

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DISCUSSION

Title: GOVERNANCE UPDATE: STANDARDS COMMISSION
AND OMBUDSMAN INVESTIGATIONS

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Purpose

To update the Committee on the outcome of matters referred to the Standards Commission for Scotland (SCS) and the Scottish Public Services Ombudsman.

Recommendations

The Committee is asked to:

- a) Note that 2 investigations of complaints undertaken by the Standards Commission for Scotland and one complaint investigation by the Scottish Public Services Ombudsman have all resulted in complaints not upheld;
- b) Consider the current internal procedure for handling complaint investigations conducted by such external bodies and identify any amendments to process are required;
- c) Subject to point 2 above, approve the internal procedure for handling complaint investigations conducted by external bodies and the Audit Committee's involvement in these processes.

Executive Summary

The Audit Committee's remit includes the responsibility of overseeing the Authority's risk management and corporate governance arrangements. This paper provides an update on investigations recently completed by the Standards Commission for Scotland and the Scottish Public Services Ombudsman, and indicates that no issues or recommendations requiring changes to governance arrangements have been highlighted by these investigations. All three investigations resulted in the complaint not being upheld.

The paper also highlights the current internal practice adopted in handling complaint investigations conducted by these external bodies and requests the Committee to consider whether any amendments to those practices are required.

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Background

1. The Audit Committee's remit includes the responsibility of overseeing the Authority's risk management and corporate governance arrangements.
2. The purpose of this paper is to provide an update on investigations recently completed by the Standards Commission for Scotland and the Scottish Public Services Ombudsman.
3. The paper also asks the Committee to agree its involvement in any future complaints referred to these bodies.

The Standards Commission for Scotland

4. The Standards Commission is responsible for the promotion and enforcement of Codes of Conduct for Councillors and those appointed to designated public bodies. Complaints are investigated by the Chief Investigating Officer, who reports to the Commission.
5. Since the approval of the Authority's Code of Conduct, two complaints have been made to the Standards Commission on Board members' conduct.
6. The Standards Commission investigated both complaints, with both investigations resulting in a finding that there had been no breach of the Code of Conduct. Accordingly, no further action was taken by the Standards Commission in either case.

The Scottish Public Services Ombudsman

7. The Scottish Public Services Ombudsman provides a 'one-stop-shop' for individuals making complaints about organisations providing public services in Scotland. The Ombudsman normally considers complaints only after they have been through the formal complaints process of the organisation concerned.
8. One complaint on the Authority's service provision has been made to the Ombudsman over the last two years.
9. This complaint was investigated. The Ombudsman report did not uphold the complaint, nor were any recommendations made.

Summary

10. There are, therefore, no specific issues or recommendations arising from these three external complaint investigations for the Committee to consider.
11. There have been no other complaints notified by any other external bodies, such as the Scottish Information Commissioner who deals with appeals on decisions not to supply information under Freedom of Information legislation.

Proposed Future Committee Role in Dealing with Complaints

12. In terms of the Authority's internal processes, these complaints have not been highlighted to the Committee at an earlier stage as complaint notifications and subsequent correspondence are undertaken under a "confidential" banner. Typically, only the respondent (the subject of the complaint), the Convener, Chief Executive and Standards Officer (Head of Corporate Services) receive confidential notification of a complaint. One or two other members of staff may become involved in the complaints investigation process, again on a confidential basis, in order to provide evidence required by the investigating officer.
13. This practice is aimed at maintaining, as far as possible, the member's or officer's right to confidentiality during the initial stages of any complaint investigation.
14. I propose to continue this practice, bringing updates such as this to Committee on numbers of investigations that have taken place and where the complaints have not been upheld.
15. Should any external complaint investigation indicate that there is a belief that the complaint has any grounds, it is proposed that the Audit Committee should be informed at that point. This will allow the Authority's responses to any drafts of investigation reports or findings, or the preparation of any submissions for hearings, to be considered by Committee members in fulfilling the Committee's remit to oversee corporate governance arrangements.
16. The determination of action to be taken where any complaints are upheld and/or recommendations made will be undertaken by the Committee.
17. The Committee is invited to consider this proposed course of action in managing and reporting complaints handled by external bodies, agreeing the process or suggesting any amendments to it.

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