

Ms Shona Robison MSP
Cabinet Secretary for Finance and Local Government
Scottish Government

By email only to: CabSecFLG@gov.scot

22 January 2025

Dear Cabinet Secretary

Welfare support for individuals affected by complaints relating to bullying and harassment, including sexual harassment

Thank you for your letter of 21 November 2024, confirming that there is no legal requirement for Scottish Ministers to fund or provide welfare support to anyone who brings forward or is the subject of proceedings under the code of conduct for councillors, or for board members of a public body.

In my interim response to your officials, I advised that I would have to discuss your letter with the Standards Commission for Scotland. I have now done so and agreed this response with them.

We note your observations about sources of support that may be available to local authority councillors, board members and staff of local authorities and public bodies. It is our understanding from engagement with councillors and monitoring officers that such support is not routinely provided by local authorities and that there is a variable picture across Scotland.

We note also that, even if such support is in place, it would not extend to other parties (such as complainers and witnesses) to complaints pertaining to bullying and harassment, including sexual harassment.

As such, there remains a lack of readily available, publicly funded support for individuals affected by these complaints, regardless of the personal impact that this may have on them.

We feel that our organisations have, jointly, done as much as we can to draw to the attention of Scottish Ministers our own concerns, and those of a wide range of stakeholders, about a lack of formal support available.

We remain concerned about the issue but note that we now have a clear understanding of the Scottish Government's position. As such, we will now update the three Committees of the Scottish Parliament that have expressed concerns about, and an interest in, the matter by providing them with a copy of the correspondence between our respective offices.

As such, a copy of our exchanges will now be sent to the Conveners of the Standards, Procedures and Public Appointments Committee, the Local Government, Housing and Planning Committee and the Public Audit Committee.

All of these Committees share our concerns about prospective barriers for people from currently under-represented groups, such as women, entering into politics. We know also that these concerns are shared by COSLA and, as such, we will also provide it with a copy of the correspondence.

Thank you again for taking the time to write to us with your views.

Yours sincerely

Ian Bruce
Ethical Standards Commissioner

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Ian Bruce
Commissioner for Ethical Standards
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21 November 2024

Dear Ian,

Thank you for your letter of 27 June 2023, jointly issued with Lorna Johnston, Executive Director, Standard Commission to Shirley-Anne Somerville, Cabinet Secretary for Social Justice. As you know this was passed to my portfolio for consideration and I apologise for the delay in responding to you.

You raised the issue of the provision of welfare support for individuals affected by complaints relating to bullying and harassment. You considered that as Scottish Ministers are responsible for the provisions set out in the Codes of Conduct, they would also be responsible for providing a mechanism and funding by which such support can be obtained, when required.

I recognise that making complaints of bullying or harassment, or having such a complaint, made against you is difficult and stressful. However, the duty of Scottish Ministers is to produce the code of conduct for councillors, or in the case of members of public bodies, producing a model code of conduct and approving draft codes of conduct produced by individual public bodies, with or without modification. There is no legal requirement for Scottish Ministers to fund or provide welfare support to anyone who brings or is the subject of proceedings under the code of conduct for councillors, or for board members of a public body.

If complainants were employees of councils or public bodies, we would assume they would have access to welfare support through their employers' employee assistance programmes. We envisage that there would be no real barrier to authorities choosing to provide support to councillors through their employee assistance programmes. Service providers such as council employee assistance programmes will be used to maintaining separation between complainant and respondent. I am aware that the support programme offered by the Scottish Parliament is available to both staff and MSPs and to complainants and respondents.

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Should Scottish Ministers receive any direct correspondence regarding this matter the Scottish Government would of course signpost those individuals to the appropriate sources of support.

Bullying and harassment in any sphere of life is not acceptable and it is critical that such behaviour is prevented in the first place. The Codes of Conduct play an important role here identifying to councillors and board members the conduct expected and how it should be carried out.

Yours sincerely,

SHONA ROBISON

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