

Integration Joint Board 26th August 2021

Subject: **Appointments**

Purpose: To appoint North Ayrshire Council's recently appointed Head of Democratic Services as the Integration Joint Board's Monitoring Officer in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Recommendation: It is recommended that with immediate effect, Aileen Craig, Head of Democratic Services of North Ayrshire Council is appointed as the Integration Joint Board's Monitoring Officer in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and, the Chief Officer seeks approval of the appointment from the Standards Commission.

Glossary of Terms	
IJB	Integration Joint Board
NAC	North Ayrshire Council
NHS	NHS Ayrshire and Arran
HSCP	Health and Social Care Partnership

1.	EXECUTIVE SUMMARY
1.1	This report seeks the appointment of Aileen Craig, the newly appointed Head of Democratic Services of North Ayrshire Council as the IJB's Monitoring Officer.
2.	CURRENT POSITION
2.1	The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 requires the Board to appoint a Standards Officer. In broad terms, the role of this statutory post is to support compliance with the Code of Conduct for Members of Devolved Public Bodies. More detail on the role of the Monitoring or Standards Officer is set out in the attached Advice Note issued by the Standards Commission on the Role of a Standards Officer in Respect of the Ethical Standards Framework.

2.2	The IJB's Monitoring Officer was previously the Council's Head of Democratic Services and Monitoring Officer. In an exceptional case, there could, at least in theory, be the potential for a conflict of interest between the two Monitoring Officer roles. However, in practice the advantages of ensuring consistency of advice between the two bodies, and of ensuring the IJB has an experienced Monitoring Officer more than outweigh this. Andrew Fraser, the current postholder retired from work on 23 July 2021.
2.3	Aileen Craig has been appointed as Head of Democratic Services and Monitoring Officer of North Ayrshire from 19 July 2021. Aileen is the Council's previous Senior Manager (Legal Services), and in that role, as well as her previous Council post had extensive experience of dealing with social care legal issues. It is recommended that Aileen is appointed as the IJB's Monitoring Officer with immediate effect.
2.4	<p>As the Board has no employees the 2003 Regulations also require the Standards Commission to approve the appointment. The Standards Commission has agreed an approval process with the Scottish Government's Directorate for Health and Social Care Integration, under which the Chief Officers of IJBs are requested to provide the following information:</p> <ul style="list-style-type: none"> • A summary of the Standards Officer's key responsibilities; • The name of the nominated individual; • Whether the nominated individual is an existing Monitoring or Standards Officer; and • The steps they have taken to assure themselves of the individual's suitability.
3.	PROPOSALS
3.1	It is recommended that (1) with immediate effect, Aileen Craig, Head of Democratic Services of North Ayrshire Council is appointed as the Integration Joint Board's Monitoring Officer in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and (2) the Chief Officer seeks approval of the appointment from the Standards Commission.
3.3	<u>Anticipated Outcomes</u>
	The appointment of a Monitoring Officer of the IJB is a statutory requirement, which help to ensure accountability and supports good governance.
3.4	<u>Measuring Impact</u>
	The impact of this post is in terms of accountability and good governance which in turn supports effective leadership and delivery of services.

4.	IMPLICATIONS	
Financial:	There are no financial implications for the IJB	
Human Resources:	Any implications are set out in the report	
Legal:	The appointment of a Monitoring Officer is a statutory requirement under the Ethical Standards in Public Life etc. (Scotland) Act 2000. Any appointment requires to be approved by the Standards Commission.	
Equality:	There are no significant implications, although the appointment supports compliance with equalities obligations.	
Children and Young People	There are no significant implications	
Environmental & Sustainability:	There are no significant implications although the appointment supports compliance with environmental obligations.	
Key Priorities:	The appointment supports accountability and good governance which in turn supports of all the key priorities.	
Risk Implications:	There are risks in terms of the HSCP and IJB operating without the Monitoring Officer post, but the processes set out in this report are aimed at minimising these risks in the shortest achievable timescale.	
Community Benefits:	There are no community benefits.	

Direction Required to Council, Health Board or Both	Direction to :-	
	1. No Direction Required	
	2. North Ayrshire Council	x
	3. NHS Ayrshire & Arran	
	4. North Ayrshire Council and NHS Ayrshire & Arran	

5.	CONSULTATION	
5.1	There has been consultation with the Chief Executives of NAC and NHS, and the report was prepared in liaison with the Chief Officer of the IJB.	
6.	CONCLUSION	
6.1	This report advises the IJB on the appointment of its Monitoring Officer and the IJB Auditor	

For more information please contact Caroline Cameron, Chief Officer on 01294 317723 or carolinecameron@north-ayrshire.gov.uk



INTEGRITY IN PUBLIC LIFE

ADVICE ON THE ROLE OF A STANDARDS OFFICER IN RESPECT OF THE ETHICAL STANDARDS FRAMEWORK

1. Introduction

- 1.1 This Advice Note, issued by the Standards Commission for Scotland (Standards Commission) aims to outline the role and responsibilities of a Standards Officer operating within a Schedule 3 devolved public body, within the ethical standards framework. While this Advice Note aims to assist Standards Officers and others by providing information about the duties Standards Officers may be expected to discharge within the ethical standards framework, it is not intended to be prescriptive, as the Standards Commission recognises that governance and staffing arrangements are entirely a matter for each devolved public body to determine.
- 1.2 The Standards Commission further acknowledges that, unlike the role of a Council's Monitoring Officer, the Standards Officer of a devolved public body has limited responsibilities as specified within the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Amendment Regulations 2003 (Scottish Statutory Instrument 2003/135). It may be that there is not an individual within a devolved public body who has the specific job title of 'Standards Officer'. This Advice Note is, therefore, aimed at any individual who is either solely, or jointly, responsible for undertaking the duties and responsibilities outlined below, regardless of whether or not they have the formal title of Standards Officer.

2. Background

- 2.1 The Standards Commission's functions are provided for by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act), as amended by the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. The 2000 Act created an ethical standards framework whereby councillors and members of devolved public bodies are required to comply with Codes of Conduct, approved by Scottish Ministers.
- 2.2 The role of the Standards Commission is to:
- Encourage high ethical standards in public life. This includes promoting and enforcing the Codes of Conduct and issuing guidance to councils and devolved public bodies.
 - Adjudicate on alleged breaches of the Codes of Conduct, and where a breach is found, to apply a sanction.

- 2.3 Individual Codes of Conduct, which are based on a Model Code of Conduct, have been created and approved for all devolved public bodies described within Schedule 3 of the 2000 Act. Codes of Conduct currently apply to the following categories of public bodies:
- National Bodies (for example, the Scottish Legal Aid Board).
 - Regional Bodies (for example, Highlands and Islands Enterprise).
 - National Health Service Boards.
 - Health & Social Care Integration Joint Boards.
 - Further Education Colleges.
 - National Parks.
 - Regional Transport Partnerships.
- 2.4 Complaints about potential breaches of the Codes of Conduct are investigated by the Commissioner for Ethical Standards in Public Life in Scotland (ESC). Following the completion of an investigation, the ESC will submit a report to the Standards Commission.
- 2.5 The Standards Commission will review the report and determine whether to:
- direct the ESC to carry out further investigations;
 - hold a Hearing; or
 - do neither.
- 2.6 The Standards Commission holds Hearings to determine whether there has been a breach of their respective Code of Conduct by a councillor or member of a devolved public body concerned. If the evidence presented to the Standards Commission's Hearing Panel supports, on the balance of probabilities, that a breach of the Code had occurred the Hearing Panel will then determine the sanction to be applied, in accordance with the 2000 Act.

3. Members of the Devolved Public Body

- 3.1 The Standards Officer is responsible for ensuring that appropriate training is given to Members on the Ethical Standards Framework, the Members' Code of Conduct, and the guidance issued by the Standards Commission. This includes ensuring training is provided on induction and also on a periodic basis thereafter.
- 3.2 The Standards Officer should contribute to the promotion and maintenance of high standards of conduct by promoting awareness of the Members' Code of Conduct. The Standards Officer can also providing provide advice and support to Members on the interpretation and application of their Code of Conduct.
- 3.3 Under Scottish Statutory Instrument 2003/135, the Standards Officer is responsible for ensuring the body keeps a Members' Register of Interests. The Standards Officer should ensure the Register of Interests is maintained and that a reminder to update entries on the Register of Interests is issued to members at least once a year.
- 3.4 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.
- 3.5 The Standards Officer should also ensure that members are aware that they have an obligation under their Code of Conduct to ensure gifts and hospitality are also registered within one month.

- 3.6 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).
- 3.7 The Standards Officer might consider it useful to ensure that all relevant officers are aware of, and familiar with, the requirements of their Member's Code of Conduct.
- 3.8 The Standards Officer may have an investigatory role if local resolution is attempted in respect of complaints or concerns made about a member's conduct.
- 3.9 The Standards Officer may be required to report to the Board from time to time on matters relating to the Ethical Standards Framework. The Standards Officer may report any concerns about compliance with the Code of Conduct to the Chief Executive.
- 3.10 The Standards Officer should provide support to the body's Governance or Standards Committee, if such a committee has been established.

4. The Standards Commission

- 4.1 The Standards Officer will be the principal liaison officer between the body and the Standards Commission, and may assist the Standards Commission whenever necessary in connection with any Hearings concerning a member of the body and in all matters relevant to the ethical standards framework.
- 4.2 The Standards Officer should try to attend events arranged by the Standards Commission in order to be kept up to date with all relevant developments in respect of the ethical standards framework and to help keep the Standards Commission abreast of any issues or trends that emerge.
- 4.3 The Standards Officer should familiarise themselves with the content of the Standards Commission's Professional 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.
- 4.4 The Standards Commission expects Standards Officers to assist it in its work to promote the ethical standards framework by engaging in any of its consultations and by circulating and promoting any Guidance and Advice Notes it has produced to members and fellow officers.
- 4.5 The Standards Officer may be asked to assist the Standards Commission in making arrangements to run external training events on the Model Code of Conduct. The Standards Officer should encourage members to attend any such events.
- 4.6 The Standards Officer should be the point of contact for the Standards Commission and should advise the Standards Commission if they are leaving their post.

5. The ESC

- 5.1 The Standards Officer will be the principal liaison officer between the body and the ESC and should assist the ESC whenever necessary in connection with the investigation of complaints against a member of the body. This includes providing information and evidence within the timescales as requested and making arrangements for interviewing any officers or other members as required. Timely responses to requests from the ESC will assist in keeping to a minimum the time taken to conclude an investigation.

- 5.2 If local resolution in respect of complaints or concerns made about a member's conduct is deemed inappropriate in the circumstances or is unsuccessful, the Standards Officer may be responsible for reporting any alleged breach of the Code of Conduct to the ESC.

6. Other Standards Officers

- 6.1 The Standards Officer may wish to try to develop relationships with other Standards Officers to share knowledge, experience and information about best practice.



Data control and version information				
Date	Action by	Version Updated	Current version	Brief Description
07/01/2016	LJ	N/A	V1.0	Introduction of Advice Note
13/12/2018	LJ	V1.0	V1.1	Minor changes to format and structure
08/02/2019	EM	V1.1	V1.2	Replace CESPLS with ESC
12/02/2019	LJ	V1.2	V1.3	Minor change to paragraph 3.1 to refer to training as being 'periodic' as opposed to 'regular'.
18/03/2021	LJ	V1.3	2021 v1.0	Minor amendments following review.