

COMMISSIONER FOR ETHICAL STANDARDS IN PUBLIC LIFE IN SCOTLAND – CONTINGENCY FUNDING REQUEST

Executive summary

1. This paper invites the SPCB to consider a contingency fund application from the Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner) for additional funding of £18.5k due to an increase in his workload and a subsequent increase in his Investigating Officers' costs.

Issues and Options

2. The office of the Commissioner for Ethical Standards in Public Life in Scotland combines the roles of the previous Commissioners for Public Standards and Public Appointments in Scotland and subsumes the duties of the Commission for Ethical Standards in Public Life in Scotland.

3. The Commissioner is responsible for investigating complaints about the conduct of Members of the Scottish Parliament (MSPs), local authority councillors and members of public bodies; and regulating how people are appointed to the boards of public bodies in Scotland.

4. The Commissioner has written to the SPCB advising that since March 2013, the number of complaints the Commissioner has received has increased by 44% compared to the previous year. The number of complaints investigated and closed has increased by 60% (please see table attached). Given the nature of the Commissioner's work being reactive it is difficult to estimate the number of cases that a Commissioner would be required to consider in any year.

5. To assist the Commissioner in investigating complaints about the conduct of councillors, members of public bodies and MSPs, he has a part-time Senior Investigating Officer who works 3.5 days per week and a team of six Investigating Officers who are employed only as and when required and on an hourly basis and earn between £27.52 to £33.02 per hour. The Investigating Officers' employment costs vary depending on the volume and complexity of complaints received to provide some flexibility.

6. For his 2013-14 budget, the Commissioner estimated he would require 405 days of Investigating Officer's time equating to £125,160 which was based on the previous year figures. The Commissioner now estimates that in total, 509 days will be required this financial year resulting in spend of £173,600 and an overspend of £48,440.

7. The Commissioner identified that complaint activity was high in the first quarter of 2013-14 and made plans to make savings elsewhere in his budget resulting in savings of £30k which have been used to offset some of the

Investigating Officers employment costs. Notwithstanding these savings there remains a shortfall of circa £18.5k.

Consideration

8. While we consider it would have been more helpful to have had advance warning of the financial position, we would support this request as this a demand led organisation and it is difficult to accurately predict the number of complaints that will be received in any given year. There are sufficient funds within the contingency fund this financial year to meet these costs. Notwithstanding the expenditure this financial year we would not propose to make any changes to the budget already agreed for 2014-15 and look to the Commissioner to consider alternative ways of working if the caseload remains higher than previous years.

Resource Implications

9. The Commissioner is seeking contingency funding of £18.5k to meet the additional employment costs of his Investigating Officers, due to a 44% increase in the number of complaints received. Should the actual costs be lower than the estimate then we will reduce the contingency funding accordingly.

10. There is funding available in the Officeholders Contingency Fund.

Governance issues

11. As this is a request for contingency funding, SPCB approval is required.

Publication Scheme

12. We consider this paper can be published in line with the SPCB's disclosure policy.

Next steps

13. The next steps would be to inform the Commissioner of the SPCB's decision.

Decision

14. The SPCB is invited to consider the business case submitted by the Commissioner and to give its approval for contingency funding of £18.5k.

Officeholder Services
March 2014