# Making a complaint about MSPs to the Ethical Standards Commissioner







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* email: [info@ethicalstandards.org.uk](mailto:info@ethicalstandards.org.uk)
* or do it online at: [www.ethicalstandards.org.uk/contact-us](http://www.ethicalstandards.org.uk/contact-us)

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## What does the Ethical Standards Commissioner do?

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| A list | This document is about **how to complain 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> |
| A rule book and a set of scales | **Ethical standards** are the rules about what is right and wrong.  **Ethical standards** help us know how to behave in a good way.  It means for example treating people the way you would like to be treated. |
| A set of scales | The Ethical Standards Commissioner was set up as part of a law called the Ethical Standards in Public Life (Scotland) Act 2000. |
| A rule book | This law says that MSPs must follow a **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 two scales in front of a Scottish flag | The rules for MSP are found in the Scottish Parliamentary Standards Commissioner Act 2002. |
| A person making a complaint | If MSPs do not follow their rules then you can make a **complaint** about them. |
| A **complaint** is when a person says or writes that they are not happy about something. |

## What can you complain about?

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| A rule book with a red line through it | We investigate complaints where you feel that an MSP has not followed their Code of Conduct. |
|  | Some things you can complaint about are if an MSP: |
| Someone registering an interest on a laptopMoney | * has not **registered** a **financial interest** that might impact how they debate or vote in Parliament.   **Registered** is a way of telling something so anyone can check.  A **financial interest** is something that is worth money and belongs to someone. It can include things like:   * Payments from other jobs * Houses or buildings that belong to someone * **Shares** in a company   **Shares** are part of a company that belong to someone. |
| Two people talking in front of election ribbons | * has notregistered information about how they have spent money during an **election**.   An **election** is when everyone votes to choose someone for political jobs. |
| The Scottish parliament | * has not told that they might get something for themselves when discussing or voting on something in Parliament. |
| Confidential papers | * Has shared information that was meant to be **confidential.**   **Confidential** is something that an MSP has seen as part of their job that they are not supposed to share with anyone. |
| Money and a megaphone | We can also investigate if you think an MSP has been given money by someone to say certain things in Parliament. |
| The scottish parliament | The Parliament can ask us to check other things about an MSPs conduct too. |

## What can’t you complain about?

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| The Scottish parliament with a red tick | We can only check complaints about MSPs if it is about their work as an MSP. |
| a thumb pointing down | We must **dismiss** complaints about an MSP talking about their political views.  **Dismiss** means we do not investigate the complaint. |
| We must dismiss complaints about an MSPs private and family life. |
| a document with the words 'scottish ministerial code' on the front with a red line through it | We must dismiss complaints about MSPs when they are acting as Minister of the Scottish Government. |
| This is because Minister’s follow the Scottish Ministerial Code. |
| a red post box | If you believe a Minister has not followed this Code, you can complain to:  The First Minister  The Scottish Government  St Andrew’s House  Regent Road  Edinburgh  EH1 3DG |
| Someone looking confused in front of a guidance document | It can be hard to know if an MSPs behaviour is related to these things. We will check this for you. |
| Two people talking | If we cannot help you then we will tell you who may be able to help. |

## How do I make a complaint?

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| A rule book and a set of scales | The law says that complaints must include certain information before we can check it. |
| a list of the people you can complaint to the ESC about.  ESC means ethical standards commissioner | Because of this it is helpful if your complaint is sent using our **complaints form**.  A **complaints form** is a document where you put all the information about your complaint for us to check. |
| A laptop with the ethical standards commissioner logo | The complaints form can be found on our website:  <https://www.ethicalstandards.org.uk/make-complaint> |
| the page on the ethical standards commissioner website where you make an account | Before you fill out the complaints form you will need to make an account on our website.  It will look like this image. |
| A computer and phone with a email on the screen | If you are not able to fill out the complaints form online there are other way to give us your complaint. |
| a red post box | You can get a copy of the complaint form to fill out and post it to us:  <https://www.ethicalstandards.org.uk/publication/complaint-form>  Our address is:  Ethical Standards Commissioner Thistle House 91 Haymarket Terrace Edinburgh EH12 5HE |
| a telephone | If you would like to give us your complaint another way you can phone us to talk about how to do this.  Our telephone number is:  0131 347 3890. |

## How to complete the complaints form and information you need to give us

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| A laptop with the ethical standards commissioner logo | The online form will tell you what you need to give us. |
| a mobile phone and a book with the words name and address written on it  a document that says personal details | It will ask for information including:   * The name of the MSP you are complaining about |
| * Your **personal details**   **Personal details** is information about you. It includes:   * your name * your address * and your telephone number. |
| someone speaking on the phone looking worried | * If you are a **whistle-blower**   A **whistle-blower** is a worker who tells information about an organisation doing things that are against the law or not safe.  A whistle-blower believes that because of sharing this information they might be treated badly at work. |
| a list of people you can complain to the ethical standards commissioner about  a form | The complaints form will ask you to tell us what you are complaining about. |
| It is helpful if you give as much information as possible. |
| someone comforting someone else who looks upset | The complaints form will ask you to tell the date when the **incident** happened.  An **incident** is something that has happened. It is usually not nice. |
| a sign that says 12 months | Normally you should make a complaint  within 12 months of when the incident happened. |
| a worried looking person | The complaints form will ask if you have made any other complaints to other organisations about the incident. |
| a blank folder of documents | The complaints form will ask you to give us any other **supporting** **material** that will help show your complaint.  **Supporting material** isinformation you have that helps to show what happened. |
| a laptop | Some examples of supporting material include:   * A picture of a post on social media * A newspaper article showing that something confidential has been shared |
| a worried looking person in front of a guidance document | If you are unsure whether you have given the right supporting material do not worry.  If we need anything else from you we will ask you for it. |
| a blank folder of documents with the number 1 and a red line through it | It is important that you do not give us the  **original** copies of any supporting material.  **Original** means the first of something. For example, you should not give us the first copy of a document. You should make a copy and give us that. |
| a blank folder of documents with the number 1 and a red line through it | If you do not give us all of the supporting materials, after we have asked for them, we may not be able to look at your complaint. |
| a magnifying glass and a red question mark | This is because if we do not have all of the supporting material we will not be able to check whether the rules have been broken. |

## What happens next?

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| a document showing a list | Your complaint is put in a queue. It will be looked at as soon as possible.  Our **queue** is a list of complaints in order of when we have received them. |
| A person with his hand on his chin and a thumbs up and thumbs down | First, your complaint will be investigated at **stage 1 investigation**.  A **stage 1 investigation** is a way of finding out if something is covered by the Code of Conduct. |
| a rule bookA hand holding a magnifying glass | If the incident could be covered by the Code of Conduct, then your complaint will be investigated at **stage 2.**  **A stage 2** **investigation** is a way of carefully checking everything about something that has happened. |
| Our investigations check all of the information to find out if any rules have been broken. |
| 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. |
|  |  |
| an image of the ethical standards commissioner's document | How the Ethical Standards Commissioner checks a complaint about MSPs and what will happen when you make a complaint is told in another document: <https://www.ethicalstandards.org.uk/publication/how-we-check-complaints-about-msps-easy-read> |