

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 21 March 2026 (reference LA/D/4566 and NB/DHS/4594) concerning the conduct of an elected member of Dundee City Council, who was also a member of the Dundee Heath & Social Care Partnership Integration Joint Board (the Respondent), the ESC referred the matter to the Standards Commission on 5 August 2026.

The Respondent was assisting the Complainer (a constituent) with an issue regarding his mother's care home by attending a meeting with Council officers in March 2026. The ESC advised that he had investigated two issues of complaint, which were:

1. The Respondent made disrespectful comments to the Complainer by accusing him of being paranoid and telling him "I don't think I can work with you".
2. The Respondent colluded with the Partnership to demonise him and persuade him to move his mother to another care home.

The ESC reported that:

- He considered the Respondent was acting in her capacity as a councillor at the meeting, as the Complainer contacted her and asked her to attend in that capacity, and this was the understanding of Council officers.
- He found, on the balance of probabilities, that the Respondent told the Complainer privately "this is not going to work", but made no blanket refusal to work with him (as alleged). The ESC further found, having considered evidence from other attendees at the meeting, that the Respondent suggested the Complainer was "beginning to sound paranoid".
- He considered, in her role supporting the Complainer, the Respondent, was entitled to express her own views and give advice. As such, the ESC considered the Respondent's conduct in making the comments would not reach the threshold required to amount to a breach of the respect provisions of the Code.
- He found no evidence the Respondent spoke with any other IJB board members or staff about the Complainer and his mother, or colluded with them to persuade the Complainer that his mother should either stay at the care home or be moved to another care home.

Reasons for Decision

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 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. The Standards Commission determined, therefore, to take no action on the referral.

Date: 11 August 2026