

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 complaints received on 23 May 2024 (reference NPA/C/4143) concerning an alleged contravention of the Cairngorms National Park Authority's Code of Conduct (the Code) by a then member of its board (the Respondent), the ESC referred the matter to the Standards Commission on 8 June 2026.

The complaint was that the Respondent was discourteous and disrespectful by failing to communicate effectively and timeously with affected Board Members during the Board's succession planning and reappointment process in 2022.

The ESC reported that:

- There were four Complainers. All four were all former board members of the Park Authority who had been directly appointed by Scottish Ministers. The ESC noted that the investigation of the complaint was suspended in June 2025 (to allow the Respondent to gather further information) and commenced again in April 2026.
- He had found that a key issue throughout the reappointment process was that there was ongoing uncertainty regarding the relevant Minister's position and whether any decision had been made. The ESC noted that correspondence from the Scottish Government referred to the Minister "being minded" to accept certain proposals. The ESC advised he accepted this could be interpreted reasonably the Minister having not yet made a final decision. The ESC advised he found this had placed the Respondent in a challenging position. The ESC advised he had further found that it was the uncertainty in respect of this, alongside the nature of communications between the Respondent's office and the Scottish Government, that ultimately contributed to the delay in a decision about the reappointments being communicated to the Complainers.
- He was of the view that the Respondent's actions arose in the context of him attempting to navigate a complex and evolving process involving ministerial decision-making, uncertainty, and competing governance considerations. The ESC noted that while it was apparent aspects of the process may not have been managed as effectively or sensitively as they might have been, and while procedures may not always have been followed in the manner expected by the Complainers, the evidence available did not suggest that the Respondent personally acted in bad faith or with the intention of being disrespectful or discourteous towards them.
- The ESC advised he had concluded, therefore, that Respondent had not breached the Code.

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 requirements in the Code to behave with courtesy and respect could have the potential to bring the role of a board member and the public body itself into disrepute.

The Standards Commission further 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 also 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 the ESC did not consider the Respondent's conduct, in the circumstances, would reach the threshold required to amount to a breach of the Code. The Standards Commission found no reason to depart from the ESC's conclusions in that regard.

In the circumstances, the Standards Commission concluded that it was neither proportionate, nor in the public interest, for it to hold a Hearing in respect of the complaint. The Standards Commission determined, therefore, to take no action on the referral.

Date: 9 June 2026