

Making a complaint about MSPs to the Ethical Standards Commissioner



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 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>



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.



The Ethical Standards Commissioner was set up as part of a law called the Ethical Standards in Public Life (Scotland) Act 2000.



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.



The rules for MSP are found in the Scottish Parliamentary Standards Commissioner Act 2002.

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?



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:



- 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.



- has not registered information about how they have spent money during an **election**.

An **election** is when everyone votes to choose someone for political jobs.



- has not told that they might get something for themselves when discussing or voting on something in Parliament.

- 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.



We can also investigate if you think an MSP has been given money by someone to say certain things in Parliament.



The Parliament can ask us to check other things about an MSPs conduct too.

What can't you complain about?



We can only check complaints about MSPs if it is about their work as an MSP.

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.



We must dismiss complaints about MSPs when they are acting as Minister of the Scottish Government.

This is because Ministers follow the Scottish Ministerial Code.



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



It can be hard to know if an MSP's behaviour is related to these things. We will check this for you.



If we cannot help you then we will tell you who may be able to help.

How do I make a complaint?



The law says that complaints must include certain information before we can check it.

<input type="radio"/>	Councillor
<input type="radio"/>	Board Member
<input type="radio"/>	MSP
<input type="radio"/>	Lobbyist
<input type="radio"/>	Public Appointment
<input type="radio"/>	Complaint about us
<input type="radio"/>	Other

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.



The complaints form can be found on our website:

<https://www.ethicalstandards.org.uk/make-complaint>

A screenshot of a website's login and registration interface. At the top, there are three buttons: 'Log in', 'Create new account' (highlighted in green), and 'Reset your password'. Below these are two input fields: 'Email address' and 'Username'. At the bottom, there is a CAPTCHA section with a checkbox labeled 'I'm not a robot' and a small image of a robot. Below the checkbox, it says 'This question is for testing whether or not you are a human visitor and to prevent'. At the very bottom, there is a dark button labeled 'Create new account'.

Before you fill out the complaints form you will need to make an account on our website.

It will look like this image.



If you are not able to fill out the complaints form online there are other way to give us your complaint.

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



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



The online form will tell you what you need to give us.



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.

- 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.

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

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.



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.



Normally you should make a complaint within 12 months of when the incident happened.



The complaints form will ask if you have made any other complaints to other organisations about the incident.



The complaints form will ask you to give us any other **supporting material** that will help show your complaint.

Supporting material is information you have that helps to show what happened.



Some examples of supporting material include:

- A picture of a post on social media
- A newspaper article showing that something confidential has been shared



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.



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.

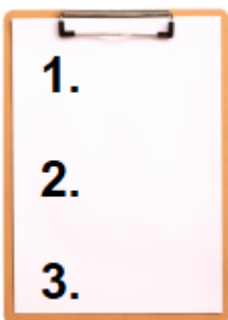


If you do not give us all of the supporting materials, after we have asked for them, we may not be able to look at your complaint.



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?



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.



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.

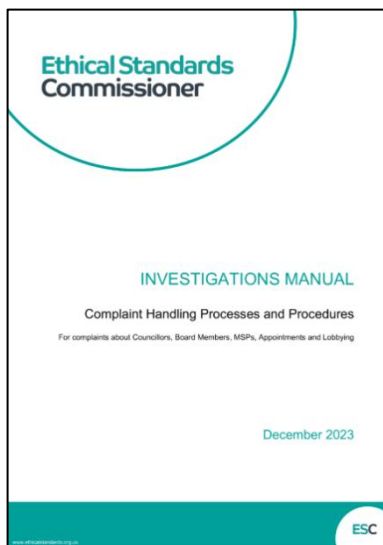
If the incident could be covered by the Code of Conduct, then your complaint will be investigated at **stage 2**.



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.



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.



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-mmps-easy-read>