

## **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 6 February 2026 (reference LA/E/4529) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by elected members of the City of Edinburgh Council (Respondents 1 to 8), the ESC referred the matter to the Standards Commission on 10 August 2026. The ESC's referral took the form of two reports, concerning respectively Respondents 1 to 7 and Respondent 8. This decision of the Standards Commission (reference LA/E/4529a) relates to Respondents 1 to 7 only.

The ESC reported that:

- The Complainer, a member of the public, sent an email to the eight Respondent councillors, setting out her views about a particular Council policy and criticisms of the Respondents regarding the policy. The email was sent from the Complainer's professional email account. The Complainer was then subject to a complaint to her employer about the email, which had been disclosed to them.
- For each of the Respondents, he investigated two issues of complaint. The first issue was that the Respondent breached the confidentiality provisions of the Code by disclosing the email, which was private and confidential, to the Complainer's employer. The second issue was that, as part of the disclosure the Respondent also complained about the Complainer to her employer, with the intention of intimidating and harassing her.
- He advised that Respondents 1 to 7 confirmed that they had not sent the email to the Complainer's employer or anyone external to the Council, and this was confirmed by the Complainer's employer and the Council. The ESC had not, therefore, found any evidence of a breach of the Code by Respondents 1 to 7.

### **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 confidentiality 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 Respondents 1 to 7. 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 relating to Respondents 1 to 7. The Standards Commission determined, therefore, to take no action on the referral.

**Date: 17 August 2026**