OUR BIENNIAL BUSINESS PLAN

2021-2023

Ethical, empathetic, effective

How we’ll fulfil our role in

public life in Scotland

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**ACHIEVING OUR STRATEGIC OBJECTIVES**

This biennial business plan outlines the work we will undertake in 2021-23 towards achieving our three over-arching strategic objectives for the period April 2021 to March 2024.

First and foremost, we will ensure that we have the staff and resources in place that are needed to deliver all of our objectives. We value people and recognise that unless we have staff who are valued and supported to maintain their wellbeing, feel happy in and proud of our work and the way in which we do it, we will have failed. Workforce planning and staff recruitment, support and development are therefore prerequisites for the achievement of our other objectives.

These objectives are:

* We will aim to ensure that we have the staff and resources in place that are needed to deliver all of our objectives
* We will operate an effective complaints system that delivers successful and trusted outcomes and provides opportunities for learning and will work in partnership with our stakeholders to promote high standards in public life
* We will, through appropriate regulation, contribute to the establishment and maintenance of effective and diverse boards that are reflective of the communities that they serve
* We will provide assurance to the public and our stakeholders that our objectives are being met in accordance with our purpose and our values and that our governance is effective

The full [Strategic Plan 2021 to 2024](https://www.ethicalstandards.org.uk/publication/strategic-plan-2021-2024) is available on our [website](http://www.ethicalstandards.org.uk).

| **Staff and resources** | | **Milestones** | **Lead** | **Timeline** |
| --- | --- | --- | --- | --- |
| **S1** | **We will aim to ensure that we have the staff required with the relevant skills, knowledge, experience and values to acquit our functions; we will review our current structure and staffing arrangements and identify those areas that require to be revised in order for us to work most effectively** | | | |
| i | Fill all vacancies currently being carried as a matter of priority. | See S1 iii below | AESC/SIO | August 2021 |
| ii | Draft business case for SPCB to increase staff complement:  Additional IO post  Additional CSO post  Full time hours for PAO post | Case drafted and agreed | AAO | June 2021 |
| iii | Recruit to IO posts | Two IO vacancies filled, an additional IO appointed | AESC/SIO | August 2021 |
| iv | Cover for PAM role as currently fulfilling role of AESC as well as MSP complaint handling. | PAO temporary promotion to PAM role for one year. | AESC | June 2021 |
| v | Backfill PAO role through recruitment, secondment or agency | PAO appointed for one year. | AESC/APAM | August 2021 |
| vi | Recruit to additional CSO post to provide support for AESC and SMT | CSO appointed | AESC/AAO | August 2021 |
| vii | Induct all new staff into their roles. | Induction successfully completed | AAO/SIO/APAM | September 2021 |
| viii | Complete draft action plans for all activity for next two years based on biennial business plan (see O ii) – map staff/resources/available skillsets to all activities  Staff members and teams mapped to individual actions – ensure resilience/double cover as failsafe for staff departures and/or incapacity  Assess operational efficiency of new staff complement against office needs at time and for future  Reassess office needs to produce a final workforce plan | Action plans drafted for two years completed (largely drawn from this plan). Actions mapped to available staff, building in resilience and cross-office working.  Assessment conducted.  Final workforce plan produced | AESC/SMT  AESC/SMT  AESC/SMT | September and October 2021  March 2022  October 2022 |
| ix | Performance reviews conducted for all staff and actions for year ahead agreed. | All staff introduced to linkages between strategic business and action plans as well as financial implications of activities.  Performance reviews conducted and individual action plans agreed. | AESC/SMT | September 2021  October 2021 |
| **S2** | **We will aim to ensure that all staff are trained and developed to fulfil their roles effectively, including on the revised Codes of Conduct for Councillors and Members of Public Bodies, good practice in complaint handling and equality diversity and inclusion in all of our practices.** | | | |
| i | Formal training and development plans to be agreed with all staff in order for them to meet their individual objectives (see S1). Highlighted training includes presentation at hearings, management and governance, MSP complaint-handling, health, safety and wellbeing risk assessments, investigating complaints of harassment, Plain English and attention to detail. Incorporates C4 i | Plans agreed | AESC/SMT | September 2021 (current staff)  March 2022 (new staff following probationary period) |
| ii | Training secured from relevant sources | Appropriate training researched, costed and obtained | AESC/SIO/  SMT | September 2021 |
| iii | Training rolled out | Staff trained to fulfil role with individual and office-wide records maintained. | AESC/SMT | October 2021 |
| **S3** | **We will regularly survey staff and act on the results of such surveys with a view to ensuring their wellbeing** | | | |
| i | Surveys designed to cover:  Flexible working preferences  Views on the organisation  Wellbeing levels | Surveys designed  SMT agree content  Surveys finalised | APAM | June 2021 for flexible working  Six months after return to office and annually thereafter |
| ii | Survey results reviewed at SMT meetings. | Conclusions drawn  Practices revised | AESC/SMT | Ongoing |
| **S4** | **We will introduce a suite of new and revised policies that have staff wellbeing at their heart. We will ensure that staff are trained to fulfil their role in a way that is respectful of all individuals who contact us, regardless of their backgrounds.** | | | |
| i | All staff introduced to and consulted on our values as an office to ensure understanding and of and adherence to these in all of our work. | Staff introduced to values  Staff asked to provide views in formal and informal settings  Staff demonstrate understanding of and adherence to our values | AESC/SMT  AESC/SMT  AESC/SMT | April 2021  From April 2021  From May 2021 |
| ii | All HR related policies revised or updated to take account of our revised operational context (including pandemic) and to secure staff wellbeing | Suite of draft policies produced alongside reasons for introduction of new policies or amended existing ones. | PAO/AESC  SMT | May 2021 |
| iii | Staff consulted on all polices | Policies issued for views | PAO | May 2021 |
| iv | Revised policies in place | Results of consultation fed back to staff  Policies introduced  Policies published | APAM | June 2021 |
| v | Secure confidential counselling services for staff who wish to use them | Confidential counselling service in place  Staff provided with means to access service | AAO/SIO | June 2021 |

| **MSP, Councillor and Public Body Complaints** | | **Milestones** | **Lead** | **Timeline** |
| --- | --- | --- | --- | --- |
| **C1** | **We will consult all relevant stakeholders on our current complaint handling procedures and revise them and publish them in the form of an investigations manual to take account of the views received. Parts of the manual will be produced in Easy Read, BSL and other languages to ensure accessibility.** | | | |
| **C2** | **We will adapt our procedures to take account of stakeholder views and engender trust in the way that we work** | | | |
| i | Upgrading and updating of procedural documentation (templates, factsheets, flowcharts, checklists etc) for MSP, councillor and board member complaint handling | Interim changes to admissibility forms to be agreed with Standards Commission as a starting point (urgent).  Template letters revised to align with organisation’s values (urgent).  All documentation updated, adopted and published, in the form of a draft investigations manual for consultation. | SIO/AESC | May 2021  May 2021 and ongoing  December 2021 |
| ii | Adopt new procedures for interim period | Procedures adopted and staff trained on use. | SIO/IOs | From May 2021 |
| iii | Map key stakeholders | Full list of stakeholders established | AESC | May 2021 |
| iv | Make initial informal contact | Initial discussions conducted by way of remote meetings | AESC | May/June 2021 |
| v | Contact formally by way of introduction to AESC and plans for office | Email to all stakeholders with copy of strategic plan and broad proposals for investigations manual | AESC | June 2021 |
| vi | Issue manual to key stakeholders for comment. | Draft manual published on website  Stakeholder views invited  Responses incorporated | SIO | December 2021  February 2022 |
| vii | Develop an action plan documenting an appropriate suite of arrangements in anticipation of amending legislation (sexual misconduct plus removal of the time bar) coming into force | Initial liaison with relevant parties; development of outline proposal; SPCB interaction as necessary | AESC/SIO | October 2021 |
| vii | Stakeholder views lead to adaptation and adoption of final revised strategic plan. | Views on broad proposals incorporated into revised strategic plan.  Reasons for adoption or rejection of suggested changes recorded. | AESC | October 2021 |
| **C3** | **We will publish our procedures as revised so that everyone knows what to expect** | | | |
| i | Publish revised investigations manual. |  | SIO | March 2022 |
| ii | Have parts of manual that are of interest and relevance to the public translated into BSL, Easy Read and other languages |  | HCS/CST | December 2022 |
| **C4** | **We will aim to ensure that all staff are trained and developed to fulfil their roles effectively, including on the revised Codes of Conduct for Councillors and Members of Public Bodies, good practice in complaint handling and equality diversity and inclusion in all of our practices.** | | | |
| i | See S2 i | See S2 i | See S2 i | See S2 i |

| **Public Appointments** | | **Milestones** | **Lead** | **Timeline** |
| --- | --- | --- | --- | --- |
| **A1** | **We will publish for consultation a draft revised Code of Practice for appointments with a greater focus on outcomes, accountability and transparency and an emphasis on learning lessons** | | | |
| i | Publish analysis of consultation responses on prospective Code of Practice revisions alongside a draft of the revised Code for consultation. | Lay draft and consult Scottish Ministers, Scottish Parliament and key stakeholders on proposals from July 2021 to September 2021.  Analyse responses by November 2021. | AESC/APAM | July 2021 then ongoing |
| **A2** | **We will take account of all stakeholder views in order to finalise the Code** | | | |
| i | Publish results of analysis | Results published and provided to all stakeholders | ~~APAM~~ AESC | December 2021 |
| ii | Introduce revised Code | Publish | AESC | January 2022 |
| iii | Have parts of Code that are of interest and relevance to the public translated into BSL, Easy Read and other languages |  | HCS/CST | December 2022 |
| **A3** | **We will provide guidance, training and support to everyone engaged in the appointments process with a view to their implementing the new Code's provisions effectively** | | | |
| i | Draft statutory guidance | Publish | AESC/APAM | February 2022 |
| ii | Run training for PAAs, PAT and panels on new Code’s application |  | AESC/APAM | From February 2022 |
| iii | New Code comes into effect |  | AESC | April 2022 |
| iv | Continue to feed into lessons learned for the Scottish Government by running applicant surveys on a round by round basis and providing reports of feedback, whenever a request to run a survey is made. | Reports produced after appointment rounds. | APAM | Ongoing |
| **A4** | **We will seek support to revise and republish Diversity Delivers, to include new recommendations for the achievement of greater board diversity** | | | |
| i | Consult informally |  | AESC | September 2021 |
| ii | Issue formal request |  | AESC | October 2021 |

| **Governance and accountability** | | **Milestones** | **Lead** | **Timeline** |
| --- | --- | --- | --- | --- |
| **G1** | **We will put new and more effective governance measures in place, inclusive of independent elements, to ensure for ourselves and to assure others, by way of public reporting, that we are achieving our objectives in line with our purpose and our values and in line with the resources made available to us** | | | |
| i | Full review of governance arrangements | Appointment of internal auditor  Review of Advisory Audit Board remit and membership  Review of whistle-blowing policy | AESC/SMT | November 2021 onwards  November 2021 onwards  November 2021 |
| ii | Assess external arrangements following publication of wider scope review report and recommendations | Engage with SPCB and parliamentary committees  Adopt reciprocal measures | AESC/AAO | November 2021 then ongoing |
| iii | Re-establish SMT meetings | Re-establish meetings and standard agenda items  Agree agendas for year ahead to cover off additional items in policies etc.  Publish minutes  Consider meeting publicly on a quarterly basis | AESC/SMT | April 2021  October 2021  From April 2021  December 2021 |
| iv | Revert to prior arrangements for risk assessment – updated to reflect the fact that substantive risks to ESC’s operation were not identified and addressed | Adopt risk management policy  Populate risk register  Include risk as item for SMT quarterly meetings  Consult AAB and internal auditors on arrangements on an ongoing basis | AESC/AAO | October 2021 and ongoing |
| v | Commission an external independent review of all decisions made on complaints from August 2020. Report on findings. | Seek approval for contingency funding for review  Commission review  Report on findings | AESC/SIO | TBC – contingent on SPCB agreement and funding |
| vi | Review current schemes of delegation and revise to address contingencies such as availability of ESC/AESC to make decisions | Review scheme of delegation and identify areas where ESC/AESC authority required.  Put alternatives in place to deal with contingency of no ESC/AESC availability to make decisions. | AAO/AESC | September 2022 |
| vii | Consider whether standing orders can be revised to ensure collaborative decision making between ESC/SMT and wider organisation and preclude management override of controls. | Revise standing orders to give SMT a clear governance role set out in terms of reference for ESC and SMT members  Ensure ESC bound by SMT decisions in legislation and/or by some other contractual means | AESC/SMT | April 2022 onwards and in advance of any recruitment for an ESC |
| viii | Review and formalise the budget process to ensure formal approval obtained from SMT as a whole on an annual rolling basis including recommending the budget for submission to the SPCB. | Review and revise current budget process.  Agree revised process with SMT  Schedule consideration of budget against agreed business plan annually. | AAO/AESC/ SMT | September 2021 |
| ix | Prepare a medium-term financial plan to include alternative scenarios of expected income and expenditure in future years, associated assumptions for each scenario and quantifying the funding gaps. Take account of the impact of leaving the EU, the Covid-19 pandemic and other expected changes. | Scan horizon for range of scenarios and their potential impact on ESC operation  Quantify potential impact of each on available resources  Draft financial plan showing variances by scenario(s) and their potential impact on the office’s ability to fulfil its functions. | AAO/AESC | August 2022 |
| **G2** | **We will adopt quality assurance monitoring of key performance indicators, such as timescales for investigation stages, including surveys of the views of those with whom we come into contact, and report publicly on the results. We will use those results to improve on what we do and ensure that our practices are equitable** | | | |
| i | Draft performance management framework. Reintroduce previous KPIs and consult on these and other new ones to track progress of investigatory work. | Reintroduce prior KPIs by reference to annual reports  Design new KPIs related to stakeholder views on our performance  Consult stakeholders on appropriateness and relevance  Analyse responses and adapt KPIs as appropriate. | SIO | March 2022  March 2022  From April 2022  May 2022 |
| ii | Include a survey that both complainers and respondents can complete on an anonymous basis to give views on how we investigate complaints | Design and roll out survey  Set baseline based on initial results | SIO/CST | August 2022 |
| iii | Previous KPIs and new ones adopted and published | Adopt KPIs  Put tracking measures in place and assess for efficacy/accuracy  Report on progress internally against KPIs quarterly and externally annually | SIO/SMT | August 2022 |
| iv | Ensure statistics for previous two years are accurate and comparable with those produced under previous ESC. | Statistics verified internally and produced for inclusion in annual report and accounts for 2021/22 | AAO/SIO | July 2021 |
| **G3** | **We will report publicly on the difference that the new Code of Practice is making to the appointments process, for good or for bad, with a view to improving on practices. We will do so by publicising instances of good practice or innovative practice and learning as well as areas for improvement.** | | | |
| i | Engage with the Scottish Parliament’s subject committee about appointments practices with a view to making improvements and increasing transparency. | Agree suitable reporting arrangements  Submit periodic reports | AESC | From June 2022 |
| ii | Publish good practice case studies on website |  | APAM | From December 2022 |
| **G4** | **We will work in partnership with the Scottish Government, the Scottish Parliament, the Standards Commission for Scotland and other stakeholders to promote good practice and to ensure that lessons are learned from the outcomes of our investigations. Our ongoing engagement with our stakeholders will be regular and meaningful.** | | | |
| i | Meaningful re-engagement the Scottish Ministers, MSPs, public body board members, local authority councillors, monitoring officers and representative organisations such as COSLA, SOLAR and SOLACE to inform and shape our work and our performance. |  | AESC/SMT | From April 2021 |

| **Other Corporate activity** | | **Milestones** | **Lead** | **Timeline** |
| --- | --- | --- | --- | --- |
| **O1** | **We recognise that public sector resources are limited and understand that we must review, scrutinise and report publicly on our work to ensure best value and continuous improvement.** | | | |
| i | Draft strategic plan for 2021-24 | Draft plan  Seek formal/informal feedback from staff and stakeholders  Redraft based on feedback  Incorporate wider scope review recommendations  Publish for formal consultation | AESC/SMT | June 2021  June 2021  June 2021  June 2021 |
| ii | Draft biennial business plan for 2021-23 | Draft plan  Revise plan to take account of responses to strategic plan  Schedule annual consideration of biennial plan on an ongoing basis | AESC/AO | June 2021  October 2021  December 2021 |
| iii | Annual Report and Accounts design formatting and online presentation project | Finalise online ARA template | HCS | April 2021 |
| iv | Decision on office accommodation needs | Finalise extension of MoTO | AESC/SMT | April 2021 |
| v | Review contractual arrangements for CMS | Finalise contract extension | AESC/HCS | September 2021 |
| vi | Develop plan for exit of Covid-19 lockdown restrictions  Implement lockdown exit plan | Plan developed  Plan implemented | AESC/SMT  AESC/SMT | October 2021  November 2021 |
| vii | Risk assessment of EU exit on current and future activities | Update previous risk assessment  Feed potential impacts into budget projections | AAO | July 2021 |
| viii | Review of records management arrangements in preparation for resubmission of our Records Management Plan to the National Records of Scotland | See RMP Review Project Plan | HCS | February 2022 |
| ix | Review and revise all outstanding policies that are currently beyond their published review date. | Review policies  Update as appropriate  Publish as updated | AAO/PAM | September 2022 |
| x | Review entire website to ensure up to date | Assess all pages  Address broken links  Remove or update outdated items  Assess material published against publication scheme | AAO | March 2022 |
| xi | Prepare for publication of wider scope review and audit findings. | Respond formally to findings  Prepare lines for media and stakeholder enquiries  Prepare for prospective committee appearance  Implement agreed recommendations | AESC/SMT | October 2021 |

**APPENDIX 1**

**WHAT WE DO**

1. We investigate complaints about the conduct of MSPs, local authority councillors and board members of public bodies.

Standards of behaviour are set out in codes of conduct for MSPs, councillors and board members.

Where the Commissioner has concluded his investigation, he will report to

* + the Standards Commission for Scotland, in the case of councillors and board and
  + to the Scottish Parliament, in the case of MSPs and where in his view a breach of the relevant provisions has occurred.

The Commissioner also investigates complaints about lobbyists, where they fail to register or supply certain information to the Scottish Parliament. Any breach is reported to the Scottish Parliament.

1. We regulate how the Scottish Ministers make appointments to the boards of regulated public bodies. The Commissioner has the power to:

* prepare and publish and, as necessary, revise a Code of Practice for Ministerial Appointments to Public Bodies in Scotland
* issue guidance on the Code
* examine how the Scottish Ministers are making appointments and in particular assess whether they are following the Code of Practice, and
* report any serious instances of non-compliance to the Scottish Parliament

We must also ensure that, as far as possible, appointments are made fairly and openly and allow everyone, where reasonably practicable, the opportunity to be considered for an appointment.

Details of the legislation underpinning these functions are available on our website.