This memorandum relates to the Ethical Standards in Public Life etc. (Scotland) Bill (SP Bill 9) as introduced in the Scottish Parliament on 1 March 2000

ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the Ethical Standards in Public Life etc. (Scotland) Bill introduced in the Scottish Parliament on 1 March 2000. It has been prepared by the Scottish Administration to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Administration and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 9–EN.

POLICY OBJECTIVES OF THE BILL

2. The objectives of this Bill are to introduce a statutory framework for ethical standards in Scottish public life; to repeal section 2A of the Local Government Act 1986 and to make provision as to how councils are to exercise functions which relate principally to children. As part of the framework for ethical standards the Bill will provide for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies; impose on councils and relevant public bodies a duty to help their members to comply with the relevant code; and establish a Standards Commission for Scotland to oversee the new framework and deal with alleged breaches of the codes.

3. The Executive recognises that a key feature of effective democratic government is the bond of trust between the community and its representatives. The introduction of a new framework will strengthen this bond at local government level. The Bill will provide for clear standards for all councillors and a transparent system for the investigation and consideration of alleged breaches. The Executive recognises that the highest standards should apply throughout public service and the Bill will also apply to devolved executive public bodies which operate solely in Scotland and which have only devolved functions or a mixture of devolved and reserved functions.

4. The Executive is committed to tackling exclusion in all walks of life in Scotland – this commitment applies to sexual orientation as much as to differences of race and
sex. The Executive considers that section 2A of the Local Government Act 1986 has served to legitimise intolerance and prejudice; has acted as a constraint on the ability of local authorities to develop best practice in sex education and bullying; and has constrained the ability of local authorities to provide grants or funds to gay and lesbian groups in the community. Repeal of section 2A will remove this piece of legislation, which acted as a restriction on local authorities, from the statute book. Repeal of section 2A should not lead to the promotion of homosexuality. The Scottish Executive has announced a package of safeguards in respect of education. Part of this package will be a review of existing curricular materials used in schools. This review will be completed before repeal comes into force. A Working Group has been appointed to undertake this review. There will be full consultation before any changes are made to existing materials or new advice is put in place. A new provision is introduced in section 26 of the Bill which will give a new general duty on local authorities, when delivering services principally for children, to have regard to the value of stable family life in a child’s development and to the need to ensure that the content of instruction is appropriate to a child’s age, understanding and stage of development. The Executive believes that this provision builds on local authorities’ duty of care and gives a statutory basis to the sensitive and appropriate teaching and delivery of services to children.

CONSULTATION

5. In July 1997 the Committee on Standards in Public Life (the Nolan Committee) published its third report Standards of Conduct in Local Government in England, Scotland and Wales. The Nolan Committee concluded that the vast majority of councillors were decent, hard working and honest, and that in no sense was corruption widespread. However, it also noted that any incident of corruption or misconduct in public life, however infrequent or isolated, was wholly unacceptable.

6. The Nolan Report concluded that there was a profusion of rules in local government which had resulted in a growing lack of clarity of standards of conduct. The Report recommended that a new start be made on an ethical framework for local government.


8. The question of conduct and propriety in public bodies was considered by the Nolan Committee in its First Report (May 1995). The Committee noted that a Code of Best Practice for Board Members of Public Bodies had already been issued by the Treasury (in June 1994) and that many bodies had developed their own Codes based on this model. The Committee favoured continuation of this approach, rather than the establishment of a statutory system, though it made a number of recommendations aimed at strengthening the existing arrangements. In particular, it considered that codes of conduct for board members should be as rigorous as those for Ministers and civil
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servants, and that they should be made mandatory for each executive non-departmental public body (NDPB). They should also reflect the clear expectation that public servants should resolve any conflicts arising with their personal interests. The Committee saw it as particularly important that board members should be required to register their interests in a public register, to declare any interests which arose during the course of business, and to withdraw where appropriate from relevant discussions.

9. In its response to the report (July 1995) the then Government accepted the Committee’s recommendations. The 1994 model code was re-issued in January 1997 in a revised and strengthened form, under the title Guidance on Codes of Practice for Board Members of Public Bodies. All executive NDPBs have now adopted codes based on the model. In July 1998 a modified model code was produced for advisory NDPBs and this is also now being adopted.

10. The Executive fully appreciates the reasons which led the Nolan Committee to favour the continuance of a non-statutory system for public bodies. It recognises in particular the need to ensure that the supply of good-quality candidates for such bodies is not compromised by perceptions of over-rigorous controls. At the same time, it regards as paramount the principle that the highest standards of conduct should apply throughout the public service. The Executive does not believe that a statutory system would be seen as a deterrent by anyone genuinely committed to public service values. On the contrary, by providing a clear and strong framework of control, backed up by transparent and readily-understood sanctions, such a system would offer greater assurance to members of public bodies themselves.

11. On 16 June 1999 the First Minister announced, as part of the Executive’s legislative programme for the first year of the Scottish Parliament, that the Executive would:

“introduce a Bill on ethical standards in local government to establish a Scottish standards commission and a code of conduct for local government. The aim is to enhance the reputation of local government and to ensure a commitment to the highest standards.” (Official Report, col 407)

12. On 2 July the Minister for Communities announced to the Parliament that the Executive proposed to extend the Bill to other public bodies:

“The Executive and this Parliament expect the highest standards throughout the public service. We therefore intend to change the previously announced local government ethics bill to a local government and public bodies ethics bill. We will hold further discussions with interested parties over the next few weeks, including discussions on the scope for a statutory code of conduct, and proposals that the new standards commission for Scotland should have powers to investigate issues of probity concerning members of public bodies.” (Official Report, col 879)
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13. This was followed by fairly wide informal consultation with the relevant public bodies before the draft Bill was published.

14. The draft Ethical Standards in Public Life etc. (Scotland) Bill was published for consultation on 18 November 1999. Over 6,500 copies of the consultation paper were issued. In addition, the draft Bill and accompanying paper were published on the Executive web-site. The consultation period ended on 14 January 2000. There were over 2,200 responses to that consultation. The majority of respondents who commented on the new ethical framework broadly welcomed the Bill and supported its general principles. A significant number of respondents expressed the view that there should be a right of appeal from the decisions of the Standards Commission, and that the commission should impose sanctions on both councillors and members of devolved public bodies that had been found to have breached a relevant code. Both of these points are dealt with in more detail below. The majority of respondents commented on the repeal of section 2A. These responses came from a range of bodies, such as local authorities and teaching unions, but the overwhelming majority was from individuals. Over 80% of these respondents expressed support for the Executive’s proposal to repeal section 2A. A copy of the responses to the consultation (other than those given in confidence) will be placed in the library of the Scottish Executive; a further copy of the responses will be placed in the Parliament’s reference centre.

ALTERNATIVE APPROACHES

15. So far as local government is concerned, two main options have been considered.

- The first is essentially that proposed by the Nolan committee, i.e. a reformed national code policed and enforced locally by each council.

- The second is that embodied in this Bill, under which the national code would also be administered under the jurisdiction of a national Standards Commission.

16. The considerations taken into account are these. The Nolan proposal, which relies on local self-discipline by councils, can be said to be founded on the view that councils, as elected bodies, must be answerable ultimately to the electorate and must take responsibility for their own standards. These are valid considerations; but there are drawbacks:

- The electorate can only express its opinion of the council once, at the ballot box when the whole council is to be elected. The connection between this and the application of ethical standards by the council in relation to individual councillors, is a weak and remote one.
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- The range of sanctions open to a council in relation to its own members is limited. The kind of sanction which might be appropriate for a gross breach of conduct, such as disqualification, is not one which a council could reasonably be expected to wield, even if granted the powers in law to do so.

- A related problem is that local breaches of conduct can be difficult to separate from local political factors; and it is essential that the regulation of ethical conduct should, as far as possible, be kept separate from political considerations.

- If each council is responsible for its own discipline, it seems unlikely that national consistency in the application of standards would be maintained.

17. The alternative option is to rely on a national body - the Standards Commission - to maintain and enforce ethical standards, and the advantages and drawbacks are the converse of those set out above. All the disadvantages listed would be overcome by this means; but it could be argued that this is achieved at the cost of reducing the sense of responsibility and “ownership” in individual councils. Nevertheless this loss may be largely theoretical, in that the electorate is still able to pass its judgement at the ballot box (and with the advantage of seeing its council measured against a national standard); and the proposals in this paper still maintain a degree of corporate responsibility by local government, through its role in drawing up and revising, as necessary, its own national code of conduct.

18. So far as other public bodies are concerned, although there is no comparable democratic accountability, the same options exist. However, for the reasons set out above, the Executive takes the view that, whatever is considered appropriate for the maintenance of standards in local government ought to be extended to other public bodies.

CODES OF CONDUCT

Introduction

19. This section sets out the policy objectives for codes of conduct for local authority councillors and members of relevant public bodies. These matters are dealt with in Part 1 of the Bill.

Policy Objectives

20. The Bill will provide for the development of new codes of conduct for local government councillors and members of relevant public bodies which will set out the principles and rules governing their conduct. These codes should clearly set out the standards of behaviour expected from councillors and members of relevant public bodies.
21. The treatment of interest is an important part of the new ethical framework. The Bill aims to establish a framework in which councillors and members’ interests are dealt with in a transparent and open manner, particularly in respect of actual or potential conflicts of interests. The codes of conduct shall contain rules about the treatment of councillors and members’ interests. In addition, each council and relevant body will be required to establish a public register of its members’ interests. The Standards Commission may issue guidance to councils and public bodies about registers of interests, and Ministers may also issue regulations on this matter.

22. The Bill will cover all members of relevant public bodies other than those who are either employed by that body or are ex-officio members. The Executive recognises that many bodies may wish all of their members to be covered by the same code of conduct. The Bill would not impede this and a body’s code could be applied to employee members by way of varying their terms and conditions of employment. Likewise, ex-officio members who are not employees could agree to abide by the terms of the code.

23. A national code of conduct will be prepared for Scottish local government councillors. This will govern the conduct of all councillors when acting in their official capacity. The content of the code is an important issue and local government itself is likely to have an important role to play in its development. Accordingly, the Bill will allow Ministers to invite representatives of local government to prepare a draft code. The Bill also provides that the draft code must be approved by the Scottish Parliament before it comes into force.

24. Similar codes of conduct will be introduced for members of relevant public bodies (listed at schedule 3). Because these bodies do not form a homogeneous group it will be necessary for each body’s code to reflect the type of work that it does, its composition, and the responsibilities and duties of its members. Accordingly the Bill provides for a statutory model code of conduct for members of relevant bodies; and for each of the relevant bodies to adopt a version of that code which is suited to its circumstances. The model code must be approved by the Scottish Parliament before it is issued by Ministers. Each relevant body will be required to submit a draft code for its own members to Ministers for approval within 3 months of the issue of the model code.

25. Although it is not expected that the councillors’ code or the model code for relevant public bodies will require frequent revision, the Bill allows for amendments or replacements to be made at any time. Any such revised or reissued code would also need to be approved by Parliament. Each relevant body’s code may also be revised or reissued, subject to the approval of Ministers.

26. Adherence to the code will be a matter of personal responsibility for each councillor and member of a relevant public body. The Bill will also provide that each council and relevant public body has a new duty to promote its members’ observance of high standards of conduct, and to assist them to observe their code of conduct. This
duty underlines the important role that councils and relevant bodies have in the successful implementation of the new ethical framework.

**ENFORCEMENT**

**Introduction**

27. This section sets out the policy objectives for the arrangements for investigations, hearings and imposition of sanctions in connection with breaches, or alleged breaches, of codes of conduct for local authority councillors and members of relevant public bodies. These matters are dealt with in Part 2 of the Bill.

**Policy Objectives**

28. The Bill will establish a Standards Commission for Scotland which will have overall responsibility for dealing with alleged breaches of the codes. The Executive consider that the creation of a single independent body is necessary to provide the public, the bodies governed by the Bill, and their members with confidence that every allegation will be subject to a consistent process and will be dealt with thoroughly and fairly. A national body will also develop expertise in dealing with alleged breaches.

29. The Executive recognises that there is considerable uncertainty about the level of complaints that the Standards Commission may face. Accordingly the Bill is not prescriptive about the Commission’s size apart from the appointment of a minimum of three members that will be necessary to carry out hearings. The Convener and other members of the Commission will be appointed by Scottish Ministers, after consultation with representatives of local authorities and other relevant persons.

30. The expenses of the Commission will be met from funding provided by Scottish Ministers.

31. The investigation of alleged breaches of the codes will be dealt with by the Chief Investigating Officer (CIO). The investigatory functions carried out by the CIO will be independent of the adjudicatory functions of the Commission. Accordingly, the CIO will not be a member of the Commission and will have discretion about the conduct of his or her duties. However, the Commission will be able to instruct the CIO to carry out an investigation of an alleged breach and to report to it on an investigation if it sees fit. The CIO will be able to investigate alleged breaches by both serving and former councillors and members of relevant public bodies.

32. Investigations will, so far as possible, be conducted in private. At the conclusion of an investigation the CIO may send a report on it to the Commission. Before doing, so he or she must give the individual or individuals named in the report an opportunity to comment on it. The Commission may publish the CIO’s report.
33. On receipt of a report from the CIO the Commission may decide to take no further action; may ask the CIO to carry out further investigations; or may hold a hearing into the allegations contained in the report. Hearings of the Commission will be conducted by a minimum of three members of the Commission. The individual or individuals who are alleged to have breached a code will be given an opportunity to appear before the hearing, either in person, or through a representative. Except where the Commission considers that it is not in the public interest, hearings will be held in public. Other than this, the Commission will have discretion to determine the procedure of hearings. At the conclusion of a hearing the Commission will give its findings in writing.

34. Where the Commission finds that a councillor has breached the national code of conduct for councillors it may impose one of the following sanctions: censure; suspension from any meeting of that authority, its committee or sub-committee, or any other body to which that councillor has been appointed as a representative of the authority, for a period of up to 12 months; or disqualification from being, or being elected, a member of a local authority for a period of up to 5 years.

35. The draft Bill, published in November 1999, provided that where the Commission found that a member of a relevant public body had breached its code of conduct, the Commission would make a recommendation on an appropriate sanction to the appointing body. In most cases this would be Scottish Ministers. The draft Bill provided that the appointing body would then decide whether to accept the Commission’s recommendation, to impose no sanction at all, or to impose a different sanction from the list available to the Commission. Several respondents to the consultation on the draft Bill noted a preference for the Commission to have the power to impose sanctions on both members of local authorities and members of relevant public bodies. The Executive has reconsidered this issue and has amended the Bill to provide for this. Ministers consider that the mechanism now contained in the Bill will reinforce its aim to provide for the highest standards in all public service.

36. The Bill now provides that the Commission may impose sanctions on both local authority members and members of relevant public bodies. Such sanctions comprise: censure; suspension from any meeting of that body, its committees or sub-committees, or any other body to which that person has been appointed as a representative of that body, for a period of up to 12 months; or disqualification from being, or being appointed as, a member of that public body, for a period of up to 5 years. In the light of this, the Executive will review arrangements for extending a disqualification beyond the individual body whose code has been breached.

37. Most of the appointments to the bodies that the Bill will cover are made by Scottish Ministers. However Her Majesty makes all of the appointments to the Mental Welfare Commission for Scotland, the Scottish Criminal Cases Review Commission and the Royal Commission on the Ancient and Historical Monuments of Scotland. She also makes 5 appointments to the Board of the National Library of Scotland. The
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Scottish Ministers give Her Majesty advice on all of these appointments. Crown appointments have a special constitutional position and it would not be appropriate for the Standards Commissions to impose sanctions on such members. Instead, following an investigation of a Crown appointee, the Commission will make their recommendation to The Queen. The Scottish Ministers will give Her Majesty appropriate advice. There would, of course, be no question of Her Majesty’s decisions being subject to a right of appeal. As Introduced, the Bill does not extend to those bodies where all appointments are made by the Crown. However amendments will be brought by the Executive to include those bodies in schedule 3 and to make provision for the special circumstances described above.

38. Section 20 makes special provision for the Water Industry Commissioner (WIC) to be covered by the Bill. As a single member body it would not be appropriate for provisions relating to suspension (either as a sanction or as an interim measure) to be applied. Instead, following a finding of breach of the WIC’s code, the Commission will be able only to censure or disqualify the WIC. All other general provisions, such as the requirement to draw up a code or the register of interests, will apply to the WIC. Likewise disqualification from membership of all bodies covered by the Bill would include disqualification from being the WIC.

39. The Bill will allow for the Commission to take interim action before the conclusion of an investigation and hearing. Such action would only be necessary in circumstances where an urgent response to an allegation was of utmost importance, for example if the allegation were so serious that public confidence in the council or body was at risk of being seriously jeopardised. In such cases, the Commission may decide to impose an interim suspension of up to six months on a member of a local authority or a relevant public body.

APPEALS

40. The Commission will be required to act in accordance with the general principles of administrative law, and if it fails to do so, could be subject to judicial review. In addition the framework outlined in the consultation paper on the draft Bill – independent investigation and independent adjudication, with the benefit of hearings and where appropriate representation by lawyers or others – should ensure that cases are considered fairly. However a significant number of respondents to the consultation expressed concern that the draft Bill did not provide for a right of appeal from a decision of the Standards Commission. Scottish Ministers have reconsidered this issue and have decided that a right of appeal against the decisions of the Commission should be provided for in the Bill. The Executive will give further consideration to this matter and will bring forward appropriate amendments to the Bill to provide for a right of appeal.
TEACHING AND WELFARE OF CHILDREN

41. The Scottish Executive is committed to tackling exclusion in all walks of life in Scotland – this was expressed in Partnership for Scotland: An Agreement for the First Scottish Parliament issued in May 1999. The Executive is committed to building a modern, forward-looking society in which people can live together freely in a spirit of solidarity, respect and tolerance. Repeal of section 2A has been longstanding policy for Labour and the Liberal Democrats. A number of other political parties in the Scottish Parliament also support its repeal. The Labour Government made clear that it would repeal the section when a suitable legislative vehicle arose.

42. The Deputy Minister for Communities, told the Scottish Parliament’s Equal Opportunities Committee on 28 September that Scottish Ministers wished to repeal section 2A and that the Executive was looking for an appropriate legislative vehicle. She noted that the Executive was keen to make progress, and was looking actively at ways in which to repeal section 2A. On 29 October, the Minister for Communities announced that the Ethical Standards Bill provided a suitable legislative vehicle for repeal of section 2A.

43. The Executive considers that the existence of section 2A may inhibit and complicate the attempts of teachers to help and counsel pupils who are confused about their own sexuality, or, in some cases, make it more difficult to deal with homophobic bullying.

44. The Executive has been concerned to reassure parents that repeal of section 2A will not lead to the promotion of homosexuality in schools. The Executive believes that section 2A does not offer a real safeguard to the interests of children. Safeguards are provided through the professionalism of teachers, national and local guidelines that are already in place, and the involvement of individual parents. As announced to the Parliament by the First Minister on 24 February, these will be buttressed by a new general duty on local authorities, when delivering services principally for children, to have regard to the value of stable family life in a child’s development and to the need to ensure that the content of instruction is appropriate to a child’s age, understanding and stage of development. This duty is provided by section 26 of the Bill. The Executive believes that this provision builds on local authorities’ duty of care and gives a statutory basis to the sensitive and appropriate teaching and delivery of services to children.

45. For sex education, which the Executive believes is generally well handled in schools, there is already a package of safeguards in place. This package comprises:

- Strong and clear guidance to education authorities. An official circular will be sent to all education authorities when section 2A is repealed. It will emphasise the importance of having in place procedures for consulting parents and responding to concerns they may have. A draft of this circular is now available.
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- Advance consultation with parents by individual schools. Schools should consult parents and consider their views when planning sex education. This is already good practice. It is clearly spelt out in existing guidelines to schools. The Executive will make it clear that it attaches increased importance to all schools following this practice.

- Simple direct procedures for parents to raise concerns. Individual parents must be able to raise any concerns about what is happening in their child’s school with the class teacher or headteacher. The Executive will also make it clear that it expects schools to respond sensitively and quickly if parents are concerned about any aspect of teaching and learning, particularly sex education. Parents will be able to turn to the education authority if that does not happen.

- Existing curricular advice on sex education – a summary is available. The Executive has always made clear that this advice and supporting materials for schools and teachers will be reviewed.

46. To ensure that the best advice is available to our schools, the Executive has established a working group, including representatives of parents and the churches, to look at the range of material dealing with sex education in the light of the repeal. The working group will also consider the elements of the package of safeguards and the package as a whole and consider whether it meets the needs of parents and schools. The Executive will publish the views of the working group before MSPs are asked to vote on the proposed repeal.

47. The working group will consult fully on any changes or new material they propose and the review of the guidelines will be completed and new guidance issued before repeal of section 2A occurs. Part 5 of the Bill provides for the whole Act, or individual sections, to be brought into force at a time specified by Scottish Ministers. This provision will allow Ministers to arrange for repeal of section 2A to be arranged for a suitable date after the review of the guidelines has been completed.

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT, ETC.

Introduction

48. The separate Financial Memorandum sets out the costs arising from the provisions of the Bill. This section gives a general account of the effects of the proposals. It also considers the consequences for equal opportunities, human rights and other matters, as required by the Parliament’s Standing Orders.

49. The Bill introduces a framework for legislation which will provide for consistent ethical standards for members of local authorities and public bodies and a consistent
mechanism for the investigation and consideration of alleged breaches of those standards. It will also provide clarity about these standards and the mechanism for dealing with alleged breaches of those standards to local authorities and relevant public bodies; their members; and the wider public.

**Impact on Local Authorities and relevant Public Bodies**

50. The impact of this Bill on local authorities and the relevant public bodies covered by the Bill are dealt with in the body of this Policy Memorandum.

**Impact on human rights**

**Framework for Ethical Standards**

51. The only ECHR issue which appears to arise in relation to Parts 1 to 3 of the Bill is whether, in imposing sanctions on a councillor or a member of a devolved public body, the Standards Commission is determining the “civil rights and obligations” of that person. If so, then Article 6.1 of the Convention applies and the person would be “entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. Whilst the Executive consider that the arrangements relative to the Commission set down in the Bill deliver this guarantee, the Executive’s view is that the Commission’s activities will not involve the determination of “civil rights and obligations”.

**Teaching and welfare of children**

52. The Executive has considered the issue of whether or not section 2A in itself gives rise to an infringement of the ECHR; and the issue of whether or not the repeal of that provision would give rise to such an infringement.

53. Article 2 of the first protocol to the ECHR provides that no person shall be denied the right to education, and that the State shall respect the right of parents to ensure that education is in conformity with their own religious and philosophical convictions. Section 28 of the Education (Scotland) Act 1980 provides that so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents. This provision is supported by comprehensive extra statutory guidance. In the Executive’s view, this ensures compliance with Article 2 of the First Protocol in relation to the full range of “religious and philosophical convictions” of parents. There is no need for special provision to cater for the convictions of those parents who are against homosexuality. Therefore, the Executive considers that the repeal of section 2A is not contrary to the Convention.

54. The Executive considers that the new duty on local authorities provided by section 26 would not give rise to an infringement of the ECHR.
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Impact on equal opportunities

Framework for Ethical Standards

55. The provisions in the Bill relating to the new ethical framework provide for councillors and members of devolved public bodies to be dealt with fairly and consistently. The new ethical framework will govern the conduct of councillors and members of relevant public bodies. Under this framework all councillors, and all members of a devolved public body will be governed by the same code of conduct.

56. Scottish Ministers will appoint members of the Standards Commission and the Chief Investigating Officer; these appointments will be made in a non-discriminatory way and in accordance with the Commissioner for Public Appointments’ Code of Practice. Recruitment and employment of staff by the Standards Commission will also be non-discriminatory and in accordance with employment and equal opportunities legislation.

Teaching and welfare of children

57. The repeal of section 2A will have the effect of removing a restriction upon the powers of local authorities to promote the notion of homosexuality in general terms, rather than for the purposes of equal opportunities in the sense of preventing, eliminating or regulating discrimination. The effect of repeal will not make local authorities subject to any additional measure to prevent, eliminate or regulate discrimination against homosexual people or any other group. Nor will local authorities be under any new duty to protect or deliver equal opportunities. However, it is hoped that the repeal will have a significant effect in signalling that the Scottish Parliament discourages intolerance.

58. The new duty on local authorities provided by section 26 will not impact on local authorities’ ability to carry out their functions with due regard to equal opportunities matters.

Impact on Sustainable Development

59. The Standards Commission for Scotland should address the environmental impact of its work and consider best environmental practice in its day to day operation. The proposals in the Bill should create greater openness and promote public confidence in the conduct of councillors and members of devolved public bodies.
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POLICY MEMORANDUM

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