Bodies Unit whether any advice is given, or should be given, to the Chair / CEO on the format and frequency of any induction and refresher training on the public body's Code (quarter three).
- 11.12 The Standards Commission will share the results with the Scottish Government and discuss whether any specific and targeted training on respect, bullying and harassment could or should be provided to members NHS Boards and Health and Social Care IJBs (quarter four).
- 11.13 **Appointments to Boards:** The Standards Commission will ask the Scottish Government to note the comment about the number of individuals who serve on more than one public body board (quarter two).