# How the Ethical Standards Commissioner checks complaints about MSPs



A hand holding a magnifying glass

AI-generated content may be incorrect.



A computer and phone with a email on the screen


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## What does the Ethical Standards Commissioner do?

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| A notedpad | This document is about **how the Ethical Standards Commissioner checks complaints about MSPs**. If you would like to read about all the work that we do click here:  <https://www.ethicalstandards.org.uk/publication/esc-purpose-values-and-strategic-objectives-2024-2028-easy-read>  If you would like to read about **how to make a complaint** about MPS click here: <https://www.ethicalstandards.org.uk/publication/making-complaint-about-msp-easy-read> |
| A rulebook and a set of scales | **Ethical standards** are the rules about what is right and wrong.  It means for example treating people the way you would like to be treated. |
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| an image of the ethical standards commissioner's investigations manual | We use our **Investigations Manual** to tell the rules about how we will investigate complaints.  Our **Investigations** **Manual** is a document that tells how we check complaints. |

**What is a stage 1 investigation?**

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| A magnifying glass  A rulebook | First your complaint will be investigated at what we call **stage 1**.  **A stage 1 investigation** is a way of finding out whether something is covered by the **Code of Conduct**.  A **Code of Conduct** is a set of rules that say how people should behave when they are doing their job. |
| A notepad with a list on it | During our stage 1 investigation we check all of the information that you have given us. |
| Two people talking to eachother with a red question mark | We might ask for more information if it is needed either from   * you * the MSP you have complained about or * from other people who can help our stage 1 investigation. |
| A laptop | We use the internet to find out more information. This might be something like the date of a meeting. |
| A person with his hand on his chin thinking and thumbs up and thumbs down | We will decide whether we will investigate the complaint or whether we will have to **dismiss** the complaint.  **Dismiss** means we would not investigate the complaint. |
|  | We will dismiss a complaint if: |
| A person holding a clipboard with a pen and a red x | * it is not **relevant**   An **incident** is something that has happened. It is usually not nice.  **Relevant** means the complaint is about an MSP and the **incident** is something that we are allowed to investigate. |
| a man with his thumb pointing down | We will also dismiss a complaint if it does not meet all the requirements for a complaint.  A **requirement** is something that is needed for something else to happen. |
| a telephone  A notepad with the words name and address on itAn evidence book | These requirements are:   * The complaint has been made in writing. You can write your complaint yourself or we can write it down for you over the phone. * The complaint has the name and address of the person who is complaining * The complaint gives the name of the MSP you are complaining about * The complaint tells the facts of the incident. |
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| a list of people you can complaint to the ethical standards commissioner about | Our **complaints form** asks you to tell us these details.  A **complaints form** is a document where you put all the information about your complaint for us to check. |
| a picture of the document 'making a complaint about MSPs to the ethical standards commissioner' | You can read about how to fill out our complaints form in the document: How to make a complaint about an MSP: <https://www.ethicalstandards.org.uk/publication/making-complaint-about-msp-easy-read> |
| a laptop | If you would like to make your complaint in an email you must include these details too. |
| a person listening to another persona meeting calendara pinpoint to show a location | Some examples of behaviour that we are not allowed to investigate are:   * How an MSP behaves in a meeting of Parliament or a committee meeting * How an MSP **engages** with a **constituent**   **Engages** is when an MSP helps you when you asked and how they helped you.  A **constituent** is someone who lives in the area that an MSP works for. |
| a person comforting an upset person | * How an MSP has treated you. That is unless you are also an MSP or a member of staff for an MSP or for parliament. |
| a letter with a cross next to it | If we dismiss your complaint, we will write you a letter to tell you why. |
| We will also write to the person who you complained about. We will tell them why we have dismissed your complaint. |
| An identification card a telephone and a pin on a map with a red line through them | We will share your name with the person you have complained about. We will not share any of your contact information like your address, email address, or telephone number. |
| two people talking to eachother | If there is another person or organisation who can help you instead, we will tell you about them. |
| a letter with a green tick next to it | If we decide to investigate your complaint, we will write you a letter to tell you this. |
| a thinking person | How a stage 2 investigation works is explained below. |

## What is an investigation?

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|  | A **stage 2** **investigation** of your complaint this is the next part of our process.  A **stage 2** **investigation** is a way of carefully checking everything about something that has happened. |
|  | We will check the information you gave us in your complaint. This will help us to decide whether or not the incident you complained about took place. |
| a rule book and an evidence book | We will check if the Code of Conduct has been followed. |
| the scottish parliament a letter | When we start our investigation, we will write a letter:   * to you * to the person you have complained about * to the standards committee in Parliament which is called the ‘**Standards, Procedures and Public Appointments Committee**’.   The **Standards, Procedure and Public Appointments Committee** is a meeting in the Scottish Parliament’s to talk about MSP behaviour and other things. |
| A person holding a clipboard and pen with a green tick | We will ask for any information that we need to complete our investigation. |
| a witness in front of a witness sign | We might also **interview** you or other **witnesses**.  A **witness** is someone who saw or heard something happen.  An **interview** is when we ask questions about what happened. |
| an evidence book and a set of scales | When we have the information we need, we will decide whether or not we think the incident happened. |
| We make this decision based on **the balance of probabilities.**  **The balance of probabilities** means that with the information we have it is more likely that the incident did happen than it did not happen. |
| a rule book | If we decide that an incident did not happen then we say that the Code of Conduct has **not** **been** **breached**.  **Not breached** means that the rules have been followed. |
| a thinking person and a set of scales | If we decide that an incident did happen then we need to decide whether the MSP did not follow the rules in the Code of Conduct. |
| We also make this decision on the balance of probabilities. |
| a rule book | If we decide that the incident did not break the rules this means we decide that the Code of Conduct has not been breached. |
| a rule book with a red line through it | If we decide that the incident did break the rules, then we conclude that the Code of Conduct **has been breached.**  **Has been breached** means that the rules have not been followed. |
| a report | If the Code of Conduct has been breached or not breached, we write a **report** and send it to the Standards, Procedure and Public Appointments Committee.  A **report** is a description of our investigation that is written down. |
| a laptop and a report | We will also send our report to the person you have complained about. |
| We will let you know that we have finished our investigation |
| a thinking person with a thumbs up and thumbs down | The Standards, Procedure and Public Appointments Committee will decide whether the Code of Conduct has been breached or not. |
| a meeting calendar and a rulebook with a red line through it | The Standards, Procedure and Public Appointments Committee will make this decision in a **private** meeting.  **Private** means something that is only shared with some people. In this case it is a meeting that no one else can attend and the notes are not shared. |
| a report with a green tick | The Standards, Procedure and Public Appointments Committee can decide that they: |
| * agree with our report |
| A hand holding a magnifying glass | * need us to do more investigation * need to do an investigation themselves |
|  |  |
| a meeting calendar wtih a red line through it | The Standards, Procedure and Public Appointments Committee will also decide if any **sanctions** need to be given to the MSP.  **A sanction** is punishment for breaking the rules. This could be something like the MSP is **suspended** from their job for 2 weeks.  **Suspended** means the MSP has to stop working for a certain amount of time. |
| two people talking to eachother | When the Standards, Procedure and Public Appointments Committee have made their decision they will tell you. |