

Consultation Paper on Ethical Standards in Public Life: Proposals for amendments to be made to the Model Code of Conduct for members of devolved public bodies

CONSULTATION QUESTIONS

The consultation questions set out below focus on changes that have been made to the Model Code.

We are specifically seeking your views on the amendments that have been made to the Model Code. However, your views on any aspect of the revised Model Code are welcome. When making general comments please specify which sections of the Model Code you are commenting on. If your response refers to a particular paragraph, rather than the section as a whole, please provide a reference to that paragraph(s) following your response i.e. (paragraph 3.10).

General questions

1	Have you used the Code before?
YES/NO	
2	If Yes, in what capacity have you/do you use the Code? If you used the Code as a Board Member could you please name the public body?
The current Code applies to Scottish Water Board Members.	
3	Do you agree that there is a need to review and update the current Model Code?
YES/NO <i>Could you provide information to support your response?</i>	
We agree that there is a need to review and update the Code to reflect developments since the current version was amended in 2014, such as the increasing impact of social media. It would also be beneficial to clarify and simplify the provisions in relation to the registration and declaration of interests (Sections 4 and 5 of the Code).	
4	In Section 1, and throughout the Model Code, we have removed unnecessary information to make it easier to understand. Do you have any comments on the changes proposed for Section 1: Introduction to the Code?
YES/NO <i>Please provide your comment</i>	
The proposed changes improve clarity and the inclusion of detailed rules on the handling of complaints within Annex A is helpful.	



5	<p>In Section 2, the Model Code has a new heading “My Responsibilities” which aims to ensure that members accept and endorse that it is their personal responsibility to be aware and comply with the provisions in their Board’s Code of Conduct.</p> <p>Do you have any comments on this change in Section 2: Key Principles?</p>
<p>YES/NO <i>Please provide your comment</i></p> <p>This is a positive change and, together with the rewrite of the Code in the first person, emphasises the personal responsibility of Board Members for compliance with the Code.</p>	
6	<p>In Section 3, General Conduct, the respect provision has been extended to everyone that a member could come into contact or engage with when acting as such, e.g. employees of other public bodies as well as other board members and the general public. We have also included information relating to the use of social media and highlighted that bullying and harassment is totally unacceptable.</p> <p>This section also covers Gifts and Hospitality. These provisions have been amended to make it clear that they should not be sought or accepted with the exception of minor gifts or hospitality that a member would normally be expected to be offered in their everyday role.</p> <p>Do you have any comments on the proposed changes in Section 3?</p>
<p>YES/NO <i>Please provide your comment</i></p> <p>The proposed changes in relation to Gifts and Hospitality align with Scottish Water’s policy in this regard and address any potential confusion in relation to parallel reporting.</p>	
7	<p>Section 4 has been amended to reflect the changes made throughout the Model Code and to make clearer what kind of information needs to be registered.</p> <p>Do you have any comments on the changes proposed for Section 4: Registration of Interests?</p>
<p>YES/NO <i>Please provide your comment</i></p> <p>The proposed changes improve clarity by providing greater detail as to the kind of information which requires to be registered.</p>	
8	<p>Do you have any comments on the changes proposed for Section 5: Declaration of Interests? The changes have been made to make it clearer that members need to take responsibility for declaring matters of</p>

	interest.
<p>YES/NO <i>Please provide your comment</i></p> <p>The proposed changes are welcome in providing greater clarity in relation to the “objective” test.</p>	
9	<p>Public bodies aim to be open and accessible to the views and opinions of others, and to make their decisions based on the widest possible evidence and arguments. As a Member you will probably be approached by those wishing to make their views known. This is perfectly legitimate but care is needed. We have looked to simplify the Model Code in Section 6 covering Lobbying and Access.</p> <p>Do you think the proposed changes achieve this aim?</p>
<p>YES/NO <i>Please provide your comment</i></p> <p>The proposed changes make the position in relation to access and lobbying clearer.</p>	
10	<p>The information in Annex A has been extended to include information about the role of the Ethical Standards Commissioner and the sanctions available to the Standards Commission following a finding of a breach of the Code and what these mean.</p> <p>Do you have any comments on the changes proposed to Annex A?</p>
<p>YES/NO <i>Please provide your comment</i></p>	
11	<p>Overall, how clear and easy to understand do you find the revised Model Code?</p> <ul style="list-style-type: none"> • Very clear • Mostly clear • Sometimes unclear • Very unclear <p>Very clear</p> <p><i>Please tell us where you think the clarity of the code could be improved, and how?</i></p> <p>Not applicable</p>
12	<p>Do you have any other comments on the proposed revisions to the Model Code?</p>
<p>YES/NO <i>Please provide your comment</i></p>	

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