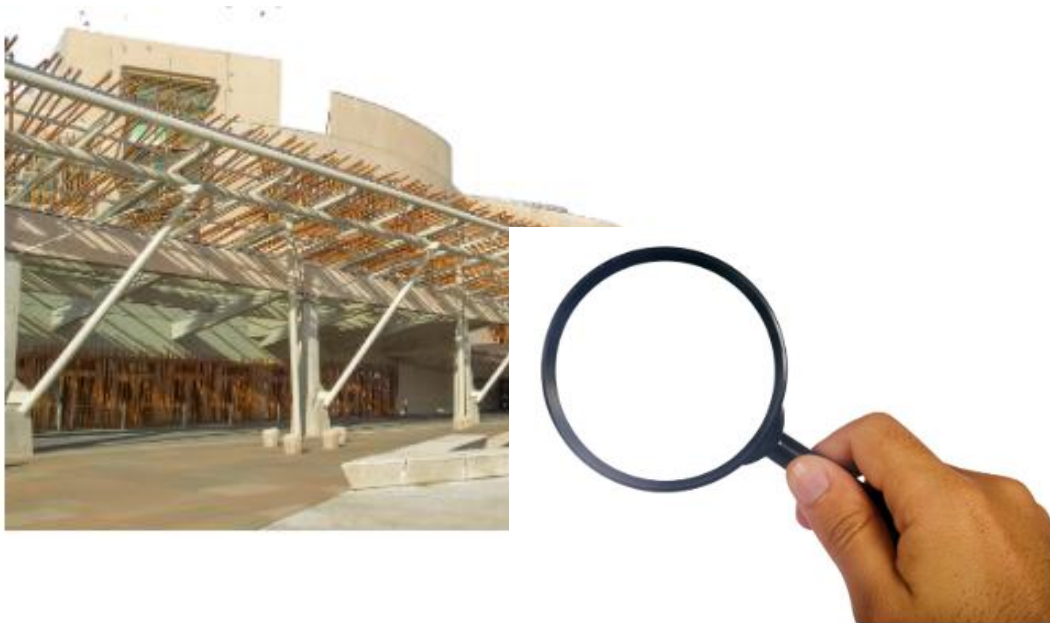


How the Ethical Standards Commissioner checks complaints about MSPs



If you need this document in another format like large print, audio or Braille please contact us:

- call 0300 011 0550
- email: info@ethicalstandards.org.uk
- or do it online at: www.ethicalstandards.org.uk/contact-us

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What does the Ethical Standards Commissioner do?

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>

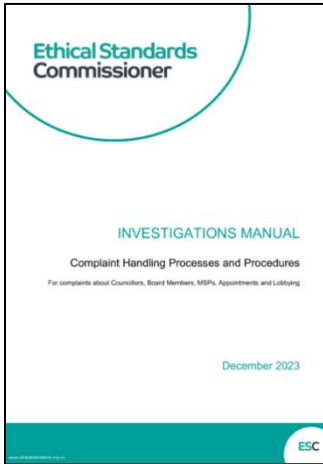
If you would like to read about **how to make a complaint** about MPS click here:

<https://www.ethicalstandards.org.uk/publication/making-complaint-about-msp-easy-read>



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.



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?



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.



During our stage 1 investigation we check all of the information that you have given us.



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.



We use the internet to find out more information. This might be something like the date of a meeting.



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:

- it is not **relevant**



Relevant means the complaint is about an MSP and the **incident** is something that we are allowed to investigate.

An **incident** is something that has happened. It is usually not nice.

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.

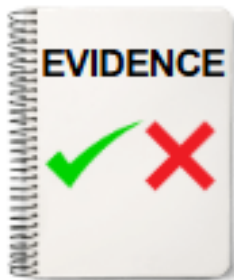
These requirements are:



- 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.

- Councillor
- Board Member
- MSP
- Lobbyist
- Public Appointment
- Complaint about us
- Other

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.

Making a complaint about MSPs to the Ethical Standards Commissioner



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- email: info@ethicalstandards.org.uk
- or do it online at: www.ethicalstandards.org.uk/contact-us

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>



If you would like to make your complaint in an email you must include these details too.



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.



- 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.



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.



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.



If there is another person or organisation who can help you instead, we will tell you about them.



If we decide to investigate your complaint, we will write you a letter to tell you this.



How a stage 2 investigation works is explained below.

What is an investigation?



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.



We will check if the Code of Conduct has been followed.

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.



We will ask for any information that we need to complete our investigation.



We might also **interview** you or other **witnesses**.

An **interview** is when we ask questions about what happened.

A **witness** is someone who saw or heard something happen.

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.



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.



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.



If we decide that the incident did not break the rules this means we decide that the Code of Conduct has not been breached.



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.



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.



We will also send our report to the person you have complained about.

We will let you know that we have finished our investigation



The Standards, Procedure and Public Appointments Committee will decide whether the Code of Conduct has been breached or not.



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.



The Standards, Procedure and Public Appointments Committee can decide that they:

- agree with our report
- need us to do more investigation
- need to do an investigation themselves





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.



When the Standards, Procedure and Public Appointments Committee have made their decision they will tell you.