



INTEGRITY IN PUBLIC LIFE

**SURVEY OF STANDARDS
OFFICERS 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, at the end of April 2022, to the Standards Officers of all devolved public bodies listed under Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act).
2. The intention of the survey was to learn about Standards Officers' experiences with the ethical standards framework and, in particular, their members' compliance with, 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 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 12 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 general, the Standards Officers who responded reported that that most, if not all, members of their public body understood and tried to comply with their Codes of Conduct. Respondents expressed varying opinions in respect of whether standards of conduct had improved or deteriorated over the last two years. It was noted that any issues tended to be caused by one or two members only.
5. Of the 34 respondents who replied, 24 confirmed that their public body provided induction training on their Code of Conduct for newly appointed members, with half (17 of 34) subsequently offering refresher training on the Code.
6. All but one of the respondents who had attended a Standards Commission training event found it to be 'very useful' or 'quite useful', with many finding the events held for Chairs and college members to be useful networking and learning opportunities.
7. Feedback on Standards Commission's Guidance, Advice Notes and other educational material was generally very positive, with several respondents commending their clarity and helpfulness.
8. The majority of respondents found the Standards Commission's annual Standards Officers' workshop to be 'very' or 'reasonably helpful' and noted it was a good opportunity to share and discuss experiences.
9. Respondents indicated a good level of engagement with the Standards Commission's quarterly Standards Updates and an understanding of the content on its website. However, there was much less engagement with the Standards Commission's social media channels.
10. The Standards Commission's response to enquiries was seen as 'very helpful' by the vast majority of respondents.

11. Of the five respondents with experience of the Standards Commission’s Hearings process and decision-making, this was seen as ‘wholly adequate’ by four respondents and ‘reasonably adequate’ by the remaining one respondent. It was noted, however, that the procedures can be hard to understand. The quality of written decisions was perceived as being ‘very clear’ or ‘reasonably clear’ by the majority of respondents who had read them.

1. INTRODUCTION

1.1 In April 2022, the Standards Commission for Scotland asked Standards Officers to complete a survey to learn about their experiences with the ethical standards framework and, in particular, their board members compliance with, and awareness of, the provisions of the Model Code of Conduct.

1.2 A total of 34 completed responses were received by the closing date of 24 June 2022. This paper summarises the responses and comments received.

2. RESPONDENTS

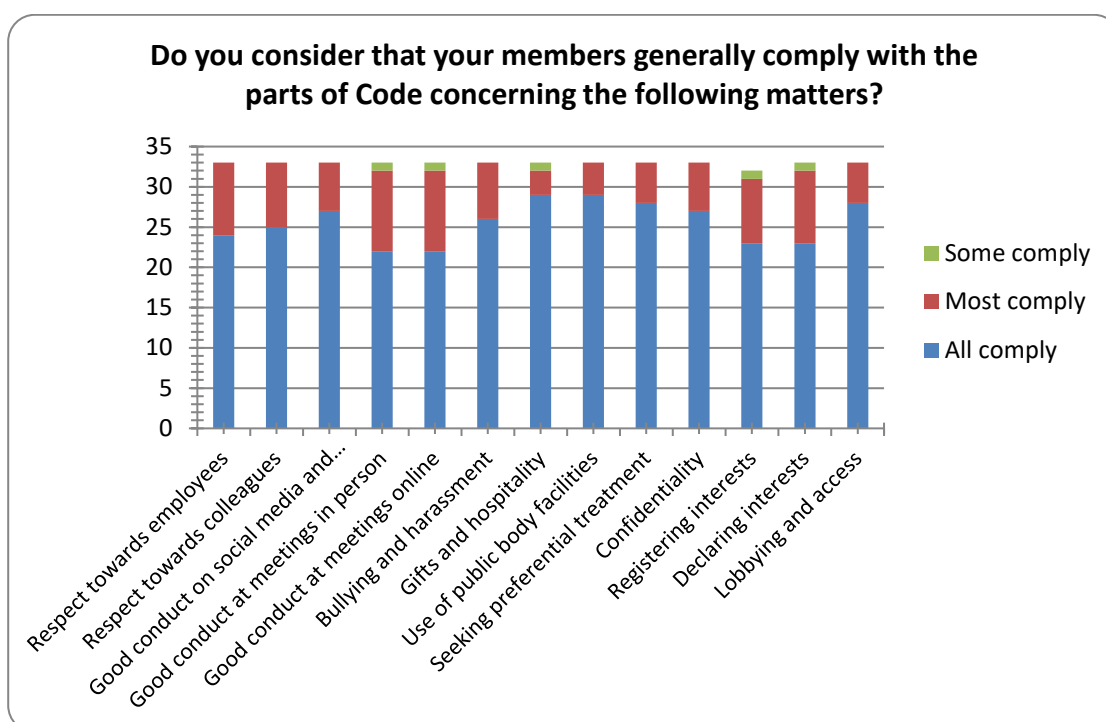
2.1 The survey was sent to 128 Standards Officers of Scotland’s devolved public bodies, Integration Joint Boards, Regional Transport Partnerships, NHS Boards and Further Education Colleges.

3. COMPLIANCE WITH THE CODES OF CONDUCT BASED ON THE MODEL CODE

3.1 Respondents were asked whether they considered that members of their public body generally complied with specific parts of their Code of Conduct. Respondents were asked to indicate, for each part, whether they considered ‘all’, ‘most’ or ‘some’ of members complied.

3.2 Respondents reported that they considered the areas of the Councillors’ Code in respect of which there was the strongest compliance by ‘all’ members concerned the use of public body facilities and gifts and hospitality (29 out of 33). The areas that scored the lowest in terms of compliance by ‘all’ members were good conduct at meetings in person and good conduct at meetings online (22 out of 33), and both declaring and registering interests (23 out of 33).

3.3 The responses received by area are reflected in the graph below.



- 3.4 Respondents were asked to provide comments or suggestions in respect of their experiences of members' compliance with their Code and, in particular, whether they considered that standards of conduct had improved or deteriorated over the last two years.
- 3.5 The responses as to whether standards of conduct had improved or deteriorated over the past two years were mixed. One respondent explained that they considered that, overall, there had been good compliance with the Code. Another reported that they did not consider that conduct had altered particularly over the past two years, with behaviour remaining consistent, regardless of whether it took place in-person or online. A further respondent advised that they had no concerns about compliance with the Code. The respondent advised that members of their public body understood the changes that had been made to the Model Code and that there was compliance with all new requirements of the revised version.
- 3.6 Reasons for good compliance provided by respondents included the deterrent provided by the complaints, investigation and adjudication processes. One respondent advised that the nature of their public body's functions and the way its members were appointed meant that they had a strong understanding and awareness of governance issues and the required standards of conduct. Another respondent explained that they considered that the fact that their public body was a health and social care integration joint board (IJB) contributed to high standards. The respondent explained this was because the composition and structure of an IJB meant that there was an absence of the usual "irritants" that could trigger poor conduct, such as daily interaction amongst members, regular face-to-face contact and dealings between members and officers, approaches and pressure from contractors, and the requirement to deal with service user enquiries and complaints.
- 3.7 Some respondents commented that standards of conduct had generally improved. Several explained this was because time had been taken to train and induct members on the requirements and importance of their Code. One respondent reported that, in particular, their public body had taken time to explain the different roles and responsibilities of members and employees, albeit they noted that some members still approached individual members of staff for information directly and that doing so put the employee in question under pressure to respond, regardless of any other tasks before them.
- 3.8 Another respondent reported that they considered their members' compliance with the Code had improved as a result of the public body experiencing a governance issue. The respondent explained that this had led to the provision of further training on the Code.
- 3.9 Two respondents advised that standards of conduct have improved during the coronavirus pandemic. One explained they considered this was because there had been a reduction in face-to-face interaction, as a result of the travel restrictions. Another respondent commented, however, that holding online meetings had made it more challenging to ensure all members had a full opportunity to contribute as it was harder to see if anyone wished to intervene. A third respondent noted that the pandemic-related issues over the last two years had made it difficult for boards to integrate and function as a cohesive unit. The respondent indicated that they considered interaction and respect for colleagues has not been at the desired level, as members seemed to consider that the holding of remote meetings afforded them a degree of security to make comments or to act in a manner that they would not otherwise have (had the meeting been held in person).
- 3.10 Other respondents reported, however, that they had experienced issues with compliance. A number reported that it could be difficult to get some members to register interests, as required, although it was noted that it was a member's personal responsibility to do so. One respondent stated that more emphasis should be placed on the importance of personal

responsibility and that public bodies should not be perceived as being responsible for chasing members and for reminding them of the need to register interests in accordance with the Code.

3.11 Several respondents who reported that they considered standards of behaviour had deteriorated over the past two years, explained that issues tended to be caused by one or two members. In particular, a number of respondents advised that councillor members appointed or nominated to their public body tended to push “the boundaries of the standards expected by the code, both in meetings and through social media commentary”. One respondent commented that usually the chair or other members would be expected to call out poor behaviour, but that on occasion they seemed unwilling to do so. Another respondent advised that the use of social media could cause difficulties and that some members would benefit from more training and understanding on this.

4. ROLES OF THE ETHICAL STANDARDS COMMISSIONER AND STANDARDS COMMISSION

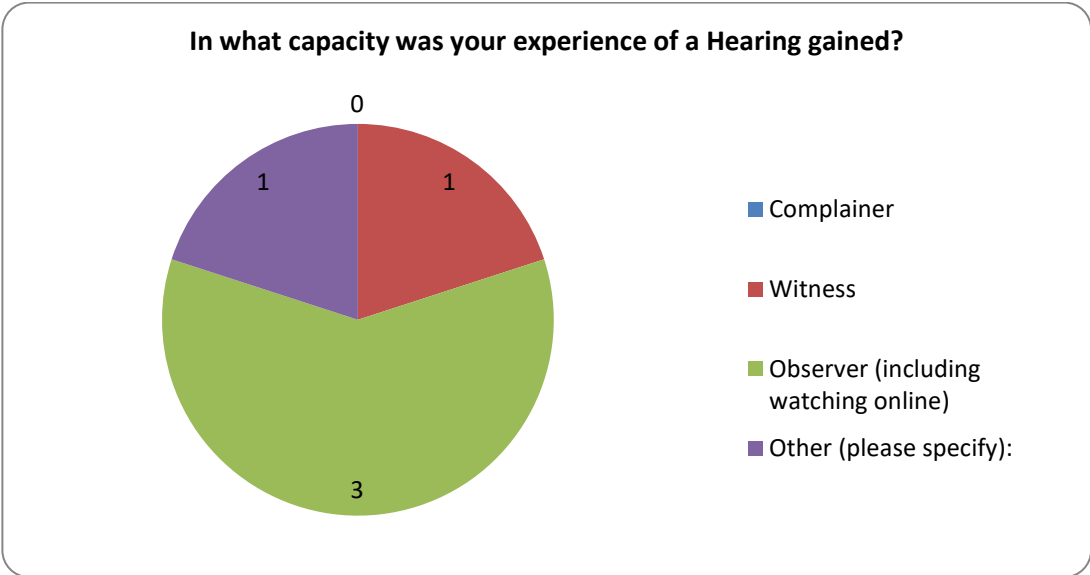
4.1 The vast majority (31 out of 34) of respondents advised that they considered that members of their public body were aware of the existence and roles of the Ethical Standards Commissioner and the Standards Commission.

5. COMPLAINTS ABOUT BREACHES OF THE MODEL CODE OF CONDUCT

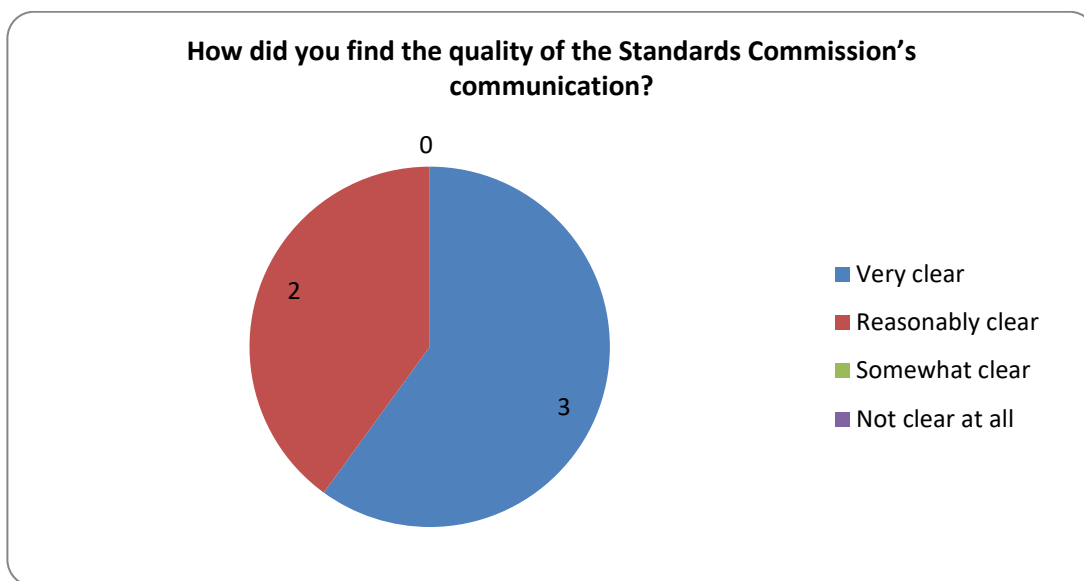
5.1 Five respondents advised that members of their public body had been the subject of an investigation undertaken by the Ethical Standards Commissioner.

5.2 Comments received on how the investigation was conducted included that the process was lengthy and drawn out, and not well understood by all involved. One respondent advised that they considered the investigation had been carried out thoroughly and that a logical conclusion had been reached. Another respondent noted that while the Ethical Standards Commissioner’s office had only sought factual information, they had considered it helpful to provide a view on the background to a complaint. The respondent indicated that they may not have chosen to provide such views had they been told they may be passed on to the individual who was the subject of the complaint.

5.3 Five respondents advised that they had experience of the Standards Commission’s Hearings and adjudicatory processes. Of these, three respondents advised that they had observed a Hearing, either in person or online, with one respondent advising that they had been a witness at a Hearing, and the remaining respondent advising that they had experienced in the Hearing when working in another role.



- 5.4 In response to a question about how they had found the Standards Commission’s Hearings process and decision-making, four respondents advised they considered it to be ‘wholly adequate’, with the remaining respondent advising they had found it to be ‘reasonably adequate’.
- 5.5 The only comment received on Hearings was that, as with any tribunal, the procedures were “dense and can be hard to understand”. The respondent suggested that it would be helpful for the Standards Commission to produce and publish a simplified guide on its Hearings process and procedures.
- 5.6 In response to a question about the quality of the Standards Commission’s communication about the Hearing, three respondents advised they found it to be ‘very clear’, while the remaining two respondents considered it to be ‘reasonably clear’.



- 5.7 Respondents were also asked about the quality of the Standards Commission’s written decisions of Hearing. Of the 23 respondents who had read a decision, most respondents found it to be either ‘very clear’ (13), or ‘reasonably clear’ (eight), with the remaining two respondents stating they found it to be “somewhat clear”.
- 5.8 Three respondents advised that they considered the summaries of written decisions in the Standards Updates to be very helpful in supplementing the guidance materials, while another stated that they were “clear and interesting”.
- 5.9 In terms of the quality of decisions, one respondent reported that they found decisions to be well-structure and clear. Another respondent advised, however, that they found them difficult to follow, and noted they did not always agree with the decision reached. A further respondent advised that the decision had not been clear about the extent of a suspension imposed (and, in particular, what meetings the suspended individual was allowed and not allowed to attend). The respondent noted they had raised this matter with the Standards Commission at the time.

6. THE STANDARDS COMMISSION’S GUIDANCE AND EDUCATIONAL MATERIAL

- 6.1 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

6.2 The majority of respondents indicated that they were aware of, or had used, the guidance and educational materials noted above. The most used were the Guidance on the Code (23 out of 33 of respondents had used) and the Advice Notes on How to Declare Interests, (20 out of 33), on Distinguishing between Strategic and Operational Matters (19 out of 33), and on Social Media (15 out of 33).

6.3 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. Respondents advised that they considered the content of the Guidance and Advice Notes to be “very helpful”, “clear, concise and easy to read”, “well written”, and “useful”. A few respondents advised that they found the case examples in the Guidance and Advice Notes to be particularly helpful in terms of understanding the provisions in the Code. One respondent noted that the Advice Note on distinguishing between Strategic and Operational Matters had been of particular assistance to them in their role as a Standards Officer. Another requested that more Advice Notes be produced as they were a “support mechanism” for Standards Officers.

6.4 One respondent advised that they had uploaded all the Guidance and Advice Notes to their board member's ‘reading room’ and had signposted where they could be found on the Standards Commission’s website so that members could peruse them as and when required.

6.5 One respondent noted that while the Advice Notes had been circulated, they suspected that not many of their public body’s members would take the time to review them, unless a specific issue arose. Another commented that the Guidance did not always take account of the practical realities of working, particularly “in political environments”.

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

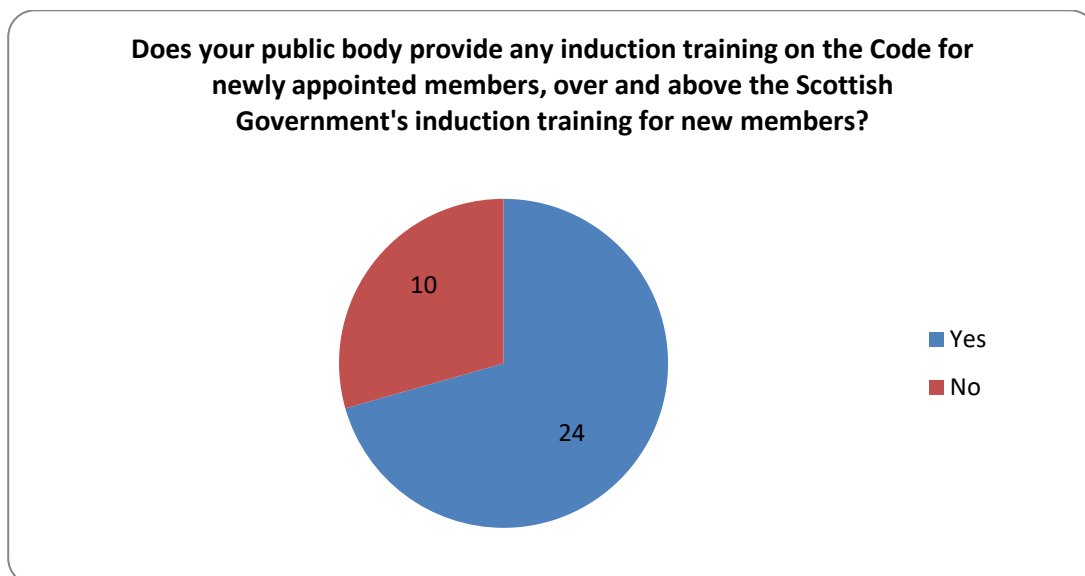
7.1 Respondents were asked whether they engaged with the Standards Commission’s quarterly Standards Update newsletter and content on its website and social media pages. The majority of respondents (26 out of 30) indicated they had read the Standards Updates. Fewer respondents (16 out of 30) had read the ‘about us’ or ‘news’ pages of the Standards Commission’s website, with 13 out of 30 respondents indicating they also reviewed information on the ‘Cases’ page of the Standards Commission’s website (including the written decisions of Hearings). The responses demonstrated there was less engagement with the Standards Commission’s social media pages (with two respondents reading the Standards Commission’s tweets and only one engaging with its Facebook posts).

7.2 When asked for feedback on this content, eight responses were received. One respondent advised that they found the quarterly Standards Updates, issued by email, to be “the most helpful way of being kept informed”, noting that they found social media to be “overwhelming”. Another respondent was surprised to learn that the Standards Commission had a Facebook account, noting that they were “not sure that Facebook has much credibility”. A further respondent stated that they would “prefer it if the [Standards] Commission did not rely too

heavily on these platforms for information transfer that is of direct relevance to Standards Officers, as [they] would overlook it”.

8. INDUCTION AND TRAINING

- 8.1 Respondents were asked whether their public body had provided any induction training (over and above the new member training provided by the Scottish Government) on the Model Code for newly appointed members and, if so, what form had this taken.



- 8.2 Of the 34 respondents who replied, 24 confirmed that induction training had been provided. Some 22 respondents offered comments on its format, which varied widely and included the following:

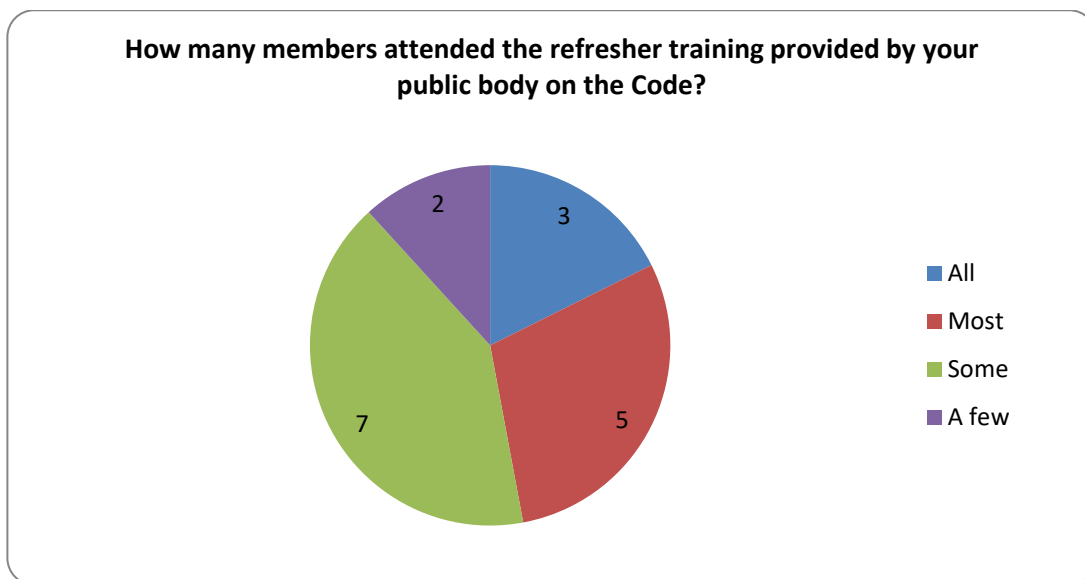
- one-to-one induction process offered to all new members;
- engagement with an external facilitator to deliver “on board” training;
- a development session run by the Standards Officer;
- a three-hour session on the Code as part of a members’ away day, which included the provision of Standards Commission guidance documents;
- provision of copies of the Code and support for members in completing their registration of interests form;
- use of the Standards Commission’s standard presentations on the Model Code;
- a session for new members on the Code run by the public body’s Governance Manager;
- a formal board paper delivered by the Standards Officer at its board meeting, plus direct training to new members;
- a discussion with the Standards Officer, or a presentation;
- a full induction including coverage of all obligations and expectations under the Code;
- induction training online using the Standards Commission’s standard presentation on the Model Code;
- face-to-face training with the Standards Officer and Chief Executive; and
- formal induction taken by the Board Secretary, covering in detail the role of a board member and what was expected.

- 8.3 Respondents were asked whether their public body offered any refresher training on the Code. Half of the respondents (17 out of 34) offered such training. The refresher training offered took various forms, including:

- internal briefings;
- a talk with the Standards Officer about roles and responsibilities;
- refresher training scheduled into the board diary;
- annually, on a specific topic;

- offering existing members the chance of a ‘refresher’ by inviting them to take part in training provided to newly appointed members;
- reminding members to revisit the Code regularly and be aware of its content;
- on an annual basis as part of the body’s annual review of corporate governance arrangements;
- an annual review of the Code at board level alongside the public body’s Standing Orders;
- ad-hoc training provided when changes were made to the Code;
- taking part in training offered by the College Development Network;
- reminders issued to members that they should approach the Standards Officer with their concerns;
- training every one to two years;
- providing training after every council election when new members join the IJB;
- refresher training offered as part of a development day; and
- ad-hoc sessions provided on request, or after a particular issue arises.

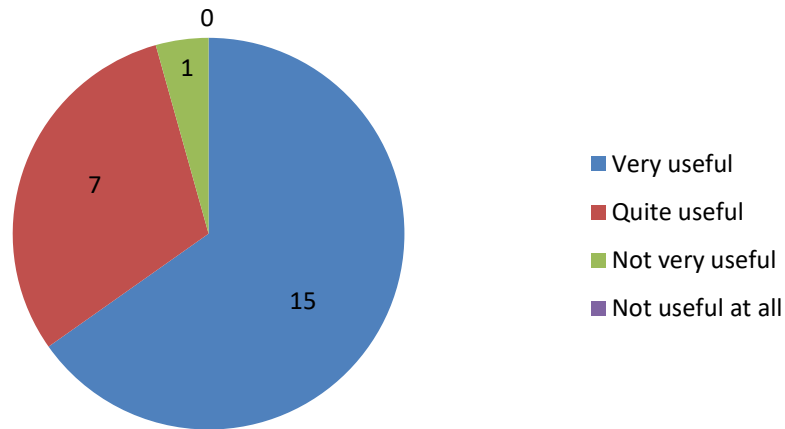
8.4 When questioned on how many of their members attended the refresher training provided, 17 respondents replied. Three advised that ‘all’ members attended, with five noting that ‘most’ attended, and seven advising ‘some’. Two respondents advised that only ‘a few’ members attended their refresher training. One respondent advised that attendance at refresher sessions was usually limited to those who want advice. Another noted that a recent training session was well attended by the voting members of their board, but that non-voting members had been less interested in attending.



9. THE STANDARDS COMMISSION’S TRAINING EVENTS

9.1 Respondents were asked whether they had attended any of the Standards Commission’s training events, and, if so, whether they found them to be useful. Of the 34 respondents, 22 had attended an event. When questioned how useful they found the training events to be, 23 respondents answered, with 22 advising they considered the training events to be ‘very useful’ (15) or ‘quite useful’ (seven). One respondent found the training events to be ‘not very useful’.

How useful was the Standards Commission’s training event?



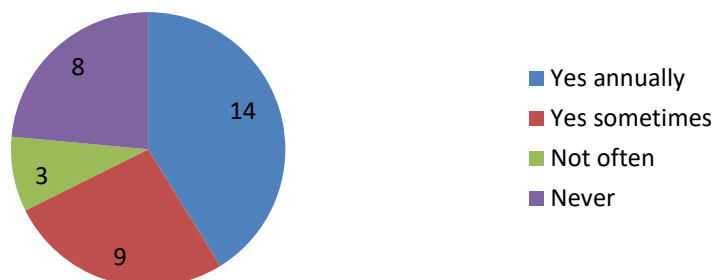
9.2 Respondents advised that they considered the training events offered to Chairs and to college members to be useful as they provided an opportunity for Standards Officers to network, and to learn how other public bodies are implementing standards. One respondent noted that the events they attended were both “helpful and informative” and were “factual without coming over as heavy handed”. Another respondent found the training events “very helpful... especially for a remote public body such as [theirs]”. A new Standards Officer commented that they had felt “quite daunted” about having to potentially challenge their board and, as such, was “grateful for the support and network provided”. A further respondent praised the use of online breakout groups, noting they were “helpful for sharing knowledge and experience”.

9.3 One respondent commented that, based on discussions and anecdotal evidence discussed at training events, there appeared to be an extensive difference between member and councillor behaviour and adherence to their respective Codes. It was noted by two respondents that they would prefer the sessions to be on a more regular basis, perhaps biannually. Another respondent felt the event they attended had focused too much on the conduct of local government councillors rather than members of public bodies.

10. STANDARDS COMMISSION’S ANNUAL STANDARDS OFFICERS’ WORKSHOP

10.1 Respondents were asked whether they had attended any of the Standards Commission’s annual Standards Officers’ Workshops, and, if so, whether they found them to be useful. Of the 34 responses, 26 reported having attended a workshop, with 23 stating that they attended either ‘annually’ (14 respondents) or ‘sometimes’ (nine respondents). Three respondents advised they had attended a workshop, but ‘not often’. Eight respondents had never attended a workshop.

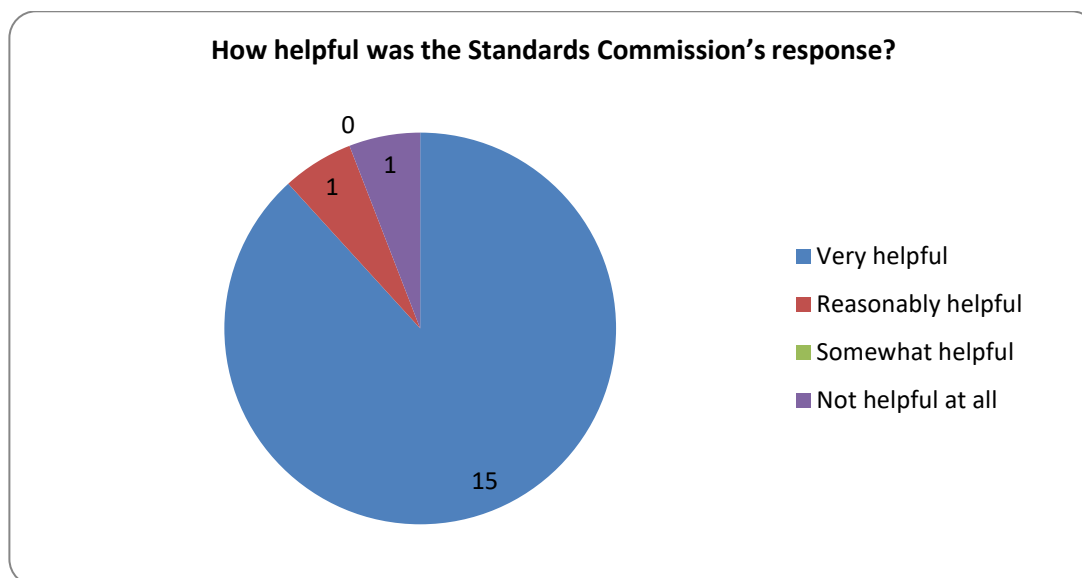
Do you attend any of the Standards Commission’s Annual Standards Officers’ Workshops?



- 10.2 When questioned on how helpful they found the workshops to be, 25 respondents answered, with 22 advising they considered the workshops to be ‘very helpful (14 respondents) or ‘quite helpful’ (eight respondents). Two respondents found the workshops to be ‘somewhat helpful’, with one advising they found the workshops ‘not helpful at all’.
- 10.3 Respondents advised they considered the workshops to be helpful for networking purposes, with one respondent noting that the workshops are “useful for sharing knowledge and experience and learning from other Standards Officers”. Another noted that “it is always helpful to hear about issues other people are grappling with”. One respondent noted that a recent online workshop they attended was “very good”, but that they were looking forward to being able to meet in person as that afforded “more chance for discussion”. One respondent commended the March 2022 Standards Officers’ Workshop, noting they would “attend more often as [they] found it useful”.
- 10.4 One respondent noted that, at the workshops they have attended, the discussion largely centered around IJBs, which they found to be interesting but “not overly useful to [them] in [their] role”. Another felt that the workshops were “sometimes a bit too theoretical”.

11. ENQUIRIES MADE TO THE STANDARDS COMMISSION

- 11.1 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), 17 respondents confirmed that they had. Of the 17 respondents, 16 advised that they had found the response from the Standards Commission to be either ‘very helpful’ (15 respondents) or ‘reasonably helpful’ (one respondent). One respondent found the Standards Commission’s response “not helpful at all”.¹



- 11.2 Respondents advised that they found the Standards Commission to be “helpful and quick”, “extremely approachable and easy to deal with”, “very helpful”, and “very knowledgeable”.

12. NEXT STEPS

- 12.1 The Standards Commission has identified below the actions it hopes to take in light of the responses to the survey and in which quarter of 2022/23, subject to budget and resources constraints.

¹ It is apparent from the feedback provided by the respondent that their enquiry had not, in fact, been made to the Standards Commission.

- 12.2 Compliance with Codes:** The Standards Commission will emphasise in its Guidance and training materials that it is a member's personal responsibility to ensure that their interests are registered as required, and that they should not rely on their public body to remind them to do so (quarter two). The Standards Commission will consider preparing and issuing an advice note or other form of guidance for Chairs, which would include suggestions for dealing with difficult members and what to do if someone does not declare an interest (quarter three). The Standards Commission will produce an advice note or other form of guidance on online meetings (quarter two).
- 12.3 Hearings:** The Standards Commission will endeavor to make its Hearings as accessible, open and easy to follow as possible. The Standards Commission will produce and publish a simplified version of its Hearing Rules (quarter three).
- 12.4 Written Decisions:** The Standards Commission will endeavor to make its Written Decisions as understandable as possible, and will ensure that the extent, nature and reasons behind any sanctions imposed are easily understood (ongoing).
- 12.5 Guidance and Educational Material:** The Standards Commission will continue to include case examples in its Guidance and Educational Material, and, where appropriate, will include more content of this nature. The Standards Commission will look to identify topics for new Advice Notes and will liaise with Standards Officers to identify suitable topics (ongoing and at Standards Officers' workshop in quarter four).
- 12.6 Public Body Inductions and Refresher Training:** The Standards Commission will, at its next Standards Officers Workshop, invite discussion on the variety of ways in which public bodies provide their inductions and refresher training (quarter four).
- 12.7 Training and Standards Officers' Workshops:** The Standards Commission is to produce, issue and publish a video presentation on the provisions in the Model Code to supplement any induction sessions run internally by public bodies. The Standards Commission will also remind Standards Officers that a standard PowerPoint presentation on the key provisions in the Model Code is also available to download from its website, and that they can tell their members that they can contact the Standards Commission with any queries on its requirements, if they consider advice may be more welcomed when offered by an independent, outside organisation (all in quarter two).
- 12.8** The Standards Commission will endeavor to provide tailored training sessions on the Code on request (resources permitting). The Standards Commission will include more examples and scenarios from Hearings in its training in order to make it more practical and less theoretical, and ensure that training is, as much as possible, tailored to the needs of the stakeholders taking part. The Standards Commission will consider whether it can run more regular Standards Officer workshops or otherwise facilitate networking and discussion opportunities between standards officers (ongoing). The Standards Commission understands that face-to-face workshops help to facilitate networking and will endeavor to host in-person events at least once a year.
- 12.9 The Standards Commission's Standards Updates, Website and Social Media:** The Standards Commission will ensure that information of direct relevance to Standards Officers is shared via email through its quarterly Standards Updates and not solely disseminated by way of social media. The Standards Commission will review accounts on an annual basis to ensure their continued relevance, purpose and to ensure that they are assisting with the promotion and achievement of the Standards Commission's aims and objectives (quarter four).