

## **THE STANDARDS COMMISSION FOR SCOTLAND – APPOINTMENT OF MEMBER**

### **Executive summary**

1. Under the Ethical Standards in Public Life etc (Scotland) Act 2000, as amended by the Scottish Parliamentary Commissions and Commissioner etc Act 2010, the SPCB has a statutory role to appoint the members of the Standards Commission for Scotland (with the agreement of the Parliament) and set their terms and conditions of appointment.
2. Following the resignation of a member of the Commission, the SPCB is invited to agree that a recruitment exercise be undertaken to appoint a new member to replace the member and agree the terms and conditions to be offered for this appointment.

### **Issues and Options**

#### **Replacement member**

3. On 1 April 2011, sponsorship of the Standards Commission transferred from Scottish Ministers to the SPCB.
4. The Commission's role is to ensure that standards of ethical conduct are maintained across local authorities and public bodies; to issue general guidance to local authorities and public bodies to assist them in promoting high standards of conduct; and to hold hearings following investigations carried out by the Public Standards Commissioner.
5. The Convener of the Commission is Ian Gordon who works 3 days per month and is paid a daily rate of £285. The Members are Jan Polley, Matt Smith and Julia Ward who work 2 days a month and are paid a daily rate of £238 per day.
6. The Commission is supported in its work by 3 full-time staff. The 3 staff moved to the parliamentary campus in October 2011. Its budget for 2012/13 is £233k.
7. The Convener of the Commission is keen that a member is appointed to ensure the Commission is resourced properly to enable it to carry out its functions. The SPCB is invited to agree a recruitment exercise be undertaken to appoint a new member to replace a member.

#### **Term of appointment**

8. The Ethical Standards in Public Life etc (Scotland) Act 2000 as amended by the Scottish Parliamentary Commissions and Commissioner etc

Act 2010 (“The 2010 Act”), provides that each member shall hold office for a single period not exceeding 8 years to be determined by the SPCB at the time of appointment, and a member is ineligible for reappointment at any time.

9. The Convener and the current 3 members of the Commission were appointed by Scottish Ministers for an initial 4-year term with the option to be reappointed for a further term. Transitional arrangements are included in the 2010 Act which provides that the current members may be reappointed for a period totalling no more than eight years, reduced by the period the person has already held office, i.e a second term of up to 4 years.

10. In order to proceed with the recruitment of a new member of the Commission, the SPCB must determine the term of office to be offered. The appointment periods of the current members are as follows:

Name*	Appointment Date	Length of Appointment	Eligible for reappointment?
Ian Gordon	01.02.2010 – 31.01.2014	4 years	Yes
Jan Polley	18.01.2010 – 17.01.2014	4 years	Yes
Matt Smith	18.01.2010 – 17.01.2014	4 years	Yes
Julie Ward	18.01.2011 – 17.01.2015	4 years	Yes

\* As per paragraph 9 above these Members are eligible for reappointment of up to 4 years.

**11. The SPCB is invited to consider the length of appointment to be offered to a new member.**

#### Terms and Conditions

12. The members’ current terms and conditions which were set by Scottish Ministers and are set out in Annex A. Given the Commission is now an SPCB supported body we consider that it provides a timely opportunity to align the terms and conditions with those of the SPCB which, for ease of reference, are provided alongside the current members’ terms and conditions in the attached annex. **Does the SPCB agree that the SPCB terms and conditions should be adopted for the new member and the current Commission members?**

#### Resource Implications

13. The cost of recruiting a new member will be approximately £5k (advertising and independent assessor costs). These costs will be met from internal budgets.

14. Any additional costs associated with the adoption of the SPCB terms and conditions will be met from the Commission’s budget.

#### Governance issues

15. All relevant governance issues have been considered and any appointment would be in accordance with the 2010 Act.

### **Publication Scheme**

16. This paper may be published.

### **Next steps**

17. At least 3 Members of the SPCB should sit as a selection panel to appoint a new member of the Commission with the agreement of the Parliament. Once the SPCB has agreed who is to sit on the panel, officials will be in touch about the appointment process.

### **Decision**

18. The SPCB is invited to:

- (i) Agree the length of appointment to be offered up to a maximum of 8 years;
- (ii) Agree the terms and conditions to be offered; and
- (iii) Agree who is to sit on the selection panel.

Officeholder Services  
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## Annex A

### Member's terms and conditions of appointment

Terms and Conditions	Scottish Ministers (Old)	SPCB(New)
Daily rate (Member)	£238	£238
Time Commitment for Commission business (excluding Hearings)	Maximum of 24 days per annum	Maximum of 24 days per annum
Daily rate for Hearings (these are in addition to the 24 days)	£238	£238
Hours per day	7.5hrs excluding meal breaks	8hrs including travelling time to and from meetings
Term of appointment*	4 years	A single term of up to 8 years
Reappointment*	Yes. For a further 4 year term	No
Pensionable?	No	No
Expenses Rates	<ul style="list-style-type: none"> <li>• Travel – mileage – 45p</li> <li>• Overnight including B&amp;B and dinner:               <ul style="list-style-type: none"> <li>○ London £124.10,</li> <li>○ Elsewhere £98.50</li> </ul> </li> <li>• Incidental personal allowance - £5 per night</li> </ul>	<ul style="list-style-type: none"> <li>• 45p</li> <li>• Overnight including B&amp;B and dinner:               <ul style="list-style-type: none"> <li>• London £163,</li> <li>• Elsewhere £139</li> </ul> </li> <li>• Incidental personal allowance – only payable for foreign travel</li> </ul>
Removal from office*	<p>Removed from office if Scottish Ministers are satisfied that the member has/is:</p> <ul style="list-style-type: none"> <li>• Had their estate sequestrated, or has made a trust deed for the benefit or use of their creditors;</li> <li>• Incapacitated by physical or mental illness;</li> <li>• Been absent from meetings for a period longer than 6 consecutive months otherwise than for a reason approved by Scottish Ministers; or</li> <li>• Otherwise unable or unfit to discharge the functions of</li> </ul>	<ul style="list-style-type: none"> <li>• Removed from office if the SPCB is satisfied that the member has breached their terms and conditions of office and the Parliament resolves that the member should be removed;</li> <li>• The Parliament resolves that it has lost confidence in the member's willingness, suitability or ability to exercise their functions.</li> </ul> <p>In either case, the resolution would require the support of no fewer than 2/3 of the total</p>

	their office	number of Members.
Other Appointments*	Member must not take part in activities that conflict with the interests of the Commission	Member will not hold any other specified office, employment or appointment or engaging in any other specified occupation without the approval of the SPCB
Subsequent Appointments*	n/a	<p>A person who has ceased to be a member may not, without the approval of the SPCB –</p> <ul style="list-style-type: none"> <li>• Be employed or appointed in any capacity by the Commission;</li> <li>• Be a member or an employee or appointee of the Commission for Ethical Standards in Public Life in Scotland or be an employee or appointee of the Ombudsman;</li> <li>• Hold any other office, employment or appointment or engage in any other occupation that they would have been unable to hold when a member of the Commission.</li> </ul>
Subsequent appointments – timeframe*	n/a	The restriction on subsequent appointments starts when the person ceases to be a member of the Commission and ends on the expiry of the financial year following the one in which it started

\* Provisions from the Scottish Parliamentary Commissions, Commissioners etc Act 2010