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Convener
Finance and Public Administration Committee
The Scottish Parliament
Edinburgh
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Dear Convener,

This note gives an update on activities carried out by the Directorate for Propriety and Ethics since the Finance and Public Administration Committee was provided with the final update on the Continuous Improvement Programme for culture and behaviours, and on the transparency and reporting updates to the Procedure for handling complaints by civil servants about current or former Ministers, in January 2023.

Following that update, the Committee noted in February 2023 that the Continuous Improvement Programme had been completed and that activities would be absorbed into ongoing work. The Committee agreed to seek an annual update “on how the complaints process and new measures for information management, record-keeping and cultural change are bedding in” and to consider any issues arising with the Permanent Secretary, as appropriate, as part of his annual evidence session with the Committee (the next such session is planned for 21 May 2024).

Overview

Over the last year the Directorate for Propriety and Ethics (P&E) has continued to develop, reflecting the successful implementation of the Procedure for handling complaints about Ministers and former Ministers and ongoing organisational priorities.

We have established relationships with propriety and ethics functions across UK administrations. The Scottish Government hosted the first ‘four nations’ propriety and ethics discussion in Edinburgh in March 2023, and attended a meeting hosted by the Welsh Government in Cardiff in November 2023; a UKG-hosted meeting is planned for late spring 2024. While the organisation of propriety and ethics functions differs across administrations, these conversations have provided a useful informal forum to build relationships and share best practice and experience.

As anticipated in our update to the Committee in January 2023, the Scottish Government’s Internal Audit team have now carried out a review of the processes in use in Propriety and Ethics, as required under the Continuous Improvement Programme. That review provided a

'reasonable' assurance rating, with some improvements required "to enhance the adequacy and effectiveness of procedures". In reaching this assurance rating, the review found that there was "sufficient and robust evidence provided that P&E has implemented a straightforward and well thought out system" for handling complaints by civil servants about the behaviour of Ministers or former Ministers. The review noted that, as no formal complaints have been received since the revised Procedure has been introduced, the Procedure has not been tried in practice; the review recommended testing, which we intend to take forward via a 'tabletop exercise' with the independent pool of investigators shortly. The Review also recommended improvements to business planning particularly in relation to risk management and capacity, which we are taking forward.

The section below provides further detail on the specific topics highlighted by the Committee.

Procedure for handling complaints about Ministers or former Ministers

As the Committee is aware, the revised Procedure for handling complaints about the behaviour of current and former Ministers was introduced in February 2022, and subsequently updated in December 2022 to improve transparency by allowing for the proactive publication every six months of an update on the number of formal complaints currently under investigation, and to allow for the publication of information on a formal complaint once the full process pertaining to that complaint had concluded. Since then, we have published two updates on the Scottish Government website (in June and December 2023) with a further update due in June 2024.

The original contracts for the pool of external investigators and decision makers appointed under the procedure expired in February 2024. We have temporarily extended these contracts until December 2024 to ensure the ongoing integrity of the procedure by allowing for continuing coverage while we undertake a procurement process for the next contracting period. We are considering as part of this process whether we can expand the remit of the pool, allowing their valuable skills and experience to be utilised for similarly high-level and sensitive complaints that don't involve Ministers.

As above, in line with the recommendations of the Internal Audit review, we are also planning to carry out a 'table-top exercise' with the independent pool in the coming months to formally test the operation of the Procedure.

We are reviewing the material available to staff on our internal intranet site 'Saltire' to ensure that information is readily accessible to anyone seeking to raise a complaint, including making staff aware of the availability of informal resolution mechanisms where appropriate.

Information and records management

The Information Governance Programme was established in 2021 and managed by the Digital Directorate to implement the eight recommendations made in the Corporate Review of Information Management, published in June 2021. The Programme concluded in December 2023.

At that time, any ongoing work (including for example the Drive Management project) were moved from the Programme to 'business as usual' and special projects in the Knowledge and Information Management branch in Scottish Government.

The Scottish Government Information Governance (IG) Board has a responsibility to create effective strategic governance over current information management practices and policy

and be an embedded feature of corporate governance. Each member, including the Director General (DG) Area IG Leads, is also expected to discharge these responsibilities within their own DG Family or corporate area. These responsibilities are:

- to support the creation of information governance roles at all levels across the SG.
- to improve engagement and behaviours in all business areas across the SG.
- to act as a conduit with executive level governance groups and strategic stakeholders and partners.
- to identify strategic risk to information governance and support risk management and mitigating actions in their business areas.
- to actively champion, develop and maintain high standards, best practice, and compliance in information management across their DG area.

On 25 January 2024 the former First Minister announced an externally-led review of Scottish Government's use of mobile messaging apps and non-corporate technology. The aim of the review is to recommend improvements to Scottish Government's record management policy and practice as well as working practices in relation to modern digital workplaces. The review is in the discovery phase and due to report by end June 2024.

Culture and behaviours

Following the successful delivery of the Continuous Improvement Programme we have focussed on continuing to develop and evolve the Propriety and Ethics function. Although the Programme has concluded, we continue to review the 'measures of success' as one of the useful metrics to assess the impact of the work that has been done to improve organisational culture and increase confidence in measures in place to tackle poor behaviour, and to identify any emerging issues where we may need to focus attention. Since the directorate was established in 2021 the scores that draw from measures in the People Survey have been broadly stable.

The 2023 People Survey scores show a small increase in the headline bullying and harassment score ("Have you been bullied or harassed at work, in the past 12 months?") which has increased by 1% compared to the 2022 score, increasing from 7% to 8%. This is the first increase from a historic low of 7% seen over the last 3 years, and reflects the UK Civil Service benchmark which is also 8% in the 2023 Survey. The most common nature of bullying and harassment reported by staff is negative micromanagement by another colleague within the same business area, the scores for which have increased since the 2022 score.

There was a small positive increase in the 2023 People Survey scores in the percentage of staff who said they knew how to raise a concern ("If I see or experience any form of wrongdoing in my organisation, I know how to raise a concern (% positive)") from 73% to 74%; and in the percentage who said they took personal action ("I make a point of tackling bullying, harassment and other inappropriate behaviours when I see it happening around me (% positive)") from 67% to 68%. There was a small decrease in the percentage of staff who said they felt able to challenge behaviour ("I feel able to challenge inappropriate behaviour in the workplace (% positive)) from 71% to 69%. Other scores have remained stable. On the final metric in the 'measures of success' we have ensured that all incoming Ministers are briefed on the Procedure for handling complaints by civil servants, and on standards of behaviour as part of the induction of incoming Ministers that took place in March 2023 and

again for new Ministers and returning Cabinet Secretaries following the recent appointment of the new First Minister. We are in the process of briefing returning Ministers.

The above measures help to identify key areas where we are focusing our efforts to improve organisational culture and behaviour, including continuing to build awarenesses among Scottish Government staff of the propriety and ethics function and the routes available to raise concerns and queries, and to seek support. That work has included the steps set out above to review and improve our intranet presence (particularly in relation to informal resolution). We have also undertaken work to promote the importance of adherence to Civil Service values, including holding a cross-Scottish Government all-staff session on the importance of propriety and ethics in October 2023 as part of the SG-wide *In the Service of Scotland* series of events.

The Scottish Government has just launched a new Diversity and Inclusion Employer Strategy. The strategy aims to contribute to our goals of increasing the diversity of our workforce to reflect the general Scottish population, and employees from all backgrounds and characteristics and experiences reporting they feel increasingly valued. It does this by focussing effort and activity on the areas of the employee experience that need it most, which have been determined through analysis of our data, including the People Survey. As a result of this analysis one of the Strategy's four themes is entitled 'Promoting Positive Behaviours' and includes a suite of actions for 2024 – 2027 addressing the Hot Topics of Bullying + Harassment, and Discrimination. These actions are designed to deliver impactful change, with this impact being measured against the Strategy's KPIs, and progress monitored by our Diversity and Inclusion Governance Group.

Conclusion

I hope the Committee find this update helpful, and I would be happy to address any questions.

LESLEY FRASER
DG Corporate