

# THE STANDARDS COMMISSION FOR SCOTLAND

## ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND

### GUIDANCE NOTE TO DEVOLVED PUBLIC BODIES IN SCOTLAND

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#### Introduction

1. The Ethical Standards in Public Life etc. (Scotland) Act 2000 ('the Act') introduced a new ethical framework for public life in Scotland. As one of the earliest statutes passed by the Scottish Parliament, the Act underlines the strong commitment to the promotion of high standards in public life by the Scottish Executive and the Parliament itself.
2. The Code of Conduct for Councillors and the individual Codes of Conduct for Devolved Public Bodies have been approved and the Scottish Ministers have fixed 1<sup>st</sup> May, 2003 as the date on which they will come into effect.<sup>1</sup>
3. The Standards Commission for Scotland ('the Commission') is responsible for the enforcement of the Codes. It also has responsibility for issuing guidance to assist Councillors and Members in observing the Codes.
4. The Commission has held a series of meetings with Councils and Public Bodies throughout Scotland. In the course of these a number of issues were identified which, it was generally agreed, could usefully be the subject of guidance from the Commission.
5. Having consulted on its draft proposals, the Commission now issues guidance in respect of the following issues:-
  - Part A – The New Ethical Framework: The Relationship between the Standards Commission and Public Bodies.
  - Part B - The Duties of Public Bodies to promote high standards of conduct.
  - Part C - The Registration of Interests.
6. This guidance is directed to Public Bodies and their Members. Separate – although similar - guidance is being issued to Councils and to Councillors.

#### **Part A – The New Ethical Framework: The Relationship between the Commission and Public Bodies**

7. The promotion of high standards in public life is essential to ensure and reinforce public confidence in the activities and responsibilities of Public Bodies. The Commission wishes to work in partnership with those who serve the people and communities of Scotland to ensure that, together, the highest possible standards of conduct in public life can be secured.

8. The Commission therefore wishes to support the work of Public Bodies in striving to achieve the highest standards of conduct and, with this in mind, wishes to make itself readily available to facilitate this. The Commission's address and contact numbers are set out in Appendix 1 to this Note. In addition the Commission has established a web-site at [www.standardscommissionscotland.org.uk](http://www.standardscommissionscotland.org.uk) , which is in course of being developed and is intended to become an important source of information about the new ethical framework in Scotland in general and the work and activities of the Commission in particular.
9. The Commission wishes to stress the importance which it attaches to Public Bodies embracing the new ethical framework and ensuring that they have effective support systems in place to assist Members in applying high standards of conduct.
10. Public Bodies are reminded of the importance of high standards of conduct as a key part of arrangements for corporate governance. In this connection, the Commission commends the advice given by Audit Scotland in its Code of Audit Practice dated July, 2001 and by the Scottish Executive in its guide "On Board" dated March, 2003.
11. Public Bodies also have a part to play in ensuring that the public are made aware of the new ethical framework in Scotland and how it is to be regulated. With this in mind the Commission advises Public Bodies to facilitate the process by ensuring that information about the Act, the Codes of Conduct, and the roles of the Commission and the Chief Investigating Officer is widely available at their various offices and public buildings. Public Bodies should also ensure that their own Codes of Conduct are available directly, or through links, on their own web-sites.

## **Part B – The Duties of Public Bodies to Promote High Standards of Conduct**

12. All Public Bodies have duties of –
  - a) promoting the observance by their Members of high standards of conduct, and
  - b) assisting them to observe the relevant Code of Conduct.

### Code of Conduct and Guidance

13. In the first instance, Public Bodies should ensure that all Members have their own copies of the relevant Code of Conduct and this Guidance Note. Attention should be drawn to the additional material which the Commission will provide from time to time on its web-site.

### Gifts and Hospitality

14. A Member must record any gifts or hospitality received with the standards officer (see Part C below). It is not, however, necessary to record any gifts or hospitality as described in paragraphs 3.4 (a) to (c) of the Model Code.

### Training

15. Public Bodies should also make arrangements to hold or attend training and induction sessions on ethical standards and they should strongly encourage attendance by all of

their Members and senior officials at such sessions. The Standards Commission is not in a position to provide training programmes but it is willing to facilitate any such programmes organised by established training providers, (such as representative, professional or training associations). It also wishes to work with Public Bodies on the development of good practice to assist Members in achieving high ethical standards in the conduct of public business.

16. The training sessions should cover the new ethical framework, including the Act, the relevant Code of Conduct and the enforcement regime. They should emphasise the personal responsibilities of Members. Training sessions should be offered to Members as soon as possible and initial sessions should have been held not later than the end of September, 2003.
17. When Public Bodies are re-constituted arrangements should be made to hold training sessions for new Members.
18. Public Bodies should also prepare a programme for periodic refresher courses for their Members.
19. As part of the support provided to them, it is important that Members should have ready access to advice from nominated senior officials (such as the Chief Executive or the Chief Legal Officer or the Secretary) on the new framework in general, and on the Code of Conduct in particular.
20. It should always be clearly pointed out to Members that, at the end of the day, it is their personal responsibility to ensure that they act at all times in compliance with the provisions of the Code of Conduct. This is particularly important when giving advice in relation to matters such as registration of interests and declaration of interests

### **Part C – The Registration of Interests**

21. All Public Bodies have a duty to set up, maintain, and make available for public inspection a Register of the interests of their Members which the Code requires to be registered. They must also appoint a standards officer to maintain the register.
22. Regulations have now been made by Ministers<sup>2</sup> requiring all Members to register their relevant interests by the latest of (a) 1<sup>st</sup> June, 2003; (b) one month after the Member's date of appointment; or (c) one month after approval of the Public Body's Code.
23. Public Bodies should make appropriate arrangements to ensure that Members are aware of the importance of registering all their relevant interests within this timescale. Public Bodies should make arrangements for Members who wish to consult the nominated senior official(s) to help them in completing their own entries to the Register of Interests in accordance with the requirements of the Code and the Regulations.
24. For the purposes of public inspection, the Register should be made available not later than 1<sup>st</sup> June, 2003. The principal Register should be retained at the head offices of Public Bodies.

25. The Register should also be available for inspection by the public electronically and Public Bodies should prepare a page for this purpose on their web-site and ensure it is operational not later than 31<sup>st</sup> August, 2003. The information should also be available at other offices and buildings of Public Bodies and any member of the public inspecting such information at any of these locations should be entitled to receive a printed copy of the information on request. The Commission will provide a facility on its own web-site so that members of the public, on accessing that site, can link to the relevant pages on Public Bodies' web-sites.
26. It is appreciated that there may be a gap between the registering of interests in the principal Register and the copying of that information to web-sites. It will be important, therefore, that web-sites make clear the date at which the information given is accurate. Public Bodies should aim to have their web-sites updated within one month of the receipt of the information.
27. Members are required to update their entries in the Register of Interests within one month of their circumstances changing. Appropriate arrangements should be made to ensure that Members are advised of the importance of keeping their entries in the Register under review and these arrangements should include the issue of a reminder at least every six months.

### **Review**

28. The Commission intends to keep its guidance under review. It welcomes comment on the current guidance, and will consider issuing additional guidance where this might be thought helpful.

### **Circulation**

29. Copies of this Guidance should be given, as soon as practicable, to all Members of the Public Body.

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31<sup>st</sup> March, 2003

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- <sup>1</sup> - See also the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Commencement No. 3) Order 2003 and the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Modification of Enactments) Order 2003.
  - <sup>2</sup> - See the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003.

## APPENDIX 1

### **The Standards Commission for Scotland**

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