

## Action taken by the Standards Commission for Scotland

Section 24 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) states that, on receipt of a report from the Ethical Standards Commissioner (ESC) regarding a complaint about a member of a devolved public body who is (a) also an employee; or (b) an *ex officio* member, the Standards Commission shall send it to the devolved public body.

The Standards Commission has sent a report about an *ex officio* member of a Colleges' Regional Board to its Executive Director.

### Background

The Standards Commission is a statutory body established under the 2000 Act. The 2000 Act created an ethical standards framework, under which councillors and members of devolved public bodies in Scotland are required to comply with Codes of Conduct. Under the framework, complaints about breaches of these Codes are investigated by the Ethical Standards Commissioner (ESC) and are normally adjudicated upon by the Standards Commission. The Standards Commission does not, however, have any power to adjudicate on complaints about employee or *ex officio* members of devolved public bodies and, instead, is required to send a copy of the ESC's report to the devolved public body.

### Report to the Standards Commission

Following his investigation into a complaint (reference CSE/3793) concerning an alleged contravention of the Colleges' Regional Board Code of Conduct, dated June 2014, being the version of the Code in place at the time of the events in question (the Code), by an *ex officio* member of its board (the Respondent), the ESC referred a report to the Standards Commission on 22 April 2024.

An *ex officio* member is one who is a member of a devolved public body by virtue of them holding an office in another organisation. In this case, the Respondent was a member of the Colleges' Regional Board by virtue of a post held within an assigned College.

The complaint alleged that the Respondent failed to comply with the requirements of the Code that require board members to behave with courtesy and respect towards their colleagues and employees of the Colleges' Regional Board and to refrain from behaviour that could amount to bullying or harassment. In his report, the ESC advised that:

1. While the Respondent was an *ex officio* member of the Colleges' Regional Board, the Code nevertheless applied to him.
2. He had considered two allegations. The first was that during a Board meeting, the Respondent questioned an employee's job description in an aggressive and intimidating manner. The ESC reported that he found that the Respondent asked questions about the way in which the Project Manager was fulfilling her role. The ESC advised, however, that he did not consider that by asking the specific questions the Respondent insinuated "in any way", that the employee was failing in terms of performance or that any comment he had made was threatening and / or intimidating towards the employee. The ESC further advised that he did not consider that there was enough evidence for him to conclude, on the balance of probabilities, that the Respondent's body language was aggressive or inappropriate during the meeting.
3. The second allegation was that the Respondent had behaved in a disrespectful manner towards the Complainer by speaking over her at a meeting. The ESC advised that he had found that while the Respondent may have asked questions or spoken over the Complainer, "it would appear that there was a genuine reason for this and he was not trying to disrespect the Complainer in doing so". The ESC found, instead, that the Respondent was trying to seek clarity on matters being discussed.

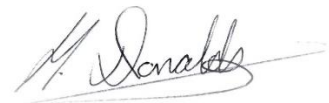
The ESC advised, therefore, that he had not found a breach of the Code to have been established.

**Action taken by the Standards Commission**

Having considered the terms of the ESC's report, the Standards Commission sent it to the Colleges' Regional Board, in accordance with Section 24 of the 2000 Act. The Standards Commission advised the Respondent and the Complainer that it has done so.

The Standards Commission would, nevertheless, remind all members of devolved public bodies of the importance of adhering to the provisions in their Codes of Conduct that require them to behave with courtesy and respect towards their colleagues and employees.

**Date: 24 April 2024**



**Helen Donaldson  
Standards Commission Member**