



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 11 May 2023

Session 6



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Pàrlamaid na h-Alba

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
9th Meeting 2023, Session 6

CONVENER

*Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

COMMITTEE MEMBERS

*Emma Harper (South Scotland) (SNP)

*Edward Mountain (Highlands and Islands) (Con)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 11 May 2023

[The Convener opened the meeting in private at 09:21]

11:04

Meeting continued in public.

Complaint

The Convener (Martin Whitfield): I will make a statement about the decision of the Standards, Procedures and Public Appointments Committee on a report from the Commissioner for Ethical Standards in Public Life in Scotland about a complaint against Maggie Chapman MSP.

The Standards, Procedures and Public Appointments Committee has carefully considered the report from the Commissioner for Ethical Standards in Public Life in Scotland, on a complaint from Melissa Titus about Maggie Chapman MSP, that she failed to make a declaration in respect of her registered interest as chief operating officer of Edinburgh Rape Crisis Centre at the meeting of the Equalities, Human Rights and Civil Justice Committee on 31 May 2022, when it took evidence from Rape Crisis Scotland on the Gender Recognition Reform (Scotland) Bill.

The committee is unanimous about the conclusions and the decision that have been reached. The committee is of the view that Maggie Chapman's registered financial interest—remuneration that she received by virtue of her employment as the chief operating officer of Edinburgh Rape Crisis Centre—was relevant to the proceedings of the Equalities, Human Rights and Civil Justice Committee on 31 May 2022.

The committee considers it a matter of fact that Maggie Chapman has had a registered financial interest in the remuneration category of her entry in the register of members' interests since the beginning of this parliamentary session. That registered financial interest is the remuneration that she received by virtue of her employment as chief operating officer at Edinburgh Rape Crisis Centre until 30 June 2021. Because that registered interest is in the remuneration category, it must, in accordance with the "Code of Conduct for Members of the Scottish Parliament", remain in her entry in the register throughout the current session, even though she is no longer employed

by Edinburgh Rape Crisis Centre—although the entry has been amended to use the past tense.

Under the Interests of Members of the Scottish Parliament Act 2006, a registered financial interest is a declarable financial interest, and a

"member who has a declarable interest in any matter shall declare that interest before taking part in any proceedings of the Parliament relating to that matter."

The committee has concluded that that declarable financial interest was declarable in the context of the meeting of the Equalities, Human Rights and Civil Justice Committee on 31 May 2022, because the proceedings of that committee were related to that financial interest.

The committee notes the commissioner's findings on the similarities in the support that is provided by Edinburgh Rape Crisis Centre and by Rape Crisis Scotland and the link between those two organisations. The committee considers that it is relevant that Edinburgh Rape Crisis Centre is one of the network of 17 independent rape crisis centres with which Rape Crisis Scotland works, and that, at the Equalities, Human Rights and Civil Justice Committee on 31 May 2022, Maggie Chapman MSP referred to

"Rape Crisis Scotland network members"—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 31 May 2022; c 54.]*

The committee also notes the commissioner's findings that Rape Crisis Scotland and Edinburgh Rape Crisis Centre

"are in the same 'industry' and have as organisations, the same general aims"

and that Maggie Chapman MSP considered her declarable interest to be relevant to the remit of the Equalities, Human Rights and Civil Justice Committee. For that reason, she declared it at the first meeting of that committee, on 23 June 2021.

Although the committee notes the commissioner's findings that the two organisations had "the same general aims" and were part of the same network, the committee considers it to be relevant that one of the witnesses from whom the Equalities, Human Rights and Civil Justice Committee was taking evidence on the Gender Recognition Reform (Scotland) Bill on 31 May 2022 was the chief executive of Rape Crisis Scotland.

In her written representations to the committee, Maggie Chapman MSP states that Rape Crisis Scotland and Edinburgh Rape Crisis Centre are completely separate entities and have distinct governance, employment and funding arrangements.

The committee is of the view that, in keeping with the principles that underpin the code of conduct, a member should not just take into

account their own view in their assessment of whether a declaration relates to committee proceedings, but should also consider whether a fair-minded and impartial observer would consider that the declarable interest could influence the member or give the appearance of prejudicing that member's ability to act impartially. The committee considers that a person who watched or read the proceedings might reasonably consider there to be a connection between the two organisations.

More particularly, the committee notes that, in the question that Maggie Chapman MSP addressed to the chief executive of Rape Crisis Scotland during the evidence session, she referred to the work of that network as having been "trans-inclusive for 15 years" and that she invited the chief executive to say a bit more about how, in the experience of either the chief executive or Rape Crisis Scotland network members, medicalisation of trans identity had been dealt with if it had come up in services that were provided.

The committee considers that the question that was asked by Maggie Chapman MSP related to the matter in which she has a declarable interest—namely, the remuneration that she had received by virtue of her employment as chief operating officer at Edinburgh Rape Crisis Centre. The 2006 Act requires a declarable interest to be declared before the member takes part in any proceedings relating to that matter.

The committee is of the view that, even if Maggie Chapman MSP had made an assessment that her declarable interest was not sufficiently related to the Gender Recognition Reform (Scotland) Bill, which was the subject of the agenda item at the Equalities, Human Rights and Civil Justice Committee meeting, a declaration should have been made before pursuing a line of questioning that referenced the network of rape crisis centres that includes Edinburgh Rape Crisis Centre. The committee is of the view that her line of questioning brought the proceedings in closer relation and proximity to her declarable interest.

The committee notes that central to the members' interests regime are the principles of transparency in relation to matters that could be thought to influence a member's actions, speeches or votes in the Parliament, and the need to assess whether an interest could reasonably be considered to influence or to give the appearance of influencing the ability of the member to participate in a disinterested manner in any proceedings of the Parliament.

The committee believes that, for those who were watching or reading the proceedings of the Equalities, Human Rights and Civil Justice Committee of 31 May 2022, a declaration by Maggie Chapman MSP of her declarable interest would have provided the transparency and

openness that the standards regime requires in relation to members' interests.

For those reasons, the committee concludes that Maggie Chapman MSP breached the following provisions: sections 13(1) and 13(2) of the Interests of Members of the Scottish Parliament Act 2006, following the definitions and conditions of having a declarable interest in section 12 of the 2006 Act; and paragraphs 6 to 8 of section 3 of the "Code of Conduct for Members of the Scottish Parliament", 8th Edition, dated 6 May 2021.

The committee agrees with the commissioner's finding that there was a failure to declare a declarable financial interest in this case, and the commissioner's conclusion that Maggie Chapman MSP's conduct, in not declaring a declarable financial interest, breached the 2006 act and the code. A finding that there has been a breach of the 2006 act and the code of conduct is a very serious matter.

The committee notes that Maggie Chapman's written representations made reference to two previous reports of investigations into complaints that MSPs had breached the statutory and code requirements relating to declaration of interests. However, neither of those cases is strictly comparable to the current case. In one, the member did not have a registered financial interest; in the other, the member made a declaration but did not refer specifically to the registered financial interest. In the current case, the member had a registered financial interest but made no declaration of that interest.

The committee wrote to all members in January 2023, emphasising the requirements to declare a financial interest in any matter before taking part in any proceedings of the Parliament relating to that matter. The committee now takes the opportunity to remind all members of the principles of openness and transparency that underpin the standards regime.

The report of the consultative steering group on the Scottish Parliament, "Shaping Scotland's Parliament", which was published in January 1999, stated:

"The Scottish people deserve a Parliament and Members they can trust and respect"

and recommended

"a rigorous Code of Conduct for MSPs."

It also recommended a set of nine key principles, which reflected the recommendations of the Nolan Committee on Standards in Public Life. Accordingly, the committee believes that all members should respect the Parliament and the people of Scotland by taking seriously their registration and declaration requirements.

11:15

In her representations to the committee, Maggie Chapman referenced a perception of custom and practice that might be developing around declarations of interests in the Parliament. However, the requirements in relation to registration and declaration are statutory and are included in MSPs' code of conduct. For that reason, members should not look to custom or practice, or rely on advice from other MSPs, in relation to registration or declaration of interests. The code very clearly sets out that advice is to be sought from the standards clerks, and the committee notes that Maggie Chapman indicated in her oral representations that she did not seek the advice of either the standards clerks or the committee clerks in relation to the meeting at which Rape Crisis Scotland gave evidence.

The committee takes very seriously any breaches of the requirements in relation to failure to declare a registrable financial interest before taking part in any proceedings of the Parliament relating to that matter, and advises members to seek advice from the standards clerks should they have any questions about any matters relating to registration or declaration of interests.

In relation to the breach in the current case, the committee has agreed unanimously to recommend the imposition of a sanction, which we will now consider.

I propose that the member be excluded from one meeting of the Equalities, Human Rights and Civil Justice Committee. I invite committee members to comment on whether they agree with that proposal.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I am content to agree, convener.

Emma Harper (South Scotland) (SNP): I, too, agree, convener.

Edward Mountain (Highlands and Islands) (Con): I agree.

Alexander Stewart (Mid Scotland and Fife) (Con): I agree, convener.

The Convener: I am grateful for that confirmation of the agreement of all members of the committee. I now close the public part of the meeting.

11:16

Meeting continued in private until 11:25.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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