

Local Government, Housing and Planning Committee

30th Meeting, 2023 (Session 6)

Tuesday 12 December 2023

Ethical Standards Commissioner Annual Report 2022-23

Introduction

1. The purpose of this paper is to provide information for the Committee's evidence session with the Ethical Standards Commissioner on his Annual Report for 2022-23.
2. The Committee will take evidence on the Annual Report from—
 - Ian Bruce, Ethical Standards Commissioner, and
 - Sarah Pollock, Hearings and Investigations Officer.
3. The Annual Report can be accessed via the following link; [ESC Annual Report 2022-23 | Ethical Standards Commissioner](#)

Background

4. The primary functions of the Ethical Standards Commissioner (ESC) are:
 - to investigate complaints about the conduct of Members of the Scottish Parliament (MSPs), local authority councillors and board members of public bodies.
 - to investigate complaints about lobbyists who have failed to register or provide certain information to the Scottish Parliament and, where there has been a contravention, to report to the Scottish Parliament.
 - to regulate and monitor how people are appointed to the boards of public bodies in Scotland, and to promote diversity in that process.
5. The ESC is an independent regulator appointed and funded by the Scottish Parliamentary Corporate Body (SPCB) and approved by MSPs. It is underpinned by various pieces of legislation, including the Ethical Standards in Public Life, etc (Scotland) Act 2000, the 2002 Scottish Parliamentary Standards Commissioner Act and the Scottish Parliamentary Commissions and Commissioners etc. Act 2010 (the 2010 Act)
6. Under the 2010 Act, the ESC is an independent officeholder and the exercise of their statutory functions, unless otherwise provided for in the

Act, is not under the direction or control of MSPs, the Scottish Government or the SPCB. This is to protect their independence.

7. Where the Ethical Standards Commissioner considers there has been a breach of the relevant Code of Conduct, they will report to the Standards Commission for Scotland (SCS) in the case of councillors and members of public bodies. In the case of MSPs, the ESC will report to the Parliament's Standards, Procedures and Public Appointments Committee

Annual Report 2022-23

8. The ESC's [Annual Report](#) shows that in 2022-23 they received 156 complaints about councillors or public board members and 46 about MSPs.
9. The volume of complaints received about councillors was very high the previous year but more than halved in 2022-23. This reduction was welcomed by the ESC as it allowed them to focus on reducing their backlog.
10. The backlog has reduced significantly, so it is now taking up to four months, instead of the previous wait of 11, for an initial complaint to be assessed.
11. In addition to information on complaints handling, the Annual Report includes the following key points:
 - ESC staff worked with the Scottish Government to improve appointment practices when it comes to public boards.
 - Board diversity figures have increased in respect of every group that is currently under-reflected. However, they acknowledge that further improvements can be made in order "to achieve effective boards that are reflective of the communities that they serve".
 - The ESC has introduced new KPIs for complaint handling times and will report on performance against these in their next annual report. These are intended to drive improvements in performance.

Conclusion

12. The Committee is invited to consider the above in its evidence session with the Ethical Standards Commissioner.

Committee Clerks

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