

Decision of the Standards Commission for Scotland

On receipt of a referral from the Ethical Standards Commissioner (ESC), the Standards Commission has three options available, in terms of Section 16 of The Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act). These are: (a) to direct the ESC to carry out further investigations; (b) to hold a hearing; or (c) to do neither.

In this case, the Standards Commission determined to **do neither**.

Background

The Standards Commission is a statutory body established under the 2000 Act. The 2000 Act created an ethical standards framework, under which councillors and members of devolved public bodies in Scotland are required to comply with Codes of Conduct. Under the framework, complaints about breaches of these Codes are investigated by the ESC and adjudicated upon by the Standards Commission.

Referral to the Standards Commission

Following his investigation into a complaint received on 13 September 2025 (reference LA/R/4412) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Renfrewshire Council (the Respondent), the ESC referred the matter to the Standards Commission on 11 December 2025.

The complaint concerned an allegation that the Respondent was disrespectful towards another councillor by stating, in a post on her social media account, that "fascists don't care about democracy though", in response to the other councillor's decision to join Reform UK (without first stepping down and asking the public to vote for him as a Reform UK candidate). The ESC reported that:

1. He acknowledged the wider political context of the post and the Respondent's stated intention of addressing concerns about elected members changing party allegiance without seeking renewed consent from the electorate. Notwithstanding this, however, the ESC considered the content of the post linked the named councillor directly to the accusation of being a fascist or acting in a manner consistent with fascism. The ESC stated that as he considered the term 'fascist' to be "highly pejorative" and to carry "very negative connotations", he had concluded the Respondent had, on the face of it, breached the provision in the Code that requires councillors to treat everyone with respect and courtesy.
2. He had accepted, nevertheless, that the Respondent was expressing a value judgement (or opinion) as part of her contribution to public political debate, that was not particularly egregious or shocking in nature. The ESC advised that, as such, he did not consider a restriction on the Respondent's enhanced right to freedom of expression under Article 10 of the European Convention on Human Rights, that a formal finding of a breach of the Code would entail, could be justified.

Standards Commission's Decision and Reasons

Having considered the terms of his referral, the Standards Commission did not consider that it was necessary or appropriate to direct the ESC to undertake any further investigation into the matter.

In making a decision about whether to hold a Hearing, the Standards Commission took into account both public interest and proportionality considerations, in accordance with its policy on Section 16 of the 2000 Act. A copy of the policy can be found at: <https://www.standardscommissionscotland.org.uk/cases>.

In assessing the public interest, the Standards Commission noted that a breach of the respect and courtesy provision in the Code could have the potential to lower the tone of political discourse and to bring the role of a councillor and the Council itself into disrepute.

The Standards Commission noted that holding a Hearing (with the associated publicity) could promote the provisions of the Code and, therefore, there could be some limited public interest in holding a Hearing. The Standards Commission noted, however, that the option to take no action had been included in the 2000 Act to ensure that neither the ethical standards framework, nor the Standards Commission, was brought into disrepute by spending public funds on administrative or legal processes in cases that did not, on balance, warrant such action.

In considering proportionality, the Standards Commission noted that the ESC, in his referral, had reached the conclusion that the Respondent's conduct amounted, on the face of it, to a breach of the Code as he considered the use of the term 'fascist' to be "highly pejorative and to carry "very negative connotations" (albeit, he did not consider its use in the context to be egregious or shocking). The Standards Commission noted, however, that while the Respondent had implied she considered the other councillor was a fascist, she had not expressly called him that, instead, had stated that "fascists don't care about democracy though". The Standards Commission further noted that the comment was made in the context of the Respondent expressing her view that the other councillor should have stepped down to give the electorate the opportunity to decide whether he should continue to represent them, despite being a member of a different party to the one he was in when elected.

In any event, the Standards Commission agreed with the ESC that even if the Respondent's conduct was found to be disrespectful at a Hearing, it was highly likely that she would enjoy enhanced protection in respect of her right to freedom of expression. The Standards Commission further agreed with the ESC that it was unlikely a restriction on the Respondent's enhanced right would be justified given it was evident she was expressing a value judgement or view.

Having considered the nature of the potential breach and the likelihood of the Respondent's conduct being protected by her enhanced right to freedom of expression, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing. The Standards Commission determined, therefore, to take no action on the referral.

Date: 12 December 2025



**Lorna Johnston
Executive Director**