

Code of Conduct for Members of South Lanarkshire College

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

1.1 This Code has been issued by the Scottish Ministers, with the approval of the Scottish Parliament, as required by the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000 \(the “Act”\)](#).

1.2 The purpose of the Code is to set out the conduct expected of those who serve on the boards of public bodies in Scotland.

1.3 The Code has been developed in line with the nine key principles of public life in Scotland. The principles are listed in [Section 2](#) and set out how the provisions of the Code should be interpreted and applied in practice.

Responsibilities

1.4 Board Members must understand that the public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. Accordingly Board Members must always seek to meet those expectations by ensuring that they conduct themselves in accordance with the Code.

1.5 Board Members must undertake to comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all situations and at all times where acting as a Board Member of the College, have referred to themselves as a Board Member or could objectively be considered to be acting as a Board Member.

1.6 Board Members must comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all dealings with the public, employees and fellow Board Members, whether formal or informal.

1.7 It is the personal responsibility of all Board Members to be familiar with the provisions of this Code and to comply with the Law of Scotland and the College’s rules, standing orders and regulations. Board Members will also ensure that they are familiar with any guidance or advice notes issued by the Standards Commission for Scotland (“Standards Commission”) and any additional guidance issued by South Lanarkshire College. Board Members should make every effort to take part in any training offered on the Code.

1.8 Board Members will not, at any time, advocate or encourage any action contrary to this Code.

1.9 Board Members must understand that no written information, whether in the Code itself or the associated Guidance or Advice Notes issued by the Standards Commission, can provide for all circumstances. If Board Members are uncertain about how the Code applies, they will seek advice from the Standards Officer of South Lanarkshire College, failing whom the Chair or Principal/Chief Executive of South Lanarkshire College. Board Members will note that the Board may also choose, within the College’s Scheme of Delegation to seek external legal advice on how to interpret the provisions of the Code.

Enforcement

1.10 [Part 2 of the Act](#) sets out the provisions for dealing with alleged breaches of

the Code, including the sanctions that can be applied if the Standards Commission finds that there has been a breach of the Code. More information on how complaints are dealt with and the sanctions available can be found at [Annex A](#).

SECTION 2: KEY PRINCIPLES OF THE MODEL CODE OF CONDUCT

2.1 The Code has been based on the following key principles of public life. Board Members will behave in accordance with these principles and understand that they should be used for guidance and interpreting the provisions in the Code.

2.2 Board Members will note that a breach of one or more of the key principles does not in itself amount to a breach of the Code. Board Members will note that, for a breach of the Code to be found, there must also be a contravention of one or more of the provisions in sections 3 to 6 inclusive of the Code.

The key principles are:

Duty

Board Members have a duty to uphold the law and act in accordance with the law and the public trust placed in me. Board Members have a duty to act in the interests of the public body of which Board Members are a member and in accordance with the core functions and duties of that body.

Selflessness

Board Members have a duty to take decisions solely in terms of public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.

Integrity

Board Members must not place themselves under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence me in the performance of their duties.

Objectivity

Board Members must make decisions solely on merit and in a way that is consistent with the functions of South Lanarkshire College when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

Board Members are accountable to the public for their decisions and actions. They have a duty to consider issues on their merits, taking account of the views of others and must ensure that South Lanarkshire College uses its resources prudently and in accordance with the law.

Openness

Board Members have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

Honesty

Board Members have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts

arising in a way that protects the public interest.

Leadership

Board Members have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of South Lanarkshire College and its members in conducting public business.

Respect

Board Members must respect all other board members and all employees of South Lanarkshire College and the role they play, treating them with courtesy at all times. Similarly, they must respect members of the public when performing their duties as a board member.

SECTION 3: GENERAL CONDUCT

Respect and Courtesy

3.1 Board Members will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when they are online and when Board Members are using social media.

3.2 Board Members will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity; Board Members will advance equality of opportunity and seek to foster good relations between different people.

3.3 Board Members will not engage in any conduct that could amount to bullying or harassment, (which includes sexual harassment). Board Members accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.4 Board Members accept that disrespect, bullying and harassment can be:

- a) a one-off incident,
- b) part of a cumulative course of conduct; or
- c) a pattern of behaviour.

3.5 Board Members must understand that how, and in what context, Board Members exhibit certain behaviours can be as important as what they communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.6 Board Members accept that it is their responsibility to understand what constitutes bullying and harassment and they will utilise resources, including the Standards Commission's guidance and advice notes, South Lanarkshire College policies and training material (where appropriate) to ensure that their knowledge and understanding is up to date.

3.7 Except where it is written into their role as Board member, and / or at the invitation of the Principal/Chief Executive, Board Members will not become involved in operational management of South Lanarkshire College. Board Members must acknowledge and understand that operational management is the responsibility of the Principal/Chief Executive and Executive Team as set out in the Scheme of Delegation..

3.8 Board Members will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public. Board Members will raise any concerns Board Members have on such matters in private with senior management or the chair as appropriate.

3.9 Board Members will not take, or seek to take, unfair advantage of their position in their dealings with employees of South Lanarkshire College or bring any undue influence to bear on employees to take a certain action. Board Members will not ask or direct employees to do something which they know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

3.10 Board Members will respect and comply with rulings from the Chair during meetings of:

- a) South Lanarkshire College, its committees; and
- b) any outside organisations that Board Members have been appointed or nominated to by South Lanarkshire College or on which I represent South Lanarkshire College.

3.11 Board Members will respect the principle of collective decision-making and corporate responsibility. This means that once the Board has made a decision, Board Members must support that decision, even if they did not agree with it or vote for it – without prejudice of course to their right to have dissent minuted.

Remuneration, Allowances and Expenses

3.12 Board Members will comply with the rules, and the policies of South Lanarkshire College, on the payment of remuneration, allowances and expenses as a consequence of discharging Board duties.

Gifts and Hospitality

3.13 Board Members must understand that they may be offered gifts (including money raised via crowdfunding or sponsorship), hospitality, material benefits or services (“gift or hospitality”) that may be reasonably regarded by a member of the public with knowledge of the relevant facts as placing them under an improper obligation or being capable of influencing their judgement.

3.14 Board Members will never **ask for** or **seek** any gift or hospitality.

3.15 Board Members will refuse any gift or hospitality, unless it is:

- a) a minor item or token of modest intrinsic value offered on an infrequent basis;
- b) a gift being offered to South Lanarkshire College;
- c) hospitality which would reasonably be associated with their duties as a board member; or
- d) hospitality which has been approved in advance by South Lanarkshire College.

3.16 Board Members will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence their judgement.

3.17 Board Members will not allow the promise of money or other financial advantage to induce them to act improperly in their role as a board member. Board Members accept that the money or advantage (including any gift or hospitality) does not have to be given to them directly. The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce them to improperly perform a function.

3.18 Board Members will never accept any gift or hospitality from any individual or

applicant who is awaiting a decision from, or seeking to do business with, South Lanarkshire College.

3.19 If Board Members consider that declining an offer of a gift would cause offence, Board Members will accept it and hand it over to South Lanarkshire College at the earliest possible opportunity and ask for it to be registered.

3.20 Board Members will promptly advise South Lanarkshire College's Standards Officer if Board Members are offered (but refuse) any gift or hospitality of any significant value and / or if Board Members are offered any gift or hospitality from the same source on a repeated basis, so that South Lanarkshire College can monitor this.

3.21 Board Members will familiarise themselves with the terms of the [Bribery Act 2010](#) and the Board policy on Gifts and Hospitality which provides for offences of bribing another person and offences relating to being bribed.

Confidentiality

3.22 Board Members will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person or body authorised to give such consent, or unless required to do so by law. Board Members will note that if they cannot obtain such express consent, they should assume it is not given.

3.23 Board Members accept that confidential information can include discussions, documents, and information which is not yet public or never intended to be public, and information deemed confidential by statute.

3.24 Board Members will only use confidential information to undertake their duties as a board member. Board Members will not use it in any way for personal advantage or to discredit South Lanarkshire College (even if their personal view is that the information should be publicly available).

3.25 Board Members will note that these confidentiality requirements do not apply to protected whistleblowing disclosures made to the prescribed persons and bodies as identified in statute.

Use of Public Body Resources

3.26 Board Members will only use South Lanarkshire College resources, including employee assistance, facilities, stationery and IT equipment, for carrying out duties on behalf of the public body, in accordance with its relevant policies.

3.27 Board Members will not use, or in any way enable others to use, South Lanarkshire College resources:

- a) imprudently (without thinking about the implications or consequences);
- b) unlawfully;
- c) for any political activities or matters relating to these; or
- d) improperly.

Dealing with South Lanarkshire College and Preferential Treatment

3.28 Board Members will not use, or attempt to use, their position or influence as a board member to:

- a) improperly confer on or secure for themselves, or others, an advantage; or
- b) avoid a disadvantage for themselves, or create a disadvantage for others
or
- c) improperly seek preferential treatment or access for themselves or others.

3.29 Board Members will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

3.30 Board Members will advise employees of any connection, as defined at [Section 5](#), they may have to a matter, when seeking information or advice or responding to a request for information or advice from them.

Appointments to Outside Organisations

3.31 If Board Members are appointed, or nominated by South Lanarkshire College, as a member of another body or organisation, they will abide by the rules of conduct and will act in the best interests of that body or organisation while acting as a member of it. Board Members will also continue to observe the rules of this Code when carrying out the duties of that body or organisation.

3.32 Board Members accept that if they are directors or trustees (or equivalent) of a company or a charity, they will be responsible for identifying, and taking advice on, any conflicts of interest that may arise between the company or charity and South Lanarkshire College.

SECTION 4: REGISTRATION OF INTERESTS

4.1 The following paragraphs set out what Board Members have to register when they are appointed and whenever their circumstances change. The register covers their current term of appointment.

4.2 Board Members must understand that regulations made by the Scottish Ministers describe the detail and timescale for registering interests; including a requirement that a board member must register their registrable interests within one month of becoming a board member and register any changes to those interests within one month of those changes having occurred.

4.3 The interests which Board Members are required to register are those set out in the following paragraphs. Other than as required by paragraph 4.23, Board Members must understand it is not necessary to register the interests of their spouse or cohabitee.

Category One: Remuneration

4.4 Board Members will register any work for which they receive, or expect to receive, payment. Board Members have a registrable interest where they receive remuneration by virtue of being:

- a) employed;
- b) self-employed;
- c) the holder of an office;
- d) a director of an undertaking;
- e) a partner in a firm;
- f) appointed or nominated by South Lanarkshire College to another body; or
- g) engaged in a trade, profession or vocation or any other work.

4.5 Board Members must understand that in relation to 4.4 above, the amount of remuneration does not require to be registered. They must understand that any remuneration received as a board member of this specific public body does not have to be registered.

4.6 Board Members must understand that if a position is remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under Category Two, "Other Roles".

4.7 Board Members must register any allowances they receive in relation to membership of any organisation under Category One.

4.8 When registering employment as an employee, Board Members must give the full name of the employer, the nature of its business, and the nature of the post held in the organisation.

4.9 When registering remuneration from the categories listed in paragraph 4.4 (b) to (g) above, Board Members must provide the full name and give details of the nature of the business, organisation, undertaking, partnership or other body, as appropriate. Board Members must recognise that some other employments may be incompatible with their role as board member of South Lanarkshire College in terms of paragraph [6.7](#) of this Code.

4.10 Where Board Members otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and how often it is undertaken.

4.11 When registering a directorship, it is necessary to provide the registered name and registered number of the undertaking in which the directorship is held and provide information about the nature of its business.

4.12 Board Members must understand that registration of a pension is not required as this falls outside the scope of the category.

Category Two: Other Roles

4.13 Board Members will register any unremunerated directorships where the body in question is a subsidiary or parent company of an undertaking in which they hold a remunerated directorship.

4.14 Board Members will register the registered name and registered number of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which Board Members are a director and from which I receive remuneration.

Category Three: Contracts

4.15 Board Members have a registerable interest where they (or a firm in which Board Members are a partner, or an undertaking in which they are a director or in which Board Members have shares of a value as described in paragraph 4.19 below) have made a contract with South Lanarkshire College:

- a) under which goods or services are to be provided, or works are to be executed; and
- b) which has not been fully discharged.

4.16 Board Members will register a description of the contract, including its duration, but excluding the value.

Category Four: Election Expenses

4.17 If Board Members have been elected to South Lanarkshire College, then they will register a description of, and statement of, any assistance towards election expenses relating to election to South Lanarkshire College.

Category Five: Houses, Land and Buildings

4.18 Board Members have a registrable interest where they own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of South Lanarkshire College.

4.19 Board Members accept that, when deciding whether or not they need to

register any interest Board Members have in houses, land or buildings, the test to be applied is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as being so significant that it could potentially affect their responsibilities to South Lanarkshire College and to the public, or could influence their actions, speeches or decision-making.

Category Six: Interest in Shares and Securities

4.20 Board Members have a registerable interest where:

- a) They own or have an interest in more than 1% of the issued share capital of the company or other body; or
- b) Where, at the relevant date, the market value of any shares and securities (in any one specific company or body) that they own or have an interest in is greater than £25,000.

Category Seven: Gifts and Hospitality

4.21 Board Members must understand the requirements of paragraphs 3.13 to 3.21 regarding gifts and hospitality. As Board Members can no longer accept any gifts or hospitality, other than under the very limited circumstances allowed, Board Members must understand there is no longer a legal requirement to keep a register of gifts or hospitality unless the College's own internal procedures should so require.

Category Eight: Non-Financial Interests

4.22 Board Members may also have other interests and they must understand it is equally important that relevant interests such as membership or holding office in other public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, Board Members must understand non-financial interests are those which members of the public with knowledge of the relevant facts might reasonably think could influence their actions, speeches, votes or decision-making in South Lanarkshire College (this includes its Committees and memberships of other organisations to which Board Members have been appointed or nominated by South Lanarkshire College).

Category Nine: Close Family Members

4.23 Board Members will register the interests of any close family member who has transactions with South Lanarkshire College or is likely to have transactions or do business with it.

SECTION 5: DECLARATION OF INTERESTS

Stage 1: Connection

5.1 For each particular matter Board Members are involved in as a board member, they will first consider whether if they have a connection to that matter.

5.2 Board Members must understand that a connection is any link between the matter being considered and or a person or body they are associated with. This could be a family relationship or a social or professional contact.

5.3 A connection includes anything that Board Members have registered as an interest.

5.4 A connection does not include being a member of a body to which Board Members have been appointed or nominated by South Lanarkshire College as a representative of South Lanarkshire College, unless:

- a) The matter being considered by South Lanarkshire College is quasi-judicial or regulatory; or
- b) Board Members have a personal conflict by reason of their actions, their connections or their legal obligations.

Stage 2: Interest

5.5 Board Members must understand their connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard their connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

Stage 3: Participation

5.6 Board Members will declare their interest as early as possible in meetings. Board Members will not remain in the meeting nor participate in any way in those parts of meetings where Board Members have declared an interest.

5.7 Board Members will consider whether it is appropriate for transparency reasons to state publicly where Board Members have a connection, which they do not consider amounts to an interest.

5.8 Board Members will note that they can apply to the Standards Commission and ask it to grant a dispensation to allow them to take part in the discussion and decision-making on a matter where they would otherwise have to declare an interest and withdraw (as a result of having a connection to the matter that would fall within the objective test). Board Members will note that such an application must be made in advance of any meetings where the dispensation is sought and that They cannot take part in any discussion or decision-making on the matter in question unless, and until, the application is granted.

5.9 Board Members will note that public confidence in a public body is damaged by the perception that decisions taken by that body are substantially influenced by factors other than the public interest. Board Members will not accept a role or

appointment if doing so means Board Members will have to declare interests frequently at meetings in respect of their role as a board member. Similarly, if any appointment or nomination to another body would give rise to objective concern because of their existing personal involvement or affiliations, Board Members will not accept the appointment or nomination.

SECTION 6: LOBBYING AND ACCESS

6.1 Board Members must understand that a wide range of people will seek access to them as a board member and will try to lobby them, including individuals, organisations and companies. Board Members must distinguish between:

- a) any role Board Members have in dealing with enquiries from the public;
- b) any community engagement where Board Members are working with individuals and organisations to encourage their participation and involvement, and;
- c) lobbying, which is where Board Members are approached by any individual or organisation who is seeking to influence them for financial gain or advantage, particularly those who are seeking to do business with South Lanarkshire College (for example contracts/procurement).

6.2 In deciding whether, and if so how, to respond to such lobbying, Board Members will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard their conduct as being likely to influence their, or South Lanarkshire College's, decision-making role.

6.3 Board Members will not, in relation to contact with any person or organisation that lobbies, do anything which contravenes this Code or any other relevant rule of South Lanarkshire College or any statutory provision.

6.4 Board Members will not, in relation to contact with any person or organisation that lobbies, act in any way which could bring discredit upon South Lanarkshire College.

6.5 If Board Members have concerns about the approach or methods used by any person or organisation in their contacts with me, they will seek the guidance of the Chair, Principal/Chief Executive or Clerk to the Board of South Lanarkshire College, in terms of D14 of the Code of Good Governance of Scotland's Colleges.

6.6 The public must be assured that no person or organisation will gain better access to, or treatment by, as a result of employing a company or individual to lobby on a fee basis on their behalf. Board Members will not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which they accord any other person or organisation who lobbies or approaches me. Board Members will ensure that those lobbying on a fee basis on behalf of clients are not given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming.

6.7 Before taking any action as a result of being lobbied, Board Members will seek to satisfy themselves about the identity of the person or organisation that is lobbying and the motive for lobbying. Board Members must understand they may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that Board Members must understand the basis on which they are being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code and the [Lobbying \(Scotland\) Act 2016](#).

6.8 Board Members will not accept any paid work:

- a) which would involve me lobbying on behalf of any person or organisation or any clients of a person or organisation.
- b) to provide services as a strategist, adviser or consultant, for example, advising on how to influence South Lanarkshire College and its members. This does not prohibit them from being remunerated for activity which may arise because of, or relate to, membership of South Lanarkshire College, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

ANNEX A: BREACHES OF THE CODE

Introduction

1. [The Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) (“the Act”) provided for a framework to encourage and, where necessary, enforce high ethical standards in public life.
2. The Act provided for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies, imposing on councils and relevant public bodies a duty to help their members comply with the relevant code.
3. The Act and the subsequent Scottish Parliamentary Commissions and Commissioners etc. Act 2010 established the [Standards Commission for Scotland](#) (“Standards Commission”) and the post of [Commissioner for Ethical Standards in Public Life in Scotland](#) (“ESC”).
4. The Standards Commission and ESC are separate and independent, each with distinct functions. Complaints of breaches of a public body’s Code of Conduct are investigated by the ESC and adjudicated upon by the Standards Commission.
5. The first Model Code of Conduct came into force in 2002. The Code has since been reviewed and re-issued in 2014. The 2021 Code has been issued by the Scottish Ministers following consultation, and with the approval of the Scottish Parliament, as required by the Act.

Investigation of Complaints

6. The ESC is responsible for investigating complaints about members of devolved public bodies. It is not, however, mandatory to report a complaint about a potential breach of the Code to the ESC. It may be more appropriate in some circumstances for attempts to be made to resolve the matter informally at a local level.
7. On conclusion of the investigation, the ESC will send a report to the Standards Commission.

Hearings

8. On receipt of a report from the ESC, the Standards Commission can choose to:
 - Do nothing;
 - Direct the ESC to carry out further investigations; or
 - Hold a Hearing.
9. Hearings are held (usually in public) to determine whether the member concerned has breached their public body’s Code of Conduct. The Hearing Panel comprises of three members of the Standards Commission. The ESC will present evidence and/or make submissions at the Hearing about the investigation and any conclusions as to whether the member has contravened the Code. The member is entitled to attend or be represented at the Hearing and can also present evidence and make submissions. Both parties can call witnesses. Once it has heard all the evidence and submissions, the Hearing Panel will make a determination about whether or not it is satisfied, on the balance of probabilities, that there has been a contravention of the Code by the member. If the Hearing Panel decides that a member has breached their public body’s Code, it is obliged to impose a sanction.

Sanctions

10. The sanctions that can be imposed following a finding of a breach of the Code are as follows:

- **Censure:** A censure is a formal record of the Standards Commission's severe and public disapproval of the member concerned.
- **Suspension:** This can be a full or partial suspension (for up to one year). A full suspension means that the member is suspended from attending all meetings of the public body. Partial suspension means that the member is suspended from attending some of the meetings of the public body. The Commission can direct that any remuneration or allowance the member receives as a result of their membership of the public body be reduced or not paid during a period of suspension.
- **Disqualification:** Disqualification means that the member is removed from membership of the body and disqualified (for a period not exceeding five years), from membership of the body. Where a member is also a member of another devolved public body (as defined in the Act), the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in section 19 of the Act.

Interim Suspensions

11. Section 21 of the Act provides the Standards Commission with the power to impose an interim suspension on a member on receipt of an interim report from the ESC about an ongoing investigation. In making a decision about whether or not to impose an interim suspension, a Panel comprising of three Members of the Standards Commission will review the interim report and any representations received from the member and will consider whether it is satisfied:

- That the further conduct of the ESC's investigation is likely to be prejudiced if such an action is not taken (for example if there are concerns that the member may try to interfere with evidence or witnesses); or
- That it is otherwise in the public interest to take such a measure. A policy outlining how the Standards Commission makes any decision under Section 21 and the procedures it will follow in doing so, should any such a report be received from the ESC can be found [here](#).

12. The decision to impose an interim suspension is not, and should not be seen as, a finding on the merits of any complaint or the validity of any allegations against a member of a devolved public body, nor should it be viewed as a disciplinary measure.

ANNEX B: DEFINITIONS

“Bullying” is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted.

“Chair” includes Board Convener or any other individual discharging a similar function to that of a Chair or Convener under alternative decision-making structures.

“Code” is the code of conduct for members of your devolved public body, which is based on the Model Code of Conduct for members of devolved public bodies in Scotland.

“Cohabitee” includes any person who is living with you in a relationship similar to that of a partner, civil partner, or spouse.

“Confidential Information” includes:

- any information passed on to the public body by a Government department (even if it is not clearly marked as confidential) which does not allow the disclosure of that information to the public;
- information of which the law prohibits disclosure (under statute or by the order of a Court);
- any legal advice provided to the public body; or
- any other information which would reasonably be considered a breach of confidence should it be made public.

“Election expenses” means expenses incurred, whether before, during or after the election, on account of, or in respect of, the conduct or management of the election.

“Employee” includes individuals employed:

- directly by the public body;
- as contractors by the public body, or
- by a contractor to work on the public body’s premises.

“Gifts” a gift can include any item or service received free of charge, or which may be offered or promised at a discounted rate or on terms not available to the general public. Gifts include benefits such as relief from indebtedness, loan concessions, or provision of property, services or facilities at a cost below that generally charged to members of the public. It can also include gifts received directly or gifts received by any company in which the recipient holds a controlling interest in, or by a partnership of which the recipient is a partner.

“Harassment” is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.

“Hospitality” includes the offer or promise of food, drink, accommodation,

entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

“Relevant Date” Where a board member had an interest in shares at the date on which the member was appointed as a member, the relevant date is – (a) that date; and (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.

“Public body” means a devolved public body listed in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

“Remuneration” includes any salary, wage, share of profits, fee, other monetary benefit or benefit in kind.

“Securities” a security is a certificate or other financial instrument that has monetary value and can be traded. Securities includes equity and debt securities, such as stocks bonds and debentures.

“Undertaking” means:

- a) a body corporate or partnership; or
- b) an unincorporated association carrying on a trade or business, with or without a view to a profit.