

Decision of the Hearing Panel of the Standards Commission for Scotland following a Hearing held at Glasgow City Chambers, on Tuesday 2 December 2025.

Panel Members: Ms Helen Donaldson, Chair of the Hearing Panel
Mrs Morag Ferguson
Ms Suzanne Vestri

The Hearing arose in respect of a report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference LA/G/4203, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Audrey Dempsey (the Respondent).

REFERRAL

Following an investigation into a complaint received on 25 October 2024 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 29 August 2025, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The Standards Commission determined to take no action in respect of one issue of complaint outlined in the referral report, for the reasons outlined in a decision issued on 3 September 2025.

The Standards Commission decided to hold a Hearing in respect of the remaining issue of complaint. The substance of this was that the Respondent had contravened paragraph 3.1 of the Code, which is as follows:

Respect and Courtesy

3.1: I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

Preliminary Matters

The Hearing Panel noted that the ESC had concluded that, on the face of it, the Respondent had breached the Code, but that a restriction on her right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR), that a formal finding of breach and an imposition of a sanction would entail, could not be justified.

The Panel noted that the Standards Commission had decided it was nevertheless both proportionate and in the public interest to hold a Hearing. This was because it considered that holding a Hearing (and the associated publicity) could promote the provisions of the Codes of Conduct and the ethical standards framework. The Standards Commission noted the crux of the issue of complaint to be considered was that the Respondent had made a false claim, in public, about what another elected member had allegedly said to her. The Standards Commission noted that such conduct could be disrespectful and could potentially damage the other elected member's reputation. As such, it considered the alleged breach of the Code was not insignificant or of a technical, minor nature.

EVIDENCE PRESENTED AT THE HEARING

Joint Statement of Facts

The Panel noted that a joint statement of facts had been agreed between the ESC and the Respondent. This recorded that it was not in dispute that:

- The Respondent is a councillor for the Springburn and Robroyston ward of Glasgow City Council. She was first elected in May 2022 to represent the Labour Party.
- The Respondent was suspended by the Labour Party in April 2024. The Labour Party intended to investigate allegations of racism on the Respondent's part, due to her claim that racist attacks on white children and teachers had been rising in schools across the city.

- The Respondent resigned from the Labour Party, in April 2024, during the period of her suspension and became an independent councillor. The Respondent then joined the Reform UK Party in August 2025.
- On 10 October 2024, the Respondent took part in an interview on a podcast, which is publicly available on YouTube. The episode is entitled “Audrey Dempsey ex Labour EXPOSES the TRUTH behind Glasgow RACE issues for white pupils & teachers”.
- The description of the podcast that appears on YouTube is that: “Cllr Audrey Dempsey tells her story about white pupils & teachers in schools throughout Glasgow and the abuse from African pupils. We hear her journey from raising the question with the Labour Party in Glasgow City Council, the attempts to change her words, accusing her of being ‘Tommy Robinson’, how the slur campaign about her was created & fears she faced due to unsubstantiated claims. You will hear how our City Council really operates & Audrey’s hopes for the future as an Independent Councillor.”
- During the podcast, the Respondent stated she intended to ask the Council’s Director of Education “how are we going to address the rise and racist attacks on white kids and teachers”. The Respondent then stated that the former Business Manager of the Labour Group questioned whether she could change the word “white” to “black” in a question she proposed to ask at full Council meeting on 28 March 2024) relating to “racist attacks” on white children and teachers in schools.
- The complaint investigated by the ESC concerned the Respondent’s conduct in publicly making the claim as outlined above about the former Business Manager of the Labour Group.

The issue of complaint to be considered at the Hearing was, essentially, that the Respondent’s claim, during the podcast, about what the former Labour Group Business Manager had said when they were discussing the wording of her proposed question, was inaccurate and that, by making such a statement, she had been disrespectful towards him.

Introductory remarks by the ESC

The ESC advised that the Respondent had first been elected in May 2022 to represent the Labour Party. The ESC noted, however, that the Respondent was suspended by the Labour Party in April 2024, after being accused of making racist remarks. The ESC noted that this accusation related, in part, to the question she wanted to ask at a Council meeting about alleged racist attacks by black children on white children and teachers. The ESC noted the Respondent’s concerns about this arose from her own child’s experiences. The ESC advised that as the Labour Group had not supported her proposal to do so, the Respondent had never asked the question at a Council meeting. The ESC explained the Respondent and the then Business Manager of the Labour Group, Councillor McAveety, had a meeting on 18 March 2024 to discuss the proposed question and that the Respondent advised, at this meeting, that she was not willing to amend the wording of her question. The ESC noted that information about the dispute between the Respondent and the Group over the matter subsequently appeared in the media and on social media, with some accusations of racism being levelled at the Respondent. The ESC noted, therefore that information about the dispute between the Respondent and Labour Group was in the public domain.

The ESC advised that the Respondent then resigned from the Labour Party in April 2024, while an internal party investigation about her conduct was ongoing. The ESC explained that the Respondent then initially sat as an independent councillor, before joining the Reform UK Party in August 2025.

The ESC advised that the Respondent founded and still runs a family charity in Glasgow and that the Complainer was a community campaigner. The ESC noted that the issue of complaint to be considered at the Hearing, as outlined above, concerned comments the Respondent made during a podcast interview on 10 October 2024. The ESC noted that, by the time of the interview, the Respondent and the then Business Manager could be described reasonably as being political rivals.

Witness Evidence on behalf of the ESC

The ESC led evidence from the then Business Manager, Councillor McAveety.

Councillor McAveety explained that the Labour Group met on 18 March 2024 to discuss questions to be asked at the following Council meeting. Councillor McAveety advised that concerns were expressed at that meeting about the nature of the question the Respondent wanted to ask and, in particular, that the way in which it was framed. McAveety advised that, as the Respondent had not been present at the group meeting, he had then met with her to discuss framing the question in a way that was acceptable to everyone. Councillor McAveety explained that he was aware, from his lengthy experience as an elected member, that framing it in a more open way would help prevent it being misinterpreted, deliberately or otherwise. Councillor McAveety noted that he had also hoped to explain that any specific concerns the Respondent wanted to raise could then be amplified through a supplementary question

Councillor McAveety advised that he would normally expect meetings with colleagues about what questions to ask at Council meetings, and the best way to frame these, to carry some element of confidentiality as the matters being discussed were internal Labour group business. Councillor McAveety advised that he had explained to the Respondent, at their meeting, that the Group was concerned about the way her proposed question was framed, given the sensitivity of the matter. Councillor McAveety advised he then suggested it be asked in a more general and less prescriptive manner and that he had explained to the Respondent that she would be able to expand on the matter in a supplemental question. Councillor McAveety noted his motivation in providing this advice was not just to ensure the party group gained the maximum benefit from its allotted questions and to protect its interests, but also to protect the Respondent and her child. Councillor McAveety advised he had known the Respondent for years and, as such, had felt they could have an open and constructive discussion about the matter.

Councillor McAveety advised he had suggested to the Respondent that, if she had concerns about attacks on children and teachers being motivated by race, she should reference that without identifying any specific racial group. Councillor McAveety stated he had explained, by way of an example, that the Respondent could ask a question about the number of racially motivated attacks, and had indicated that doing so would have ensured an open discussion and reduced the possibility of the Respondent being challenged on social media.

Councillor McAveety advised he had not obtained the Respondent's agreement, at their meeting, to re-frame the question.

The ESC queried whether Councillor McAveety had asked the Respondent to re-frame her question in a more open manner on his own behalf or on behalf of the party group. In response, Councillor McAveety explained that as members of the group had raised concerns, he had attempted to provide the Respondent with general advice, based on his years of experience, about a better way to ask the question. Councillor McAveety noted that at their meeting, he and the Respondent discussed various issues, including how she was feeling. Councillor McAveety stated that his ultimate intention had been to provide support, as opposed to trying to prevent her from raising her concerns.

In response to questions from the Respondent, Councillor McAveety confirmed no notes of their meeting had been made and that he accepted, as such, that both their accounts of what had been discussed and said were based solely on their memories. When asked whether, in trying to get her to re-frame her proposed question, he accepted their conversation had been informal and based on emotions, Councillor McAveety agreed. Councillor McAveety explained it was normal for a Business Manager to help other councillors to shape questions to be asked at Council meetings, in order to ensure maximum benefit could be derived from them. Councillor McAveety advised that he had been conscious of the personal circumstances that led to the Respondent seeking to ask her question and explained that he had wanted to try to protect her from potential attacks from political opponents, who may have sought to deliberately misinterpret and exploit it for political gain.

When asked by the Respondent for his view on their relationship at the time of the meeting, Councillor McAveety advised he considered it was supportive, and that he had tried to be as approachable and helpful as possible. Councillor McAveety reiterated that he had been trying to assist the Respondent to ensure she framed her question in the best possible manner.

When asked by the Respondent whether he recalled the statement he made at the end of the meeting, Councillor McAveety confirmed he could not recollect that specific part of the conversation. Councillor McAveety advised his overall recollection was that he had suggested the Respondent ask a more open question, but that she had indicated she still wanted to ask the question as proposed. While Councillor McAveety accepted that he could not recall word for word what had been said, he advised he did not consider that his contribution to the conversation could be interpreted in a manner that was different to the way he had understood it, as previously described.

In response to questions from the Panel, Councillor McAveety advised that he had sought the meeting with the Respondent as a matter of some urgency, as the Council meeting at which she was due to ask her question was scheduled to take place later the same week. Councillor McAveety explained there was a pastoral element to the Business Manager's role that included ensuring the group's members were protected. As such, it was not unusual for him to have held meetings of that nature.

The Panel noted that, by the time he had met with the Respondent, the party group's meeting had already taken place. The Panel therefore asked whether, by the time he had met with her, the party group had already decided the Respondent should not be permitted to ask her proposed question. In response, Councillor McAveety advised no such decision had been made and that the purpose of his meeting with the Respondent was to try to facilitate a solution that would be acceptable to her and the rest of the group.

When asked by the Panel whether he specifically asked the Respondent to change the wording of her question to refer to attacks by white children instead of black children, Councillor McAveety contended that he would never have done that. Councillor McAveety reiterated that he had simply asked the Respondent to ask a more open question about how many attacks were racially motivated.

The Panel asked whether Councillor McAveety considered the Respondent's remarks in the podcast to have been disrespectful towards him. In response, Councillor McAveety advised that he considered only that the Respondent had suggested incorrectly that he had tried to prevent her from asking a question, when that had not been the case. The Respondent advised that, as he was a resilient person, this had not necessarily had any significant impact on him. The Respondent stated that he nevertheless considered that it was important for councillors to be accurate. The Respondent reiterated that his intention had been to provide the Respondent with advice and support and, as such, he considered it would be unfair if his involvement in the matter had been presented in a different light.

Witness Evidence on behalf of the Respondent

The Respondent gave evidence on her own behalf. In response to questions from the Panel, the Respondent advised she had no indication, before her meeting with Councillor McAveety on 18 March 2024, that the Labour Group had a difficulty with her proposed question. The Respondent advised that her meeting with Councillor McAveety was informal and friendly in nature, and that he had explained the group was concerned that her question was "quite racist". The Respondent explained she had been very surprised by this because she knew the group was aware of videos circulating on social media that supported the concerns she was expressing in her proposed question.

The Respondent contended that Councillor McAveety then asked her to replace, in her proposed question, the word "white" with "black" [in respect of the children who were allegedly being attacked] and that he had stated that if she was not willing to do so, she would not be allowed to ask it. The Respondent advised that she was certain Councillor McAveety had used those exact words.

The Respondent advised that she did not accept Councillor McAveety's characterisation of their discussion as him attempting to give her a steer and contended that he had further said the wording of her proposed question was "a bit too Tommy Robinson". The Respondent stated that, as she was leaving the meeting, she told Councillor McAveety she was not prepared to change the wording and that she told Councillor McAveety to "just bin" the question altogether. The Respondent advised that she was not prepared to change the question as requested as it changed the context entirely, and she considered it was of great importance for her to raise awareness of what was actually happening in her child's school and the fact that there appeared to be no punishment or consequence when children attacked others in schools. The Respondent explained that she intended to ask, as a follow up question, how equality could be instilled in schools if, regardless of the race of the perpetrators, there were no consequences for wrongdoing.

The Respondent advised that she had been invited, on 8 October 2024, to take part in the podcast interview on 10 October 2024. The Respondent explained that the reason why she had agreed to be interviewed was because, by then, another journalist had sent her an email advising her that the Labour Group was, essentially, calling her a racist and asking her for a comment. The Respondent explained that, as a result of ensuing media coverage, she had been subjected to abuse. The Respondent explained that her child also suffered as a result, as she had felt she was somehow to blame. The Respondent advised that she had searched for a media outlet that would allow her to give her side of the story, but that it had become apparent that no one was willing to listen. As such, when the podcast interviewer had contacted her, she decided to take part in the interview. The Respondent explained she had hoped that, by taking part, she could shift the focus from the political scandal about her question, to the issue of what was happening in schools.

When asked by the Panel whether the interview had been scripted, the Respondent advised it had not and that she had simply responded to the questions put to her. The Respondent contended that her motivation in taking part in the podcast was not to take revenge against her former political group or those criticising her on social media. The Respondent explained that, instead, she had been keen to raise what was happening in schools and how the matter of her trying to raise this at a Council meeting had been handled. The Respondent explained that her desire to be open and transparent about her child's experience had been distorted into something horrible, with her character being attacked and threats of harm being made against her.

The Panel asked whether the Respondent had understood her conversation with Councillor McAveety to be private or confidential. In response, the Respondent advised that had "absolutely not" been her understanding and contended that it was apparent, from her discussions with other individuals, that Councillor McAveety had shared what they had discussed with other colleagues.

When asked by the ESC whether, during their meeting, Councillor McAveety had suggested that she re-frame the question to make it more general, the Respondent stated that the only suggestion he had made was to change the word 'white' to 'black' in respect of the skin colour of the children who were allegedly being attacked. The Respondent advised that she had confirmed she was not prepared to accept this suggestion, as doing so would change the whole context of the proposed question.

The ESC asked why, if her intention was to ensure equality for all, she was not prepared to ask a more general question. The ESC suggested he would have expected the Respondent to have done so given it was widely known that black individuals were also the victims of racist attacks. In response, the Respondent explained that prior to that attack on her child, all members of the Labour Group had been shown, and were aware of, videos that demonstrated black children were deliberately targeting white children. The Respondent advised this evidence had strengthened her determination to ask her proposed question, as it was worded. The Respondent reiterated that her motivation in trying to ask the question was to demonstrate that attacks by children on other children might stop if it was made apparent there would be consequences for such behaviour.

Submissions made by the ESC

The ESC noted that while the Respondent had given evidence to the effect that, during their meeting on 18 March 2024, Councillor McAveety made the statements she subsequently attributed to him on the podcast, his recollection of their discussion was more nuanced. The ESC noted that Councillor McAveety's recollection was that he had suggested that the Respondent should widen her proposed question so that it concerned a general rise in racist attacks in schools. The ESC advised he had concluded that it was more likely than not that the Councillor McAveety's more nuanced version of the conversation, accurately reflected the discussion and, as such, that during the podcast the Respondent misrepresented what had been said.

The ESC noted that it was for the Panel to exercise its judgement in assessing the credibility of both the Respondent and Councillor McAveety, in respect of their evidence as to what had been said during the meeting. The ESC suggested, nevertheless, that as Councillor McAveety was an experienced politician, it was more likely than not that he would have suggested to the Respondent (who at the time was a party colleague), that a better approach for her to take, on behalf of the Labour Group, would be to ask a more open question about a rise in racist attacks in schools in general.

The ESC noted that the description of the podcast on YouTube referred to the Respondent as a councillor and that, during it, she had discussed being an elected member and work she had undertaken in that capacity. The ESC contended, therefore, that the Respondent could be regarded objectively as either having identified herself as a councillor, or as acting in that capacity, when participating in the interview. As such, the ESC argued that the Code applied to the Respondent's conduct during the podcast.

Turning to the substantive provisions in the Code itself and, in particular, the requirement for councillors to treat everyone with courtesy and respect, the ESC noted that the Complainer's view was that the Respondent had falsely claimed during the podcast that Councillor McAveety had asked her to lie and to completely change the narrative. The Complainer contended the Respondent had done so in order to portray Councillor McAveety as dishonest and being involved in trying to conceal the danger being posed to white children and teachers.

The ESC suggested that lying deliberately in public about another councillor could be discourteous or disrespectful. The ESC noted, however, that the Respondent appeared to be certain about what Councillor McAveety had said during their meeting about the proposed question she intended to ask at the Council meeting. The ESC accepted the Respondent was adamant she was expressing her views and interpretation of what had happened and had been expressed during the meeting. The ESC indicated that, as a result, he accepted the Respondent had not lied deliberately when recounting, on the podcast, her version of events and recollection of what Councillor McAveety had said.

The ESC noted that the Respondent had suggested that, by the time she met with Councillor McAveety on 18 March 2024, the Labour Group had already rejected her proposed question and that, while she had not agreed with this decision, she had accepted that was the end of the matter. The ESC noted that the Respondent therefore felt that, in subsequently providing advice, Councillor McAveety was attempting to persuade her to change entirely the context of her question. The ESC advised that his view was that it was more likely than not that Councillor McAveety had suggested the Respondent ask a more open question about racial attacks in general, rather than referring to any specific race or the skin colour of those involved. The ESC explained this was because he considered it was unlikely the Labour Group would have endorsed such a question, given the risk of one that referred to race or skin colour being misconstrued deliberately by opponents to inflict political damage.

The ESC suggested that, in the absence of any other evidence, it was the Respondent's word against that of Councillor McAveety as to what had been said during their meeting. The ESC advised that, on the balance of probabilities, he accepted Councillor McAveety's version of events. This was because Councillor McAveety

and the Respondent were in the same political party at the time and, therefore, it was likely he would have provided well-intentioned advice, based on his experience, to the effect that it would be better for her and their group if a more general question about a rise in racially motivated attacks was asked. The ESC suggested, in support of this, that had the Respondent's intention been to raise awareness of the issue of attacks on children in general so that the matter could be addressed, it would have made sense for her to ask a more general question (and, therefore, for Councillor McAveety to have suggested she did so). The ESC advised that he was therefore of the view that the Respondent's publicly broadcast comments about what Councillor McAveety had said during their meeting were inaccurate and, accordingly, disrespectful to him as a consequence. As such, the ESC contended the Respondent had, on the face of it, breached paragraph 3.1 of the Code.

The ESC recognised that any formal finding of a breach of paragraph 3.1 of the Code would represent a restriction on the Respondent's right to freedom of expression under Article 10 of the ECHR. The ESC suggested that the Respondent would attract enhanced protection in respect of this right, as the comments she made on the podcast, that were the subject of the issue of complaint, concerned the question to be asked at a Council meeting, which was a matter of public interest.

The ESC noted that the right to freedom of expression is not absolute, and that a restriction on this right can be imposed, if necessary and proportionate, to:

- protect the rights and reputations of others;
- ensure the standards of public debate do not fall below a minimum level;
- ensure public confidence in local government is not undermined and that a council is not brought into disrepute; and
- act as a deterrent.

The ESC noted, nevertheless, that the Courts have held that there is little scope for restrictions on political speech or on debates on questions of public interest¹. The ESC further noted that in a political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated and even aggressive that would not be acceptable outside that context is tolerated².

The ESC further noted that there have to be relevant and sufficient reasons to justify an interference in respect of a Respondent's right to freedom of expression and, further, that any restriction must be proportionate to the conduct under consideration.

The ESC advised that, having considered the relevant case law, he was not persuaded that a restriction on the Respondent's enhanced right to freedom of expression could be justified in this case. This was because he did not consider the Respondent's conduct, in making the comments she had during the podcast:

- involved the use of any profanities, or offensive or abusive language;
- amounted to a personal attack;
- was of an egregious or shocking nature;
- was intended to cause harm or alarm; or
- could be considered reasonably as being capable of bringing the council or the office of a councillor into disrepute or of undermining public confidence in the council or democracy itself.

The ESC additionally noted that the Respondent was expressing her opinion or interpretation of what Councillor McAveety had said during their meeting. As such, the ESC argued that her comments amounted to value judgements rather than statements of fact.

¹ Castells v Spain (1992) 14 EHRR 445

² Heesom v Public Service Ombudsman for Wales (2014) EWHC 1504 (Admin)

The ESC noted that the Respondent had explained that she wanted to speak publicly about the matter in order to provide her version of events. While the ESC reiterated that he considered it was more likely Councillor McAveety asked the Respondent to make her question more general, rather than to reverse the wording in respect of the skin colour of the children allegedly being attacked, he was nevertheless of the view that the Respondent was recounting, in good faith, her understanding or interpretation of what had been said. The ESC further advised that he considered the Respondent had some basis in fact for saying that that Councillor McAveety had wanted her to change the context of her question, even if he had not suggested she amend the wording from “white” to “black”. The ESC noted that the Courts have found, when considering whether a restriction on an individual’s right to freedom of expression can be justified, that there does not need to be a significant basis in fact for the expression of such a value judgement, merely one that is sufficient³. The ESC argued that this meant that even if the Respondent’s recollection of the conversation, as relayed during the podcast was substantially incorrect, a restriction may not be justified.

The ESC further noted that the context in which any remarks were made is relevant to the question of whether a restriction on an individual’s right to freedom of expression can be justified. In this case, the ESC suggested that the Respondent would have considered her former party colleagues to be political opponents by the time she made the comments in question on the podcast. The ESC noted that it was not entirely uncommon for politicians to misinterpret, wilfully or otherwise, statements made by political opponents in order to attack their actions or policies. The ESC further noted that Councillor McAveety and others in his political group would have had the right and opportunity to respond publicly to the statements made by the Respondent in the podcast, should they have wished to do so. Indeed, the ESC noted that the reason why the Respondent had been suspended by the Labour Party in April 2024 had been made public. The ESC advised that, given this context, he was not persuaded that the comments made by the Respondent on the podcast could be characterised reasonably as egregious.

The Panel asked whether the ESC’s conclusion to the effect that the Respondent had not lied deliberately about what Councillor McAveety had said was based on the answers she had given when being interviewed during his office’s investigation, or on any other evidence. The ESC advised it was both the Respondent’s position and that of Councillor McAveety that had led him to conclude, on balance, that the Respondent had not lied and, instead, had simply provided her interpretation of their conversation.

When asked by the Panel whether public confidence in local democracy could be undermined by a politician narrating a false version of events, the ESC reiterated that he had concluded the Respondent was being truthful when recounting her recollection and understanding of her conversation with Councillor McAveety. The ESC advised that he did not consider that public confidence would be undermined in circumstances where a politician was providing an account of their own experiences and concerns.

When asked, the ESC confirmed that the Respondent had not referred to Councillor McAveety by name during the podcast.

The Panel noted that it did not appear, from Councillor McAveety’s evidence, that he had perceived the comments made by the Respondent during the podcast to be a personal attack on him. The Panel questioned whether the fact that the subject of the comments had not considered them to be personal in nature was relevant to the consideration of whether the conduct could reach the threshold for amounting to a breach of the courtesy and respect provisions in the Code. In response, the ESC advised that while Councillor McAveety may have been resilient, it was not fair for his comments to have been misrepresented in public. While the ESC accepted it was not unusual for politicians to misrepresent each other, doing so could be discourteous and disrespectful if an individual significantly distorted what someone else had said.

³ Pedersen and Baadsgaard v Denmark (GC) 49017/99

The ESC advised he did not consider the Respondent's conduct amounted to a personal attack on Councillor McAveety's integrity but that he was nevertheless of the view her comments amounted to a political attack.

Submissions made by the Respondent

The Respondent advised that, during the podcast, she had recounted honestly her recollection of her discussion with Councillor McAveety and that she had not exaggerated or fabricated anything that had been said. The Respondent stated that she had provided her account of their discussion in good faith, based on how she had interpreted his advice at the time. The Respondent contended that she had not made anything up and had certainly not lied.

The Respondent suggested that the Panel's decision would depend on whether they found her credible. The Respondent advised that she was not a politician who bent the truth and that no evidence of her doing so could be found anywhere.

The Respondent noted that Councillor McAveety had indicated, both in the written statement produced as part of the ESC's investigation, and at the Hearing, he had little recollection of their conversation and the exact words he had used. The Respondent advised that, in contrast, she remembered everything that had been said as her own child's experience meant the issue, and proposed question about it, was of great importance to her. The Respondent suggested the discussion would not have had the same significance for Councillor McAveety, given he was simply fulfilling protocol when speaking to her about her proposed question. The Respondent contended that various elements of the "political establishment" had then orchestrated subsequent events relating to the publicity surrounding the matter of the proposed question, as part of a smear campaign intended to portray her as being racist. The Respondent stated that this portrayal was entirely incorrect and, as such, she had decided to take the opportunity presented to set the record straight and tell the truth.

The Respondent advised that she had founded, and still worked for, a charity that helped people all over Glasgow, regardless of race. The Respondent explained that over the past eight years, the charity had met the daily needs of 59,000 individuals of whom some 38,000 were from ethnic minority groups. The Respondent noted that someone who was racist or wanted to cause harm would not engage in such work.

The Respondent advised that her child had been abused and, as a result, she had wanted to ensure the issue of children being attacked was addressed. The Respondent advised that she was exercising her right to freedom of expression when taking part in the podcast and attempting to explain the factual position in respect of the events that had taken place. The Respondent advised that, in doing so, she had not engaged in any profanity or personal abuse and had not meant to cause any harm. The Respondent further advised that she had not intended to attack Councillor McAveety and argued that the fact that he had not made a complaint to the ESC suggested he had not taken her comments personally. The Respondent contended that the complaint constituted a continuation of the smear campaign and that it had been made by someone who had an ongoing grievance against her.

The Respondent contended that she had simply expressed a value judgement about what had been said and that she had done so in good faith. The Respondent argued, therefore, that any finding of a breach of the Code and application of a sanction would interfere improperly with her rights under Article 10 of the ECHR and, essentially, would amount to a punishment for telling the truth.

DECISION

The Hearing Panel considered the submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Dempsey.
2. The Respondent had not breached paragraph 3.1 of the Code.

Reasons for Decision

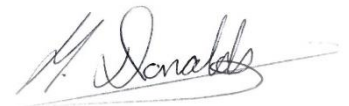
1. The Panel noted the complaint concerned comments the Respondent made during a podcast interview on 10 October 2024. The Panel noted that, during the interview, the Respondent recounted her child's experiences about alleged incidents involving black children attacking white children and indicated that she had resolved to ask a question about the issue at a Council meeting.
2. The Panel noted it was not in dispute and was evident from the recording of the podcast interview, that the Respondent then narrated that the then Business Manager of the Labour Group, had advised that the Group did not want her to ask her proposed question as the wording of it was not sufficiently politically correct. The Respondent alleged that after she had insisted that the issue of the alleged racist attacks by black children needed to be addressed, the then Business Manager asked her whether she could change the wording of the question so that it referred to black children being the target of the alleged attacks instead of white children. The Panel noted the Respondent then recounted that she had stated, in response, that she was not prepared to amend the question as suggested, as doing so would change its context entirely.
3. While the Panel accepted that the Respondent was speaking on the podcast as a mother, about her child's experiences, it noted she also discussed her work as a councillor and the question she had wanted to ask at a Council meeting. The Panel further noted that the Respondent was referred to as a councillor both during the episode in question and in the written description of it that appeared on YouTube. The Panel was satisfied, therefore, the Respondent would be considered objectively to be acting as a councillor when making the comments during the podcast and, as such, that the Code applied to her conduct.
4. Having heard evidence from both the Respondent and Councillor McAveety, the Panel was satisfied he had suggested, at their meeting on 18 March 2024, that the Respondent re-frame her proposed question.
5. The Panel found both the Respondent and Councillor McAveety to be credible witnesses and did not find one party's recollection of events to be more probable than the other. In the absence of any other witness accounts, notes, or recordings, the Panel was unable to determine definitively what had been said during their meeting. The Panel noted that Councillor McAveety contended that he would never have asked the Respondent to change the question so that it referred to black children being attacked instead of white. The Panel had no reason to doubt Councillor McAveety's assertion that he was trying to protect both the Labour Group and the Respondent when suggesting she amend the wording of her proposed question to make it more general in nature and, as a result, more politically acceptable. The Panel accepted the ESC's point that it would have been unlikely for Councillor McAveety to have suggested that the Respondent maintain any specific reference to particular racial groups or the skin colour of the children involved in her proposed question. This was because it agreed with the ESC that it was likely the Labour Group would have been aware that doing so could open it up to being deliberately misconstrued and used by political opponents for political advantage.
6. The Panel nevertheless noted that Councillor McAveety did not dispute mentioning skin colour during his meeting with the Respondent. The Panel had no reason to doubt the Respondent's assertion that he had done so, particularly given this was mentioned specifically in her proposed question (being the topic that was the subject of their discussion), and also given both parties accepted the conversation was informal in nature. While the Panel noted that the Respondent and Councillor McAveety had differing recollections, both in terms of what was said and his underlying intention in suggesting the wording of the proposed question be changed, this did not mean there was not a genuine misunderstanding between them as to why, and in what specific context, reference to skin colour may have been made by Councillor McAveety. The Panel accepted fully that the Respondent believed that Councillor McAveety suggested the reference to "black" in the proposed question be changed to "white". It also accepted fully, however, that Councillor McAveety recollected he had not done so and had instead made a more general suggestion

for changing the terms of the question. The Panel noted that it was entirely possible for both these beliefs to be genuinely held.

7. As noted above, the Panel was satisfied the Respondent had understood Councillor McAveety to have made the comments she attributed to him when recounting their conversation during the podcast, even if he had not actually done so. The Panel was therefore satisfied that what the Respondent had narrated was her genuine interpretation of what had been said.
8. The Panel therefore proceeded to consider whether the Respondent's conduct, in recounting the comments publicly, in the manner she had, would meet the threshold for amounting to a breach of the respect and courtesy provision in the Code.
9. The Panel noted that the ESC had suggested that, even if it had not been her intent, the Respondent's conduct in broadcasting publicly an inaccurate statement about what Councillor McAveety had said during their conversation was disrespectful. The Panel did not agree with this assessment, however, as it noted it could not determine the accuracy of two differing accounts of a private, informal conversation where both participants were equally credible in their accounts of what occurred. This was because the Panel was of the view that an individual's conduct in broadcasting publicly a genuinely held belief about what someone else had said would only be disrespectful if it was reasonably foreseeable that the way and forum in which it was being presented would be likely to cause meaningful harm to the other individual's reputation or interests.
10. The Panel acknowledged that by the time of the podcast, the Respondent was no longer a member of the Labour group and that it was accepted there was some ill will between her and some of her former colleagues including, potentially, Councillor McAveety. The Panel nevertheless accepted the Respondent's position that, in making her comments and recounting her conversation with Councillor McAveety, the Respondent had been motivated by a desire to highlight an issue she considered needed to be addressed, rather than by a desire to make him look bad or cause him reputational damage.
11. The Panel accepted that Councillor McAveety had an expectation the Respondent would not repeat, in public, what appeared to have been a private conversation between them. It agreed, nevertheless, that recounting that Councillor McAveety had asked her to re-frame the question, out of concern that the party group might not appear to be politically correct, could not be characterised reasonably as being a serious, personal attack on him as an individual or of being likely to cause meaningful harm to his reputation. In support of this, the Panel noted that Councillor McAveety did not appear to have serious concerns in this regard and that he had not chosen to make a complaint to the ESC about the matter. It further noted that while the Respondent had referred to his (then) job title in recounting her experience, she had not named Councillor McAveety in the podcast. Indeed, the Panel considered that it was evident from the recording that the Respondent's motivation was to make public her concerns that she was being silenced or censored in some way, rather than to criticise Councillor McAveety as an individual.
12. The Panel noted the ESC's submission that an incorrect narration or distortion of what had been said could also have caused damage to the Labour Group's reputation. The Panel did not agree with the ESC, however, that the fact that comments might amount to a political attack would not, in itself, render them discourteous or disrespectful. The Panel nevertheless accepted the ESC's further submission that it was not unusual for politicians of different parties or with opposing views to misrepresent each other for political purposes. The Panel agreed that for such a distortion to reach the threshold required for it to amount to disrespect in terms of the Code, it would need to be both significant and have at least some element of deliberate intent. In this case, for the reasons outlined above, the Panel was satisfied that the Respondent had simply provided her genuine recollection of what had been said.

13. The Panel was not satisfied, in any event, that the Labour Group would be likely to suffer any real reputational damage as a result of the Respondent recounting her recollection of the conversation about her proposed question. This was because while the specific issue of complaint before the Panel concerned whether the Respondent had been disrespectful by misrepresenting Councillor McAveety, there was nothing to prevent her from recounting publicly that the Labour Group had sought to persuade her to amend the wording of the proposed question and, further, for her to express her views as why they had done so. In any event, the Panel noted that the issues around the wording of the proposed question and the Respondent's suspension from the Labour Group were all matters in the public domain by the time the podcast was aired.
14. In the circumstances, Panel did not consider the Respondent's conduct was discourteous or disrespectful and concluded, therefore, that she had not breached the Code.
15. The Panel noted, in any event, that even if it had considered the Respondent's conduct to be disrespectful, on the face of it, it was unlikely a formal finding of a breach of the Code could have been made. This was because the Panel was of the view that while the Respondent's comments could be perceived as being somewhat controversial, they were not sufficiently offensive, personally abusive or gratuitous as to justify a restriction on her enhanced right to freedom of expression under Article 10 of the ECHR.

Date: 8 December 2025



**Helen Donaldson
Chair of the Hearing Panel**