

## ITEM 2.2: STANDING ORDERS

### Purpose

1. To seek members' approval of Standing Orders for the Council.

### Discussion

2. Section 12 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 ("the Act") provides that the Council may determine its own procedure and that of any committees established by it, except in relation to quorums, which are to be determined by the Lord President.
3. The Standing Orders submitted for approval are informed by those of the Scottish Court Service Board and include a suggested Code of Conduct at the Annex.
4. Members' attention is drawn to the following aspects in particular:
  - 4.1. **Collective decision making (standing order 4)** – the draft Standing Orders provide that decisions on members are binding. A procedure for recording dissent is also provided for.
  - 4.2. **Confidentiality (standing orders 8.3, 13 and paras 3.7 and 3.8 of the Code)** – provision is included for agreeing confidential items of business. It is suggested that members should not disseminate documents or information pertaining to the SCJC, unless already in the public domain, without the Chair's approval. Agendas, papers (excluding draft rules, private papers and confidential items of business) and minutes will be published online (under standing order 8) following meetings. It should be noted that even where confidentiality is agreed, information may be releasable under the Freedom of Information (Scotland) Act 2002.

- 4.3. **Communications (standing order 11)** – members will wish to note in particular standing orders 11.5 and 11.6 which state that all communications with the press should be made through the Secretariat and that members should seek the Chair’s approval before undertaking promotional activity, unless the Council’s (or a committee’s) prior agreement has been obtained.
- 4.4. **Records (standing order 12)** – subject to members’ views, a records management plan will be submitted to the Council for approval at its next meeting.
- 4.5. **Registration and Declaration of interests (sections 4 and 5 of the Code of Conduct)** – members may wish to note these provisions.
- 4.6. **Lobbying (section 6 of the Code of Conduct)** – the views of members, in particular those who hold positions with organisations with a campaigning role, on this aspect of the Code would be welcomed.

### **Recommendation**

5. **Members are invited to adopt the standing orders.**