

Glasgow Kelvin College

Board of Management Meeting of 12 June 2024

Standards Commission – Advice Note and Guidance

Report by Secretary To The Board Of Management And Director Of Estates And Corporate Services

1. Introduction

As members are aware, the College recently, received from the Standards Commission some proposed revisions to the Model Code of Conduct as well as an Advice Note on the Role of a Standards Officer in Respect of the Ethical Standards Framework. These have now been read in detail by the Secretary to the Board of Management and the Director of Estates and Corporate Services.

2. Standards Commission Workshop

The Director of Estates and Corporate Services attended the Standards Commission Workshop on Tuesday, 19 March 2024 to discuss the Revisions to the Guidance on the Model Code of Conduct. Full liaison has taken place with the Secretary to the Board of Management in relation to this event.

The notes from this Workshop are available via the link below:

[Standards Officers' Workshop Notes March 2024.pdf](#)

The main points for members to note have been extracted and are detailed below:

Amended Guidance on the Model Code

The Standards Commission for Scotland have advised that the proposed changes to the Model Code Guidance include:

- A note advising that ignoring training on the Code could be an aggravating factor in terms of the sanction, should a breach of it then be found.
[Action: The Secretary to the Board of Management will ensure that training opportunities are circulated to members whenever they become available.](#)
- More information about what might constitute a registrable Category Five: Houses, Land and Buildings interest.
- More information about what might constitute a registrable Category Eight: non-financial interest.
[Action: The Secretary to the Board of Management and Director of Estates and Corporate Services will ensure that the notes for the Register of Interest completion are updated and accurate.](#)
- More information regarding what would not constitute a connection and declarable interest.

Internal Resolution of Complaints and Self-Referrals

- Standards Commission Scotland noting that there was no requirement for anyone to submit a complaint to the Ethical Standards Commission and nothing to prevent the public body from attempting internal or informal resolution if they thought it appropriate and might be successful (particularly if the alleged conduct was a one-off, not particularly serious and an apology might resolve matters).
- Attendees noting that members were entitled to refer themselves to the Ethical Standards Commission. The Ethical Standards Commission noting that he occasionally received self-referrals. Members sometimes wanted to refer themselves so that they could be exonerated in respect of a perceived breach of the Code. Attendees noted that self-

referring could also be a mitigatory factor, in terms of sanction, should a breach of the Code be found by the Standards Commission for Scotland.

Members' Awareness of, and Compliance with, their Code

- Standards Commission for Scotland advising that it was in the process of developing a LinkedIn page for the organisation, which would be shared in an upcoming Standards Update.
- Attendees advising that there could sometimes still be confusion amongst members as to the difference between connection and a declarable interest. Another issue was members forgetting to declare and requiring prompting to do so.
Action: As per the Job Description of the Secretary to the Board of Management – this role is to “facilitate and promote good governance by providing advice and guidance to the Board of Management, its Committees and its members in relation to the behaviour and conduct of members in relation to the Board’s Code of Conduct – as such, this person can (and will) advise but will not know of all connections/interests.”
- Attendees noting that the number of complaints about disrespectful behaviour appeared to be increasing. It was noted that this could potentially be linked to the budgetary constraints, which often resulted in more contentious debates.
- Attendees noted that it was difficult to strike a balance between a member’s right to freedom of expression under Article 10 of the European Convention on Human Rights and the need to protect the rights and reputations of others and ensure the smooth running of the public body.

Social Media

- Attendees reporting that they were seeing an increase in issues concerning the use of social media, particularly in respect of the principle of collective decision-making and responsibility. SCS advising it would consider the possibility of holding an open online event for board members.

Potential amendments to the Ethical Standards in Public Life etc. (Scotland) Act 2000

- Attendees noted that the possibility of a sanction being imposed helped encourage members to be aware of and adhere to the terms of their Codes. It was thought that, if sincere and well-meaning apologies were proffered, then a warning or lesser sanction could be appropriate in some cases.

Representative Members

- Attendees noting that there could sometimes be difficulties with nominee members on boards (such as trade union, carer, staff and charity representatives) as these individuals did not always accept that they were there to represent the board and act in its best interest. Instead, they often considered that they were there to represent their individual ‘constituencies’ from which they had been nominated.
Action: The Secretary to the Board of Management has (and will in future) carry out detailed Induction sessions to go over this as it is recognised that, as representative members are a new addition to the Board of Management, there may be some settling in time. The Secretary to the Board of Management will provide guidance as per her role as required.

Update on SCS Future Plans

- SCS noting its Strategic Plan for 2024/28 and Business Plan for 2024/25 were now on its website.

The links to these for member interest are noted below:

[The Standards Commission for Scotland Strategic Plan 2024 - 28.pdf](#)
[The Standards Commission for Business Plan 2024-25.pdf](#)

3. Advice on the Role of a Standards Officer in Respect of the Ethical Standards Framework

This advice note is available via the link below:

[Advice Note Members on Role of a Standards Officer.pdf](#)

The main points for members to note have been extracted and are detailed below:

Members of the Devolved Public Body

- The Standards Officer is responsible for ensuring that appropriate training is given to members on the ethical standards framework, the Code of Conduct for their public body's members (the Code), and the guidance issued by the Standards Commission. This includes ensuring training is provided on induction and also on a regular basis thereafter.
[Action: The Secretary to the Board of Management ensures that training on the Code of Conduct is given during Induction and she will ensure that training is provided on a regular basis thereafter in relation to various aspects of the Code of Conduct.](#)
- While it is a member's personal responsibility to ensure they comply with the provisions in the Code, Standards Officers are expected to contribute to the promotion and maintenance of high standards of conduct by promoting awareness of the Code. Standards Officers can also provide advice and support to members on the interpretation and application of the Code.
[Action: The Secretary to the Board of Management will continue to provide advice and support to members as appropriate.](#)
- While it is a member's personal responsibility to ensure that all relevant interests are recorded, the Standards Officer should try to ensure that members are aware of what constitutes a registrable interest under the Code and, further, that they are aware that any changes must be recorded within one month. The Standards Officer should also ensure reminders incorporating a note to the effect that the statutory requirement is to update entries on the Register of Interests within one month of any change, are issued to elected members at least once a year.
[Action: Members to note that they are required to inform the Secretary to the Board of Management of any changes to their Register of Interests within one month.](#)
- The Standards Officer should ensure that there are procedures in place to provide for a consistent approach in respect of seeking and recording declarations of interest at the start of all meetings of the body (and any committee or sub-committee thereof). Members should note, however, that it is their personal responsibility to ensure that they declare any interests, as required by Section 5 of the Code. They should not rely on the Standards Officer (or any other employee) to remind them that they may have an interest. This is because employees may not be aware of the extent of the member's connection to or interest in a matter, or may not recall it.
[Action: At the start of the agenda, members will be asked to declare any interests or connections. The Secretary to the Board of Management will continue in her role to remind members of any potential interests that she considers should be declared as per above.](#)
- The Standards Officer should familiarise themselves with the content of the Standards Commission's Standards Updates and should ensure these are circulated to members. The Standards Officer should also regularly review the Standards Commission's decisions and advise members of any relevant learning points that have arisen at recent Hearings.
[Action: The Secretary to the Board of Management will continue to circulate relevant documentation from the Standards Commission.](#)

Local Resolution

- The Standards Officer may report an alleged breach of the Code to the Ethical Standards Commission. It should be noted, however, that there is no requirement for the Standards Officer (or anyone else) to do so. Any individual can make a complaint to the Ethical Standards Commission, regardless of whether or not they have been directly affected by the alleged conduct. It should also be noted that asking a public body employee, including the Chief Executive or Standards Officer, to investigate an alleged breach or to submit a complaint to the Ethical Standards Commission, can place them in a difficult position, as employees have a duty to support the public body as a whole.

- There is nothing to prevent the public body from attempting internal or informal resolution, or even undertaking an internal investigation or commissioning an independent one, if it is considered appropriate to do so in the particular circumstances of the case. For example, it may be appropriate to attempt local resolution if:
 - the alleged conduct was a one-off incident and not particularly serious in nature;
 - the alleged conduct was inadvertent (such as a failure to timeously register an interest in circumstances where it is evident there was no attempt to conceal the interest or hide it for personal gain); or
 - it is likely some form of mediation or an apology will resolve matters.
- It may be considered appropriate for the alleged breach of the Code to be referred to the Ethical Standards Commission, without any attempt at resolution, if the allegation is of a serious nature or if any investigation required is likely to be lengthy or complex. It should be noted that if an attempt is made to resolve or investigate the matter internally, and the outcome is not accepted by one or more of the parties involved, the matter may well be referred to the Ethical Standards Commission as a formal complaint regardless. It is possible that the conclusions reached locally about whether a breach has occurred may be disagreed with by the Ethical Standards Commission and/or the Standards Commission. Consideration should be given, therefore, as to whether there is any merit in attempting an internal investigation or resolution process, particularly if the matter is serious in nature, or if it involves a particularly acrimonious dispute between members or between a member and employees.

4. Model Code of Conduct Guidance

The Secretary to the Board of Management and the Director of Estates and Corporate Services have gone through the Model Code of Conduct Guidance in detail; this is available via the link below:

[Standards Commission for Scotland Model Code of Conduct Guidance 2024 v1.pdf](#)

The main changes are the inclusion of more information on:

- The composition of boards and the complaint route for different types of board members;
- The requirement for members to act in the best interests of the public body, as opposed to the interests of any individual constituency from which they have been appointed, nominated or elected;
- When the relevant Code applies and the factors the Standards Commission may take into account in determining this;
- The fact that the Code does not prevent members from making points or from scrutinising the performance of their public body, provided they do so in a respectful manner that is compatible with the Code;
- The fact that anyone can make a complaint to the Ethical Standards Commissioner and that employees should not be pressurised into doing so;
- What might constitute registrable Category Five: Houses, Land and Buildings interest;
- What might constitute a registrable Category Eight: non-financial interest.

There are no required changes to the Code of Conduct itself at this moment in time.

5. Resource Implications

There are no real resource implications involved in terms of reviewing these governing documents.

6. Impact on Students

There are no negative impact on students identified as a consequence of anything within this report or the routine review of these policies.

7. Equalities

No adverse impacts on individuals with protected characteristics have been identified as a consequence of this report.

8. Risk and Assurance

Risk to the College is mitigated by ensuring that information received from the Standards Commission is reviewed and made available to Board members and that any actions required are carried out.

9. Data Protection

There are no data protection implications arising as a consequence of this report.

10. Environmental and Sustainability

There are no new environmental and sustainability matters arising from the contents of this report.

11. Recommendations

It is recommended that members:

- i) note the contents of this report and links; and
- ii) note that the actions contained within this report have been added to the Governance Action Plan (GAP) in order that they can be reported on in due course.

12. Further Information

Further information can be obtained from Linda Ellison, Secretary to the Board of Management at lellison@glasgowkelvin.ac.uk or Lisa Clark, Director of Estates and Corporate Services on lisaclark@glasgowkelvin.ac.uk

Lisa Clark and Linda Ellison
June 2024