

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 12 March 2026 (reference LA/OI/4557) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Orkney Islands Council (the Respondent), the ESC referred the matter to the Standards Commission on 16 July 2026.

The ESC advised that he had investigated two issues of complaint, which were:

1. The Respondent disrespected and bullied the Complainer and his father by fabricating an anonymous letter containing false allegations about them, and by then presenting it publicly to a community council.
2. The Respondent disrespected and bullied the Complainer by sending false allegations about his conduct to his former employer.

The ESC reported that:

- Having reviewed the evidence, he had not found, on the balance of probabilities, that the Respondent sent the anonymous letter and, instead, considered it was likely it was one written by a constituent. While he had found the Respondent shared the letter with the Community Council, she had done so privately, in order to share the constituent's concerns (as she was entitled to do).
- He found that while the Respondent raised concerns about the Complainer's conduct with a relevant council officer, she had done so privately on behalf of constituents. The ESC advised that as the officer was responsible for oversight of the Complainer's then employer, this was an appropriate course of action.
- He had not found, therefore, that the Respondent's conduct amounted to a breach of 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 respect, bullying or harassment provisions in the Code could have the potential to bring the role of a councillor and the Council 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 had not found any breach of the Code by the Respondent. 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 and determined to take no action on the referral.

Date: 20 July 2026