



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 14 March 2024

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 14 March 2024

CONTENTS

	Col.
INTERESTS	1
DECISION ON TAKING BUSINESS IN PRIVATE	2
ETHICAL STANDARDS COMMISSIONER	3

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
6th Meeting 2024, Session 6

CONVENER

Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

*Ivan McKee (Glasgow Provan) (SNP)

COMMITTEE MEMBERS

*Jackie Dunbar (Aberdeen Donside) (SNP)

*Stephen Kerr (Central Scotland) (Con)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ian Bruce (Ethical Standards Commissioner)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament
Standards, Procedures and
Public Appointments Committee

Thursday 14 March 2024

*[The Deputy Convener opened the meeting at
09:36]*

Interests

The Deputy Convener (Ivan McKee): Good morning. I welcome everyone to the sixth meeting of the Standards, Procedures and Public Appointments Committee in 2024. I have received apologies from the convener, Martin Whitfield.

Our first item today is a declaration by a new member of any relevant interests. I welcome Jackie Dunbar as a new committee member. Jackie, do you have any relevant interests to declare?

Jackie Dunbar (Aberdeen Donside) (SNP): At this point, the only thing to note from my entry in the register of members' interests is that I was formerly a councillor at Aberdeen City Council, until May 2022. I believe that we will be discussing local elections in the future.

The Deputy Convener: Thank you. That has been noted.

**Decision on Taking Business in
Private**

09:37

The Deputy Convener: Our next item is consideration of whether to take items 4 and 5 in private. Agenda item 4 is consideration of the evidence heard in our session with the Ethical Standards Commissioner. Agenda item 5 is consideration of correspondence that the committee has received. Are members content to take those items in private?

Members indicated agreement.

Ethical Standards Commissioner

The Deputy Convener: Our next item is evidence from the Ethical Standards Commissioner. I welcome Ian Bruce to the meeting and I invite the commissioner to make some opening remarks.

Ian Bruce (Ethical Standards Commissioner): Thank you, deputy convener and members of the committee, for the invitation and the opportunity to talk to you about the work of our office. I am keen to ensure that the committee is fully informed about my office's performance and my own performance. I will keep my opening statement brief, to allow as much time as possible for questions.

I last gave evidence to the committee at an informal briefing in September 2023, due to a change in membership. I hope that you are enjoying your new roles. I trust that, since then, you have reviewed our most recent annual report and accounts, and that they will have given you an indication of the significant progress that we have made in implementing the recommendations made for us by the Auditor General for Scotland.

As the annual report testifies, and as was discussed with the committee in September, the intervening period has been extremely busy for us, but we are content—and, indeed, we have assurance from our auditors—that we are operating effectively as an organisation. There has been no follow-up section 22 report, and Audit Scotland had no recommendations whatever for us, as will be apparent from the annual report and accounts that we laid with the Parliament in December. In effect, our office now has a clean bill of health.

I am pleased to be able to report to the committee that we have now implemented all of the Auditor General's recommendations that we were able to. We have also implemented almost all of the additional recommendations that our internal auditors had for us.

We have successfully recruited and inducted the new staff that I spoke to the committee about in September, and they have completed their probationary periods. They are already adding value across the work of our office, particularly in reducing the number of complaints requiring initial assessment. Waiting times have now reduced to four months, which was not easy to achieve in the face of a rising number of complaints and investigation numbers during the year.

We have included all the detail of the progress on our website and a summary of it in our annual report, and I am happy to provide more detail during the course of this evidence session.

With regard to my plans for the future, I published a new draft strategic plan for 2024-28 in November. It was subject to extensive consultation, including with this committee, and it sets out an ambitious pathway for our office for the next four-year period. I will publish the final version, which will incorporate the feedback that we have received, prior to the end of this month.

I am happy to take any questions that the committee might have for me.

The Deputy Convener: Great. Thank you very much for that update.

Stephen Kerr will ask the first questions.

Stephen Kerr (Central Scotland) (Con): Good morning, Ian. Welcome back to the committee, and well done on being able to comply with the Auditor General's list of recommendations. Were there 10? I cannot remember.

Ian Bruce: There were 22.

Stephen Kerr: Right, okay—there were 22 altogether.

I will ask you first of all about resource, because that was one of the challenges that you had to deal with when you came into office. How is that going now? Where are you in terms of your complement?

Ian Bruce: We are fully staffed. There are now 20 members of staff overall, myself included. The final piece of the jigsaw puzzle joined us just recently, and that was a part-time governance and finance officer to provide support to the corporate services team. All of the investigations team members completed their probationary periods around October and November, because their start dates were staggered last year. I am very happy that we have the resources that we require.

Stephen Kerr: Excellent. That is very good.

I would like you to give us some background on the job description of the public appointments advisers, because that is not a staff position but a contractor position. How does that work, and how is that going?

Ian Bruce: It is going very well. On a semi-regular basis, we go out to tender for those individuals. They are consultants and they work for us under what is known as a service level agreement. If you are concerned about the resourcing implications for us, I can tell you that the full-time equivalent figure sits at around 1.8 members of staff. They are recruited on the basis of their expertise in recruitment and selection, with a particular focus on equality and diversity. They are not the policemen in the corner—they are my representatives—but their role is to assist panels in achieving the best possible outcomes in appointment rounds.

Stephen Kerr: How frequently is there a refreshing of the contractors? How does that work?

Ian Bruce: We need sufficient capacity across the entire team, because we have any number of appointment rounds running at any given time and I determine how much oversight of those should be provided on the basis of a number of factors, including the budget of the body and its governance. We need sufficient spread to ensure that we can allocate to any number of appointment rounds simultaneously. The optimum number of advisers for us is around 12, which is where we are sitting at the moment. When it dips to 10 or so, we usually go out to tender again, to ensure that we have sufficient complement.

Stephen Kerr: The structure chart says that you are looking for 14, which would be at the top end of what you require.

Ian Bruce: It would indeed.

Stephen Kerr: There are 100-odd appointments every year.

Ian Bruce: Yes, that is correct.

Stephen Kerr: What about the profile of those people? You will understand the reason why I am asking that in relation to recruitment to public bodies, which is an important part of what you do. What is the profile of the people who act as public appointment advisers?

Ian Bruce: It varies. I would be very happy to share with the committee the details of our tendering process and the attributes that we look for. Primarily, and in general terms, they have a background in recruitment and selection, with a particular focus on equality and diversity.

Stephen Kerr: Are there diverse backgrounds among the members of the group?

Ian Bruce: Yes.

Stephen Kerr: Can you give us a sample of the different backgrounds that they have?

Ian Bruce: Yes. We have one individual who is an adviser to the Chartered Institute of Personnel and Development on recruitment and selection. That gives members an indication of the calibre of individual involved. We have two individuals who used to work as independent advisers for the Office of the Commissioner for Public Appointments. That commissioner is the equivalent commissioner for England and Wales. One of them was the chair of a national health service trust in England—she has that particular background.

09:45

Stephen Kerr: I will get to the point of why I am asking about that. I understand that protected characteristics and diversity are important, and I can see that a lot of effort goes into those considerations, but one aspect of the profiles of those who serve on public boards is that they are all pretty much alike. For example, they predominantly have high incomes. The number of people who serve on boards or who are chairs of boards who earn low to middle incomes is pretty small compared with the number who earn over £75,000 a year. The people who are appointed to public bodies, including chairs, also predominantly have public sector backgrounds. Relatively few of them—maybe around half as many—are from the private sector, and even fewer are from the voluntary sector. What is happening that means that there seems to be that replication, with the same sort of people joining those public body boards? From an optics point of view, that seems to be somewhat less than optimal.

Ian Bruce: I agree absolutely. That is why we ensure that the Government gives us those figures and we report publicly on them. More can definitely be done on diversity.

You asked about the cohort of PAAs. They have a very broad range of backgrounds, and it is an exceptionally diverse group in terms of visible diversity—I can assure you of that.

Stephen Kerr: Do you mean “visible” as in apparent characteristics?

Ian Bruce: Indeed, in terms of protected characteristics.

Stephen Kerr: Are they predominantly public sector people with high incomes?

Ian Bruce: No. There is a range. Some have that background and others certainly do not, but I do not think that it would be legitimate for me to get into the details with you.

Stephen Kerr: Yes. I understand the delicate aspect of that.

Ian Bruce: But you make a relevant point. That is why we need to refresh “Diversity Delivers”. There are things that can be done, appointment round by appointment round, to increase diversity, and that is what our PAAs are there to encourage.

Stephen Kerr: Specific targets have been set for diversity by what I am calling protected characteristics, but I did not read about any particular drive to ensure that the people who are appointed come from diverse backgrounds in terms of their household incomes and work experience. It is possible that I may have missed that.

Ian Bruce: No—I agree. That is something that we should see. I have spoken to the committee previously about the fact that the focus of our strategy, which should be national and regional as opposed to things being done appointment round by appointment round, should change. The strategy was last designed and published in 2008, and all the targets that were in it at that point related to protected characteristics. It came back to what was said in the Public Appointments and Public Bodies etc (Scotland) Act 2003 and the Scotland Act 1998. That was the focus at the time.

I think that you are right. Our focus should move now, and we should be looking to bring on board people from a much wider range of backgrounds. I absolutely agree with that point.

Stephen Kerr: You have brought the necessary discipline for any organisation—public or private—of planning.

Ian Bruce: Yes.

Stephen Kerr: Is there anything in the plans that we have not seen that is going to move the dial in the direction that we are discussing?

Ian Bruce: My strategic plan for the next four years sets out a refresh of that strategy.

Stephen Kerr: A refresh.

Ian Bruce: Yes, and there will need to be more focus on broader diversity.

It is worth saying that things differ from appointment round to appointment round. I will give an example that might help to bring things to life. The example of the Poverty and Inequality Commission is very relevant. When it went out to look for its members and convener initially, the criteria for selection were such that a very different demographic came on board there.

It might be helpful to point out that, when I changed the code of practice, I made it clear to ministers that it is not just skills, knowledge and experience that you are looking for, because that tends to mean that you are fishing in the same pool. If you think more broadly about it, you can be looking for other attributes—things like lived experience. So, with regard to the Poverty and Inequality Commission, ministers were looking for people with lived experience, and the process was designed to deliver that. We ended up with a cohort of new board members who looked very different. That does happen appointment round by appointment round. NHS boards might be looking for people with lived experience of inequalities when trying to access health services.

However, we need to look at the matter on a more national and regional basis, which is why a refresh of the strategy is in my strategic plan.

Stephen Kerr: The refresh is obviously in focus because it is in your report—that is good, and it is the reason that I can ask these questions. Do you expect that the dial will now shift? If so, over what period? Will it be over the next year or over the next two years, for example?

Ian Bruce: It will take time. These things always take time.

Stephen Kerr: There are 100 appointments a year, on average, so we might see some progress.

Ian Bruce: I will continue to report to this committee, and we will be able to track progress in that way, but we are starting our research in July. It will basically be the same job that we did in advance of 2008 to look at the issues and how to address them. That will require not only desk-based research but focus groups and that type of thing. A considerable amount of awareness raising with the public is also needed, because I am not sure that people necessarily see themselves in those roles, and you are not going to address that appointment round by appointment round.

Territorial health boards do some outreach themselves, which is helpful, but we need to look much more widely, so I think that some sort of national campaign will be needed. But let us do our research—

Stephen Kerr: I agree. A few more people, particularly with private or voluntary sector backgrounds, need to be nudged to make themselves available, because—you are absolutely right—they might not see themselves in that sort of role and yet their experience, if they are not there, is a critical missing piece.

Ian Bruce: Yes—absolutely. I said as much in my introduction to the code when I refreshed it. The boards should be reflective of the communities that they serve, and that is a very broad church.

Stephen Kerr: Yes, it is.

Convener, do you want me to carry on?

The Deputy Convener: Yes, just move on.

Stephen Kerr: I will wait for the convener to tell me to be quiet—

The Deputy Convener: No, no. Just cover what needs to be covered, and other committee members will come in as appropriate.

Ian Bruce: It is a fascinating line of questioning.

Stephen Kerr: I would like to talk a bit more about the strategy that is included in the report. At the beginning of the report, you refer to your top objective. It is quite difficult to read—it might be my age—because it is in black text on a green background. The report states:

"We will operate an effective complaints system".

It goes on to say a little about what that means, but will you expand on what you see as an effective complaints system? How would you define that?

Ian Bruce: In general terms, my office is committed to continuous improvement. We already have in place what I would describe as an effective complaints handling system. We still have a queue, but that has reduced significantly. We need to get that down to the lowest possible level. We have a comprehensive investigations manual, which has been published, but that is not set in stone. Every time we get feedback from anyone who comes into contact with our office, whether they are a witness, a complainant or a respondent, we take the feedback on board, discuss it as a team and revise our procedures as necessary in order to improve the service that we provide.

I am not saying that what we do at the moment is ineffective; I am saying that there is always room for improvement, and we improve our practices on an on-going and regular basis. We refresh our investigations manual quarterly, and the next refresh is due in April. It was published after I last gave formal evidence to the committee, last year. It has been updated since that time, and the measures that we have introduced since then reflect what we have heard from the people who have come into contact with us.

Stephen Kerr: It is effective, then.

Ian Bruce: Yes.

Stephen Kerr: A key element of effectiveness for anyone who is involved in the process is the speed of decision making. How critical is that?

Ian Bruce: The speed of decision making is important, but so is the quality of decision making—there has to be both. It is pointless to get through complaints very quickly if the decisions are not right, if they are not well supported and if people do not understand why those decisions were made. Those things are very important, too.

Investigations need to be thorough, and it is important that we gather all the evidence that we need in order to reach sound conclusions. We need to be able to demonstrate to people who are complained about or who have made a complaint that we have gathered everything relevant and that the conclusion that we have reached is sound.

Stephen Kerr: To be absolutely clear—I am aware of this, convener—this committee's jurisdiction does not encroach on the area of councillors.

The Deputy Convener: Indeed.

Stephen Kerr: With your permission, convener, I would like to illustrate the issue of the speed of decision making by referring to what is in the report about councillors. It looks as though the average stage 1 complaint takes around 160 days, I think—I cannot tell—before someone goes to stage 2 or has the complaint against them dismissed, in effect. It is then a further 180 days at stage 2. It is therefore possible that a complaint against an individual—I am using this only for illustrative purposes, and I appreciate that another committee will talk to you about councillors—could take the best part of a year.

Ian Bruce: I know that it is not good enough. That was when we had our backlog situation. The last time I gave formal evidence, I gave a firm commitment to the committee that we would show waiting times on our website, and we have had a banner up since that time. In January of last year, the waiting time was 12 months. By the time that March had come around, when I gave formal evidence, it was nine months, and it is now four, so the picture is improving.

I also gave a firm commitment to provide average waiting times for people, and that is all on the website. Anyone who visits the website will see the banner. It was refreshed last month, and it now shows the current waiting time for complex complaints.

I think that I need to explain something about triage, as it might be helpful. For complex complaints, when it looks as though there might well have been a breach of the code of conduct and we have to gather evidence and interview witnesses for those four months of admissibility, I committed to showing the average waiting times on the website. There is a link from the banner, and people can see the waiting times for different complaint types. Waiting times for MSP complaints are considerably shorter, simply because of the way in which admissibility for those complaints works. You can see there how long it takes for us to investigate complaints about councillors and members. Again, the waiting time is much shorter than the times in the annual report, which obviously contains historical data.

Stephen Kerr: We have the numbers from the report, and you are right that the report that we are working from is dated. You have been hard at work on that and are making progress.

Ian Bruce: Indeed.

Stephen Kerr: I have illustrated one example with regard to councillors. You might refer to that, to MSPs or to public bodies. How much of an improvement will there be in your key performance indicators in the report that we will be looking at a year from now?

Ian Bruce: It will be considerable. As I have said, and as you have pointed out, it was taking far too long to investigate complaints. But you will understand that, with the staffing that I have brought on board, we have brought that waiting time down since the annual report was published, and we are reporting on that quarterly. We are now sitting at four months, and we have also set out the average time for stage 2, which I think currently sits at 127 days for councillors and members, although there are always outliers.

We have also undertaken to publish progress against our KPIs. The manual sets out how long each stage of an investigation should take, all the way up to 100 per cent of complaints. We will publish all of that in our annual report so that you can see how we are doing against the targets that we have set for ourselves.

10:00

Stephen Kerr: Let me say, as feedback, that I appreciate your willingness to be accountable and the fact that you are willing to publish KPIs and your progress on KPIs. That is exactly how public bodies ought to work. You are modelling the kind of behaviour that we would hope to see from other public bodies, and I thank you sincerely for that.

I am looking—

The Deputy Convener: I just want to stop you there—thank you. Those were excellent questions.

Stephen Kerr: I have some more questions, but I—

The Deputy Convener: We will come back to you.

Stephen Kerr: If there is time.

The Deputy Convener: Absolutely.

Ian Bruce: May I briefly mention triage?

The Deputy Convener: Please do.

Ian Bruce: I do not want people around the table to feel that someone whose complaint is going to be dismissed quickly has to wait a long time to hear about it—they do not. We have a triage system in place, and, if we know that something is not admissible—if it is, say, a service complaint in which someone complains that their councillor or MSP is not dealing with their concerns in the way that they would like—such complaints are dismissed pretty quickly. They are identified and dismissed, and we have a database that will signpost people to other agencies that can help them. It is really only in relation to the cases that we are actually investigating that people have to wait to hear my decision.

Jackie Dunbar: You say that it is only the cases that you have to investigate that are taking a long

time, but you still have to investigate those cases that you do not think will take a long time in order to realise that. Do you have a timescale for dealing with them? You have said that you deal with them “pretty quickly”, but that could mean anything.

Ian Bruce: Sure. It might help to discuss how we work as an office. The entire investigatory team meets every week, and the senior management team meets monthly, so we look at all the statistics both weekly and monthly. We have a system under which complaints at the triage stage are allocated different colours: red, amber and green. The complaints are then allocated to the team of investigating officers. The green ones are basically those that are readily admissible, and they are taken off the list and dealt with very quickly—and I do mean very quickly. In fact, we are talking about a matter of weeks, depending on whether any additional information—for instance, the minute or webcast of a council meeting—needs to be ingathered in order to dismiss a complaint. Sometimes, people make an accusation that something inappropriate has been said but we can find out from looking at the meeting that what the person has suggested occurred in that meeting did not, in fact, occur.

The amber complaints take longer, and the red ones take even longer than that. The team of investigation officers, or IOs, has a case mix. We prioritise cases in date order so that the most aged ones get looked at first, unless they are readily dismissible.

I spoke about making changes to our processes, and one of the changes that we have made is that if, at the triage stage, it looks as though someone is in harm’s way—in relation to a complaint involving bullying and harassment, where such conduct can clearly have a serious impact on someone’s health and wellbeing—such complaints get pulled out of the queue and prioritised. They go to the top of the queue, whereas something like a failure to register or declare an interest will be dealt with in date order, along with the others. We do not want people to be in harm’s way because of inaction or delayed action on the part of our office.

Jackie Dunbar: I totally agree, and I think that there is a duty of care to both sides. Until you have reached the end of your investigation, you do not know what the outcome will be.

What correspondence is undertaken with both sides of the complaint during the process? There is nothing worse than being left and not responded to. Indeed, it can be bad for both sides.

Ian Bruce: Absolutely. Both complainers and respondents are regularly updated.

I have already mentioned how cases are allocated. Each investigating officer has their own

set of cases, and that individual carries the case from beginning to end. Their contact details are provided to complainers and respondents, who are advised that we will keep them up to date regularly but that, if they ever want to find anything out, they should get in touch with the office. We are more than happy to have a discussion with them about case progress.

Jackie Dunbar: You have said that the waiting times are published on the website. I am going to be a bit rude—forgive me—but those are just figures. How does someone know whether that is a reasonable amount of time to wait? Would waiting for four months for your case to be dealt with be seen as reasonable? Are people told that that is reasonable?

Ian Bruce: That is an interesting question. I am not sure that they are told that it is reasonable. In all of our letters up to this date, other than for the cases that we are dismissing, we have apologised for the delay and have explained why it has happened. I have already said that I did not feel that waiting for a year to have your complaint investigated in full was good enough, and I do not feel that the current four-month wait is good enough either. So, all our letters say, “We are sorry that it has taken longer than we would have liked to investigate your complaint—it was due to a lack of investigatory capacity in our team. We have now addressed that through recruitment.” That is the standard wording in our letters. I agree, though, that we can do better, and we plan to.

Jackie Dunbar: I realise that those are historical numbers, and I am pleased to hear that you are still not satisfied with a wait of four months. On the whole, do you feel that the delay is better than it was but you are still striving to investigate complaints as quickly as possible? What waiting times would you be content with, if that is not an awkward question to ask?

Ian Bruce: It is not. Again, we have been clear about that. We have published key performance indicators for every stage of an investigation and we will report to you publicly on how well we are doing against them. If it looks as though we are doing better than we thought we were or would be, we will make them harder to reach. That is the reality—we will include more stretching targets.

I welcome the committee’s views, as I did when we previously consulted on the manual and the KPIs. If you feel that we should be doing better, please let us know. For what it is worth, we compare pretty favourably with offices in other Administrations. A benchmarking exercise was done and, even as things stand, we were ahead of the curve, but that does not mean that we should not be much better.

There is a human cost attached to the waiting times. You said that they are just numbers, and I get that, but a complainer wants their complaint to be dealt with quickly. Equally, a respondent does not want a complaint hanging over them for a long period. The entire team absolutely gets that, which is why we have made that firm commitment to improve.

I want the times to come down. How quickly should or could we achieve that? It is amazing to me just how quickly time passes, but the people—the additional resource—that we got in the autumn of last year have completed their probationary period, have now bedded in and are already making a difference. Indeed, they will continue to make more of a difference, although the stuff that we are dealing with is complex. All of those staff came from investigatory backgrounds in different organisations, and, although the work is niche, they will get quicker over time.

Jackie Dunbar: I do not want to put words in your mouth, but I think that you are saying that you are content that you are moving in the right direction but there is still more to do.

Ian Bruce: Absolutely—yes.

The Deputy Convener: Annie Wells, do you have anything to add?

Annie Wells (Glasgow) (Con): Nothing at the moment, convener.

The Deputy Convener: How were the strategic objectives for 2024-2028 developed, and what assessment has been made of the key milestones for reaching them?

Ian Bruce: They were developed following extensive consultation. As a first step, I and the entire team discussed the contents of the previous strategic plan. The committee might recall that I had to introduce that when I was the acting commissioner, because I thought that the previous plan was not fit for purpose in that it did not include values and so on. Each year, we publish our progress measured against the strategic plan and the business plan. In considering our progress against the previous strategic plan, we thought about where we could go further. That is why an awful lot of the revised plan was about improving our service as opposed to just providing it.

A number of internal audits have made recommendations for us, one of which was that we needed to have a communications strategy and to be much more visible. We put plans in place for that, and our communications strategy was published last September. So, internal audit has informed our plans for the future as well. Another recommendation was that we should consult more widely prior to publishing, so we consulted other organisations, including the Standards

Commission for Scotland. We asked them what they felt we could do better than we were doing at that time.

This particular plan is more ambitious than the one before it, and that is where the objectives have come from. We have also had quite a few responses to the consultation. I have been looking at those recently and thinking about what more we could do. Quite a lot of it is about the visibility of our office, which we might have shied away from previously. I am committed to doing more in that area.

Public confidence in the work of our office is important not just for appointments—clearly, we want people to put themselves forward for roles—but for public life more broadly. I have been discussing that issue with the Parliament's Local Government, Housing and Planning Committee. If conduct in public life is not great, it puts people off. They do not want to come forward for roles, or they might leave roles that they would otherwise have enjoyed fulfilling. I think that I need to step further into that particular space.

The Deputy Convener: You mentioned the Local Government, Housing and Planning Committee, which has a locus in relation to councillors. I understand that there is also a desire to engage more thoroughly with other subject committees in the Parliament, where that is relevant. Can you give us a bit of background on how that works and what interactions you have had to help with transparency?

Ian Bruce: A lot of my discussion with the local government committee has been about how we could improve the profile of local authorities. Earlier this morning, we had a question about diversity, and I think that we are in the same place here. My view is that governance is always improved when there is more diversity around the table, and that has been reflected in my discussions with the local government committee. I have not put it in touch with other organisations, but I know that there have been interactions. For example, I contributed to the work of the Scottish local authorities remuneration committee. This committee might be aware of its report, which considered whether people are treated appropriately in public life and the impact of such treatment on their willingness to apply for roles. There has been an interaction there, and I understand that the remuneration committee has also been interacting with the local government committee.

The Deputy Convener: But not with any other subject committee in the Parliament.

Ian Bruce: That would be a matter for the local government committee. I have not sought to put

them in touch. If you feel that I should, I would certainly be happy to consider it.

The Deputy Convener: Thank you. Stephen Kerr, do you want to come back in on other points?

Stephen Kerr: Yes—thank you, deputy convener. Jackie Dunbar made a point about delay, which I mentioned, too. What consideration do you give to the wellbeing of people who are on the receiving end of complaints? I am operating from a background of knowing some of the stresses that colleagues have gone through. In one case, the person concerned left public life, in effect. I do not think that I am saying anything that has not already been said in public by that person. I think that that was a disaster, because that person had so much to give. How much consideration do you give to the wellbeing of the people who are the subject of complaints?

10:15

Ian Bruce: A huge amount. That is no understatement. One of the first things that I did when I took up the role of acting commissioner was to include values in our strategic plan. Those are not just words on a page; they apply to every member of staff, and they also featured in our recruitment of new staff. It is not as though I did not consult the staff—I did, and we agreed the values collectively; you need to take people along with you—but, when we were recruiting new people, the values were absolutely paramount. Our staff need to share the values.

The values are about respect and good stewardship, as you would expect, but they are also about kindness and empathy for people. Those things are really important. They are so important that we are now surveying complainers and respondents on the extent to which we have adhered to our values in our dealings with them. The survey is anonymised so that they can give us their honest views. We are asking whether the people who dealt with them were kind, respectful and empathetic. That is fundamental, and we will publish the results of those surveys in our annual report so that the committee and the public can see whether we are upholding those values.

We have recently repeated our training on handling cases that involve bullying, harassment or sexual harassment. Previously, we got Rape Crisis Scotland involved, to ensure that our staff handle cases with a trauma-informed approach, and we will run that training again. That approach informs not just cases of that nature, but all cases in which there has been an impact on the individuals involved.

Further than that, I wrote to the responsible cabinet secretary and the clerk/chief executive of

the Parliament to say that we feel that there should be an independent support service that members, councillors and members of public bodies—but also complainers and witnesses—can access in order to obtain the pastoral support that they need. I feel that I have played my part in how I run my house, but I have also highlighted that the Parliament has a responsibility to provide such a service, so that people have the support that they need.

Stephen Kerr: That is a very strong suggestion. Based on the experience of colleagues, I think that that service is badly needed. We probably all have colleagues who have been through such experiences and have been left feeling diminished, which is exactly the opposite of what we have been talking about for the entirety of your evidence—namely, creating an environment in the public service that makes people want to come forward and give of themselves, because, frankly, that is what our country needs. Therefore, I appreciate what you have said.

I will return to the strategic plan and its objectives. I hope that you will not mind my saying this. I hear what you say and am in accord with everything that you say about prioritising complainers and respondents, and so on. However, I was a little perturbed to see that, of the nine specific strategic objectives in the plan, none of the first three relates to any of that. The first three objectives, at least, relate to internal things.

That seems a bit strange to me, and I will tell you why. When you did your very honest assessment of the key issues and risks that you deal with in your report, you identified the number 1 risk—correctly, I think—as being “Loss of stakeholder confidence”. However, in responding to those key issues and risks, the way that the plan is laid out—I suppose that I am giving you an opportunity to say that the way that it is laid out does not necessarily represent the prioritisation—means that it comes across as being very inward looking, as opposed to the risk, which is about what is happening as far as your stakeholders are concerned. Does what I am saying make sense?

Ian Bruce: It does. Perhaps I did not articulate it particularly well, but the feedback that I have had on the plan is that there should be more of a focus on encouraging good standards in public life. When I publish the final version, you will find that higher up the list.

Stephen Kerr: That is fine. You mentioned that you are carrying out a customer satisfaction survey, which is really good news. I strongly believe in the value of such surveys. However, it would be very interesting to know whether you have conducted, are conducting or will conduct surveys among stakeholders, because you talk about “Loss of stakeholder confidence” in the

annual report. Have you done a stakeholder survey and not published it, or have I not seen it? Is that in the works?

Ian Bruce: We have not surveyed stakeholders, and that is not something that I currently have planned. I could certainly consider doing that, because it would provide stakeholders with an opportunity to make anonymous commentary on the work of my office. If I am being honest, the nature of my stakeholders is such that they are not backwards in coming forward, and I have been engaging much more significantly with them since I was the acting commissioner.

The Convention of Scottish Local Authorities—I am sure that it will not mind me saying this—invited me along to its conference, and, because things had not been going well in the office, that was a tough day for me, but I felt that I had to be there in order to answer what were challenging questions—and rightly so. I trust and hope that I gave COSLA a measure of confidence in me.

That is basically a standing invitation to any public body. I am more than happy to come and talk to any public body about any concerns that it may have. That could be in a public forum. Equally, public bodies can get in touch with me at any time to let me know how they think we are getting on. Quite a few of them do that, and that feeds into our improvement practices. If I agree that we are not doing something sufficiently well, we will change our practices in that particular area.

Stephen Kerr: Your bringing your good office and your presence to bear in respect of stakeholder confidence is all good, but—you can correct me if I am wrong here—I reckon that those issues were listed in order of importance to you as the commissioner, and number 1 was “Loss of stakeholder confidence”.

Going beyond that, I take your point that none of us is very backwards in coming forward with our points of view and so on, but it would be terribly useful if there was a regular survey—one that was carried out every two years, say—that brought you data sets on confidence levels that you could measure and plot in an organised way. That is rightly identified as a critical issue for the success of your role and your office, so it is worthy of being measured. Do you have any comment to make on that?

Ian Bruce: Yes—I think that that is a good suggestion. I always take on board good suggestions from this committee and change what I do as a consequence. Based on what you have said, the ideal way to do that would be to write it into my communications strategy. There would certainly be scope for us to set up something additional on the website so that people could submit anonymised comments on our work.

Stephen Kerr: If it was a regular event, you would have snapshot moments at which you could plot progress. I think that that is fundamental. If your office could model that, it would be wonderful to see that replicated across all sorts of public bodies and governmental organisations.

I have a final point to make, if the deputy convener does not mind. You talk in your report about—I forget the phrase; am I confusing it with “super Tuesday”?—the “super complaint” or mega-complaint that you had, which included hundreds of complaints. Have I described it correctly?

Ian Bruce: Yes.

Stephen Kerr: I would like to hear you talk about the level of what I would describe as vexatious, partisan and vindictive complaints that you receive. Is that on the increase? How would you describe that trend? You referenced the “super complaint” in your report. Is that a burgeoning area of focus and activity that requires resource that you can ill spare?

Ian Bruce: We have done a bit of research on that. That was a blip, if I am honest. You will understand that I cannot talk about the detail, but it was a bit of a blip.

The numbers of councillor and member complaints—councillor complaints, in particular—are such that we can readily draw some conclusions about them, because there are a lot of them in comparison with the other complaints that our office deals with. I did a bit of research on trends towards the end of last year. Anecdotally, it feels as though there are more complaints about discourtesy and disrespect, and our research demonstrated that, in comparison with other complaint types, there has been a steady rise in those.

I cannot form a view on whether a complaint is valid on the basis of the motivations of the complainer. Either the conduct is compatible with the code of conduct or it is not. That is the decision that I am obliged to make. However, there is no question in my mind but that there are a lot of politically motivated complaints. That is evident from what I see. As is mentioned in the strategic plan, I plan to do a bit more research to get behind the situation. You will have gathered that there were relatively few complaints in the reporting year 2022-23 in comparison with prior years, but the numbers are way back up again. By the time December came around, we had double the numbers that we had been looking at in that year, so there might be a link between when there is an election and new members come on board and what goes on just prior to an election.

I think that, on occasion, the code is used in order to gain political capital. That is just the reality

of the situation. However, you and other stakeholders are right to say that there is more that I can do. Collectively, we can all do more to encourage better conduct in public life.

I will quote Professor Adam Tomkins. We made a report about him some time ago. Notwithstanding the fact that he was not in breach of the code, he said that it is very important to play the ball and not the man, and I would like to see more of that. It is fine to criticise your opponents’ policies, but please do not be personal about it.

Stephen Kerr: It is about being able to disagree agreeably, which is proving to be more and more of a challenge in our public life. That, in itself, is a disincentive for people to enter public life, which, at the end of the day, is to the detriment of our country and its people.

Will you ever be able to break down the source and the nature of those types of complaints? One thing that I pick up, particularly from colleagues who are in councils, is that more complaints are being made by people in public office about other people in public office. Are you able to comment on that at all?

Ian Bruce: Yes. You will find the figures in the annual report.

Stephen Kerr: Oh, are they in the report?

Ian Bruce: Yes, they are. We disaggregate.

Stephen Kerr: Oh, gosh. I thought that I had read it properly.

Ian Bruce: I am sure that you did. Most of our complaints come from members of the public, but councillors do complain about other councillors.

Stephen Kerr: Is there a trend of people in public office complaining about other people in public office?

Ian Bruce: Again, that is a matter for research. We need to have a look at that and delve into the figures in much more detail. That is definitely on the cards. I would like to be able to predict, if I can, what the work of our office will look like, as that would be helpful. You will understand from the annual report and from what I have said today that I like to be transparent. It is important for the public to know what is going on, and the more research we do, the better informed we will be.

The Deputy Convener: As there are no other questions, I thank the commissioner very much for what has been a thoroughly enjoyable session. I have no doubt that we will see you again.

Ian Bruce: It was fascinating. Thank you again for the opportunity.

10:29

Meeting continued in private until 10:43.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot

