



INTEGRITY IN PUBLIC LIFE

The Standards Commission for Scotland



What does the Standards Commission do?



The Standards Commission was set up as part of the law called the Ethical Standards in Public Life (Scotland) Act 2000.



It encourages high standards of behaviour in **public life** in Scotland.

In this case people in **public life** are local **councillors** and **board members** of **public bodies**.



A **councillor** is a person who is elected to the local council to represent their own local community.

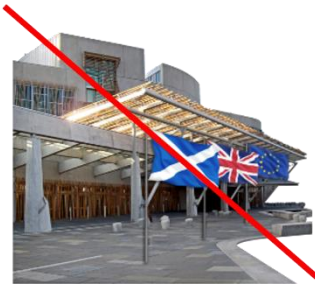


A **public body** is an organisation that provides public services.

These include police, fire and health services, schools, and councils.



Board members look at the work a public body is doing and check it is working well.



The Standards Commission is an **independent** public body.

Independent means it does not work for the Scottish Government.



The Ethical Standards in Public Life (Scotland) Act 2000 gives a way for the Government to make **Codes of Conduct** for councillors and board members of public bodies.



A code of conduct is a set of rules that say how people should behave when they are doing their job.

The role of the Standards Commission is to:



- tell people about the Codes of Conduct covering the behaviour of councillors and board members of public bodies



- give guidance to councils and public bodies on how the Codes of Conduct should be followed



- make decisions when someone thinks the Codes of Conduct have not been followed

If they have not been followed the Standards Commission can apply a **sanction**.

A **sanction** is a punishment for not following a law or rule.

The Ethical Standards Commissioner



The Ethical Standards Commissioner is a different organisation.

They investigate complaints that councillors and board members of public bodies have **breached** their own Codes of Conduct.

Breached means the rules have not been followed.



The Ethical Standards Commissioner sends a report to the Standards Commission about their investigation.



The Ethical Standards Commissioner also:

- make decisions about complaints about Members of the Scottish Parliament
- make rules for how people are appointed to the boards of public bodies
- checks if the rules are followed





There is more information about the work of the Ethical Standards Commissioner online at: www.ethicalstandards.org.uk

Hearings



A **Hearing** is a meeting.

In this case it is a meeting to decide if a person has broken the rules.

When they get a report from the Ethical Standards Commissioner, the Standards Commission can:



- hold a Hearing



- tell the Ethical Standards Commissioner to investigate further to get more information



- or take no action
This means nothing is done.



The **Respondent** is the councillor or board member the complaint is about.

A Hearing is held to decide if the Respondent has breached their Code of Conduct.

If the Code of Conduct has been breached a Hearing decides what sanction should be given.



3 members of the Standards Commission are on **Hearing Panels**.

A **Hearing Panel** is a group of three members of the Standards Commission who sit together at a Hearing and make decisions based on what they are told at the Hearing.



The Ethical Standards Commissioner will give **evidence** and make **submissions** at the Hearing about why they think the Respondent has not followed their Code of Conduct.



Evidence and **submissions** are information that is given at the Hearing to show if someone has broken the rules or not.



The Respondent can be at the Hearing or be represented by a friend or a lawyer.

They can also give evidence and make submissions.



Witnesses can be called by the Ethical Standards Commissioner and the Respondent.



A **witness** is a person who has seen something or has information that will help the Hearing Panel make a decision.

The Standards Commission has the power to make witnesses come to the Hearing and give evidence.



When the Hearing Panel has heard all the evidence and submissions it will decide if the Respondent has breached the Code of Conduct.

The Hearing Panel must give the Respondent a sanction if it decides they have breached their Code of Conduct.



Hearings are usually held in public at the headquarters of the Respondent's council or public body.



Hearings can also be held online.

If a Hearing is held online it will be shown live on the Standards Commission's website.



Written decisions of Hearings are published on the [Standards Commission's website](#).

Sanctions

The sanctions that can be given when there has been a breach of a Code of Conduct are:

- **Censure:**

A censure is a formal public record to show that the Standards Commission do not approve of what the Respondent has done.



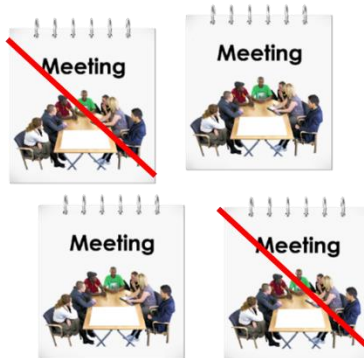


- **Suspension**

This can be a full or partial suspension.

A full suspension means that the Respondent cannot go to any meetings of the council or public body for up to 1 year.

The Hearing Panel decides how long the suspension will last for.



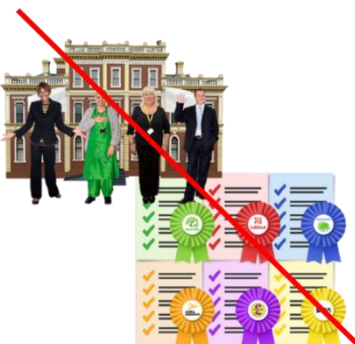
A partial suspension means that the Respondent cannot go to some of the meetings of the council or public body for up to 1 year.

The Hearing Panel decides how long the partial suspension will last for.

- **Disqualification**

If the Respondent is a councillor, disqualification means they cannot be in their job or stand for election as a councillor for up to 5 years.

The Hearing Panel decides how long the disqualification will last for.





If the Respondent is a board member of a public body a disqualification means their membership of the body is taken away for up to 5 years.



The Hearing Panel decides how long the membership will be taken away for.



The Hearing Panel can also take away their membership of any other public body.

More information



More information about the work of the Standards Commission including details of Hearings that are coming up are online at:

www.standardscommissionscotland.org.uk/