

Engagement with the Public



INTEGRITY IN PUBLIC LIFE

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Executive Director

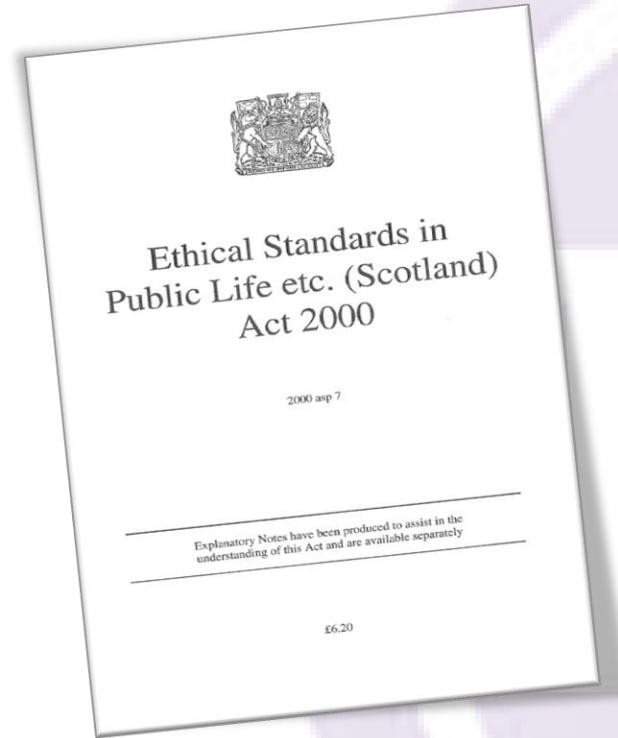
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ETHICAL STANDARDS FRAMEWORK

Standards Commission for Scotland

- Provides guidance
- Promotes framework
- Adjudicates on complaints



Ethical Standards Commissioner (ESC)

- Receives complaints and undertakes investigations

ADJUDICATORY ROLE

Hearings

- To determine if breach of Code
- To determine sanction
- Panel of 3 Members
- Usually held in public
- Formal process

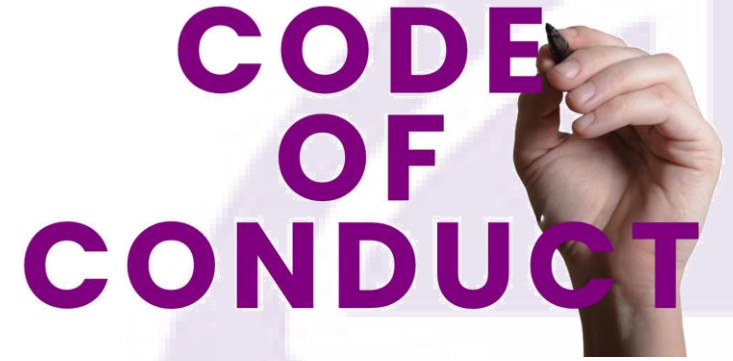


Sanctions

- Censure
- Suspend (full or partial, up to 1 year)
- Disqualify (up to 5 years)

WHEN THE CODE APPLIES

- Personal responsibility
- Applicability
- Not prevented from expressing views, (including making political comment) provided you do so in way that is compatible with Code
- Encouraged to seek advice if unsure
- Breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code



Applicability Examples

A councillor attended a family wedding and introduced himself as a councillor. The councillor then became involved in an altercation with another guest. The press later reported that the councillor has been charged with disorderly conduct and assault.

Would the Code apply?

Applicability Examples cont.

A fellow councillor posted an offensive comment on 'X'. They have argued that they were not acting as a councillor at the time they did so, as the biography section of their profile clearly stated that all comments on it were made in a personal and private capacity.

Would the Code apply?

Applicability Examples cont.

A councillor mentioned their role as an elected member during a parking dispute with a neighbour and indicated they would report the neighbour to the Council.

Would the Code apply?



ENGAGING WITH CONSTITUENTS

Respect & Courtesy

- Do you have to respond?
- Requirements of the Code

Expectation Management

- SCS Guidance on the Code for Members of the Public
- Constituents may not understand what you can and cannot do
- Assisting Constituents Card



Assisting Constituents Card

YOU CAN

- Seek information
- Advise officers of constituents' views
- Help constituents make their views known
- Give advice on procedures
- Raise concerns about council services/decisions

YOU CAN'T

- Overturn a council decision
- Seek legal advice from the Council on constituents' behalf
- Pass on Council legal advice
- Guarantee information will be kept confidential
- Represent council employees

INFORMATION

- Constituents may provide you with confidential information
- The Council may provide you with confidential information
- Your obligation under Data Protection legislation
 - only use for purposes for which it was given
 - do not share unless required to do so by law, but can usually share with council employees if it could be expected you will do so
 - do not keep for longer than you need to
- Freedom of Information

ENGAGING WITH OFFICERS ON BEHALF OF CONSTITUENTS

- Do not become *inappropriately* involved in operational management
 - Decision-making level
 - Amount of engagement / unreasonable persistence
- Cannot undermine officers or the raising of concerns about their performance, conduct or capability in public
- Must not take, or seek to take, unfair advantage of position in dealings with employees

LOBBYING

- As a councillor you will be approached by different people
- Must distinguish between:
 - Dealing with constituent enquiries
 - Community engagement
 - Lobbying
- Obligated to consider what will benefit the Council as a whole
- Perception of improper influence – objective test

QUASI-JUDICIAL AND REGULATORY DECISION-MAKING

- Integrity, objectivity and openness
- Cannot act as an advocate *and* take part in the decision-making process
- Making representations
- Site visits



ATTENDING COMMUNITY COUNCIL MEETINGS

YOU CAN:

- Help Community Councils make the community's views known
- Give the Community Council advice on procedures and who to contact at the Council
- Raise concerns about a council service/decision
- Seek information on the Community Council's behalf about the progress of an application
- Make representations on a Community Council's behalf – but you may then give up right to be a decision maker.

YOU CAN'T:

- Overturn a council decision
- Seek legal advice from the Council on the Community Council's behalf
- Pass on Council legal advice
- Guarantee information will be kept confidential
- Become inappropriately involved in operational matters

COUNCILLORS' CODE – GUIDANCE AND ADVICE

Guidance on the Code

- Contains case examples and illustrations

Advice Notes published on various topics including:

- Strategic vs Operational
- Bullying & Harassment
- Article 10 ECHR (Freedom of Expression)
- Online Meetings
- The use of Social Media
- Guide to the Code for Members of the Public
- Assisting Constituents Card
- Attending Community Councils Card

QUESTIONS AND ANSWERS

Please share your views and experiences



CASE STUDIES

- Six case studies
- To be considered in breakout groups
- Please provide feedback



FINAL QUESTIONS?

Further information on website:

- Hearings Decisions
- 'No Action' Decisions
- Codes of Conduct
- Guidance and Advice Notes
- Quarterly Standards Updates

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