Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at South Lanarkshire Council Headquarters, Hamilton, on 27 October 2026.

Panel Members: Mrs Morag Ferguson, Chair of the Hearing Panel
Dr Lezley Stewart
Ms Helen Donaldson

The Hearing arose in respect of a report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference LA/SL/4470, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Gerry Convery (the Respondent).

Both the ESC and the Respondent represented themselves at the Hearing.

REFERRAL

Following an investigation into a complaint received on 7 November 2025 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 1 September 2026, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Code and, in particular, that he had contravened paragraphs 3.1, 3.3 and 3.10, which were as follows:

Respect and Courtesy
3.1: I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.
3.3: I will not engage in any conduct that could amount to bullying or harassment (which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.
3.10: I will follow the Protocol for Relations between Councillors and Employees at Annex A and note that a breach of the Protocol will be considered a breach of this Code. I will also comply with any internal protocol the Council has on councillor / employee relations.
Annex A paragraph 2: Councillors and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position and influence'.

EVIDENCE PRESENTED AT THE HEARING

Joint Statement of Facts

The Panel noted that a joint statement of facts had been agreed between the ESC and the Respondent. This recorded that it was not in dispute that:

- the Respondent is a councillor for the East Kilbride Central South ward area of South Lanarkshire Council, and was first elected in May 1995;
- the Complainer is a Council Housing Officer who handles a letting area within the Respondent's ward;
- the Respondent telephoned the Complainer on 18 August 2025 regarding a housing matter involving one of his constituents;
- the telephone call was not recorded and lasted between five and ten minutes;
- the Respondent asked the Complainer, during the call, whether her line manager was aware of the housing matter; and
- the complaint concerned the manner in which Complainer alleges the Respondent spoke to her during the call.

Witness Evidence on behalf of the ESC

The ESC led evidence from the Complainer and her colleague in the Council's Housing team, Officer A.

The Complainer explained that as she had worked as a Housing Officer for approximately 12 years, she considered herself an experienced officer. The Complainer advised that at the relevant time she had been working with a family in the Respondent's ward who were experiencing significant difficulties in respect of their council property that resulted in children being removed from the household. The Complainer advised that her role was to work with the family and other agencies with a view to addressing the issues and facilitating the return of the children.

The Complainer explained that, on 18 August 2025, she received an unsolicited telephone call from the Respondent, who immediately asked what was happening at the property. The Complainer contended that while she attempted to explain the work being undertaken with the family and the wider circumstances of the case, the Respondent repeatedly interrupted her during the course of the call, which lasted around five minutes. The Complainer further alleged that the Respondent spoke over and sighed at her, and appeared unwilling to let her explain the situation fully.

The Complainer stated that the Respondent questioned repeatedly what she was doing to resolve the situation and whether she knew how to do her job. The Complainer recalled the Respondent stating that she was "a waste of time" and questioning whether she should be a Housing Officer if she did not know how to do her job.

The Complainer described the Respondent's tone as raised and aggressive. She estimated his volume as approximately seven out of a possible ten. The Complainer advised that while she recalled asking the Respondent not to speak to her in that manner on three occasions, and that she would be unable to help him if he was shouting at her and raising his voice, he did not acknowledge these requests and continued in the same tone throughout the call.

The Complainer described feeling anxious, distressed, intimidated and upset during the call. She stated that she felt "harangued" and "bullied". The Complainer explained that while she would have considered ending the call had, for example, the caller been a Council tenant, she did not feel able to do so because the Respondent was an elected member and the Council's Deputy Leader. The Complainer advised that she became upset and tearful when the call ended and left the office to compose herself. The Complainer explained she subsequently spoke with her manager about the incident, who confirmed that procedures would be put in place to ensure she would not have to deal with the Respondent in future.

The Complainer confirmed that she prepared handwritten notes outlining her recollection of what she considered to be the significant aspects of the telephone call both that evening, and over the following days, while the details remained fresh in her mind.

The Complainer explained that the incident had a significant impact on her as it caused her to experience anxiety and apprehension when telephones rang in the office. The Complainer advised that she was forced to take sickness absence and was later prescribed medication for anxiety.

When questioned by the Respondent as to whether he had a good rapport with other housing officers, the Complainer advised she did not consider that to be the case.

In response to questions from the Panel, the Complainer advised that the Respondent's call had been unexpected as direct telephone contact from councillors to frontline housing officers was uncommon, with most typically raising any concerns with team leaders or managers.

The Complainer confirmed that it was the manner in which the Respondent spoke to her, rather than the underlying housing matter, that had caused her upset.

The Complainer advised that she was expected to meet strict performance criteria in her role and that her manager had confirmed they had no issues with her meeting these and was content the situation in question was being handled appropriately.

Officer A explained that she worked within the same office pod as the Complainer. Officer A advised that she could hear fully the Complainer's side of the telephone conversation. Officer A further advised that while she could hear the Respondent's voice was raised, she could not make out his specific words. Officer A advised that she considered the Respondent was shouting, not merely speaking loudly.

Officer A stated that she became aware of the call because of the volume of the conversation and because she heard the Complainer repeatedly referring to "Councillor Convery". She recalled hearing the Complainer say words to the effect of "with all due respect, Councillor Convery".

Officer A stated that she observed the Complainer becoming visibly upset during the call. Following the call, she saw the Complainer crying and leaving the office, which prompted her to inform their manager. Officer A explained that she had not previously seen the Complainer react in such a manner to a telephone call from a councillor.

During cross-examination by the Respondent, Officer A confirmed that she could not identify any specific words he had used during the call. Officer A reiterated that that she considered the Respondent to be shouting and noted the volume was sufficiently loud as to attract her attention.

The Respondent asked why, in her response to the ESC's investigation, Officer A had stated that "once again Councillor Convery had a Housing Officer in tears". Officer A explained she had done so because she had previously witnessed two other officers being left visibly upset following a call with him.

In response to a query from the Panel, Officer A clarified that it was not unusual for councillors to call her team directly.

Witness Evidence from the Respondent

The Respondent explained that he had been a councillor for 31 years and stated that he routinely raised constituency matters directly with housing officers. The Respondent explained that he preferred to raise enquiries with the officer handling the case rather than with management.

The Respondent explained after he was contacted by a constituent who was concerned about waste at the property in question, he telephoned the Complainer to seek information about what action was being taken to address the issue.

The Respondent accepted that he had spoken robustly during the call and explained that he had a naturally loud voice. The Respondent nevertheless denied that he had shouted, bullied, intimidated or harassed the Complainer. The Respondent further denied describing the Complainer as useless or questioning her suitability to perform her role.

The Respondent explained that he repeatedly asked what action was being taken regarding the removal of the rubbish at the property because he felt the Complainer was not providing a clear answer to that specific question. The Respondent contended that instead of answering, the Complainer repeatedly referred to procedures. The Respondent stated that he was unaware of the wider circumstances involving the family at the time of the call and was focused solely on the issue raised by his constituent. The Respondent contended that the Complainer's manager was unhappy that the Complainer had never raised the issue with her, despite the issue of uncollected waste at the property having been ongoing for some months.

The Respondent stated he was shocked when he later became aware a complaint about him had been made and that he had been upset to learn that the Complainer alleged she had been left distressed by the telephone call, as that had never been his intention.

When questioned by the Panel, the Respondent accepted that, regardless of intention, his conduct could be perceived differently by others. The Respondent maintained, however, that he had conducted himself in the same manner as he normally did when dealing with constituency issues. The Respondent denied having behaved inappropriately.

The Respondent explained the reason he had asked the Complainer, during the call, whether her manager was aware of the issue at the property was because his constituent had told him that, despite being in touch with the Complainer on a regular basis, they were simply told by her that a process was being followed. The Respondent advised that he considered the question of what was being done about the waste at the property should be easy to answer and, further, that it was important for the Complainer's manager to know about the issue; both because of its serious nature and the fact it had remained unresolved for a considerable period of time.

In cross-examination, the ESC asked why, if it was the case that the Complainer's manager was angry about her performance in relation to handling the issue, the Respondent had not raised this with his office during the investigation. In response, the Respondent explained the failure to do so may have been an oversight on his part.

The ESC asked what the Respondent had expected the Complainer to do in respect of the waste at the property. The Respondent explained that she should have contacted the Council's cleansing department, as the team responsible for dealing with such waste.

Submissions made by the ESC

The ESC submitted that the central issue was not the Respondent's entitlement to raise concerns on behalf of a constituent, but rather the manner in which he had done so. The ESC contended that there was a very clear difference between robust scrutiny and the way in which the Respondent had conducted himself.

The ESC contended that the Complainer was a credible and reliable witness. The ESC noted the Complainer had prepared a contemporaneous handwritten note of her telephone call with the Respondent, in which she recorded that the Respondent had raised his voice and spoken over her, despite her asking him not to speak to her in that manner. The ESC noted the Complainer categorised the Respondent's conduct, in her note, as "bullying". The ESC accepted that the Respondent has a loud voice. The ESC nevertheless noted that Officer A, who has known the Respondent for many years, contended in her evidence that he was shouting. The ESC noted that, during his investigation, another officer (Officer B), present in the office recalled the Complainer saying "don't speak to me like that" to the Respondent during the call.

The ESC noted that both Officers A and B described the Complainer as being distressed during and immediately after the call. The ESC noted the Complainer's manager had also advised, during the investigation, that the Complainer had been visibly upset and crying when she spoke to her shortly after the call.

The ESC noted that no evidence had been brought forward to support the Respondent's allegation made at the Hearing, that the Complainer had been criticised by her manager in respect of how matters concerning the property had been handled.

The ESC submitted that the evidence established, on the balance of probabilities, that during the call the Respondent:

- raised his voice;

- repeatedly interrupted the Complainer and spoke over her, which meant she did not have an opportunity to explain fully the circumstances of the case;
- used the phrase "waste of time"; and
- sighed at her.

The ESC contended that when taken together, such conduct went beyond firm or robust questioning and amounted to both a lack of courtesy and respect towards the Complainer, and a failure to work with her in an atmosphere of mutual trust and respect, in breach of paragraphs 3.1 and 3.10 of the Code.

The ESC noted that a single incident can constitute bullying, if sufficiently serious. The ESC contended that the Respondent had not simply lost his composure for a moment but, instead, had become increasingly angry over the course of the call with the volume of his voice rising to the point that he could be heard by the Complainer's colleagues. The ESC contended that the Respondent became so angry and repeatedly interrupted the Complainer because she was not providing the answers he wanted to hear.

The ESC noted that the Panel had heard evidence of the Complainer's distress and upset directly from her, which had been corroborated by the evidence of her colleagues. The ESC submitted that if the Panel accepted the evidence about the Respondent's manner during the call, it followed that it was reasonable for the Complainer to have felt undermined and intimated. In support of this, the ESC contended that there was a significant power imbalance between the Respondent, one of the most senior elected members in the Council, and the Complainer, a junior officer. Given the foregoing, the ESC submitted that the Respondent's conduct reached the threshold to amount to bullying and, consequently, to a breach of paragraph 3.3 of the Code.

The ESC contended that the Respondent benefitted from the enhanced right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR) afforded, in certain circumstances, to politicians. This was because the Respondent had contacted the Complainer in his capacity as an elected member to discuss a concern raised by one of his constituents in respect of uncollected waste, being a matter of public interest.

The ESC submitted that a restriction on the Respondent's Article 10 rights could be justified in pursuit of certain legitimate aims, namely the right of the Complainer to carry out her duties without undue disturbance, and the need to maintain the constructive working relationships between councillors and officers required for the effective functioning of local government.

The ESC contended that any restriction imposed would be on the disrespectful and bullying manner in which the Respondent had treated the Complainer; not on his right to raise his constituent's concerns or engage in robust scrutiny. The ESC argued that the Respondent could have pursued the matter effectively and in a respectful manner, but had failed to do so. As such, the ESC contended that a restriction on the Respondent's right to freedom of expression in the circumstances was justified and proportionate.

In response to questions from the Panel, the ESC confirmed that he had considered the impact on the Complainer in determining how egregious and shocking the Respondent's conduct had been for the purposes of concluding whether a restriction of his right to freedom of expression was justified. The ESC accepted, however, that determining whether conduct amounted to bullying required an objective assessment of both the behaviour itself and its likely reasonable impact.

The ESC accepted that sighing was not, in itself, inherently disrespectful, but argued it was a factor that should be considered in determining whether the Respondent's overall conduct was disrespectful.

The ESC confirmed that his office had not undertaken an investigation into Officer A's assertion that the Respondent "once again had a Housing Officer in tears" and, as such, had not considered this allegation when assessing whether the Respondent had breached the Code.

Submissions made by the Respondent

The Respondent submitted that the description of his alleged behaviour was exaggerated and that the evidence did not establish misconduct. The Respondent noted that the Complainer's colleagues accepted they had not been able to hear the words he used during the call and argued, therefore, that the case against him essentially amounted to one person's version of events, which he disputed.

The Respondent maintained that he had simply sought information about an ongoing issue affecting a constituent and that he had not shouted at, bullied or intimidated the Complainer. The Respondent contended the evidence in respect of whether he had shouted was inconsistent as he had been variously described by witnesses and the ESC as:

- speaking in a loud voice;
- having "likely raised his voice";
- speaking at a loud volume "akin to shouting"; and
- shouting.

The Respondent submitted that this inconsistency meant it would not be reasonable for the Panel to conclude, on balance, that he had shouted as alleged.

The Respondent disputed the ESC's contention that he became angry because he was not getting the answer he wanted and explained that, instead, the issue was he had not received any answer at all from the Complainer.

The Respondent noted he had a great deal of experience both as a Council employee and then a councillor and indicated this would not have been the case had he been in the habit of engaging in the type of behaviour alleged. The Respondent stated that he always treated individuals equally, regardless of their position, and that bullying an officer would be entirely contrary to his character, as this was something he abhorred.

In response to questions from the Panel, the Respondent accepted that he had a naturally loud voice and that the conversation may have been robust.

The Panel asked whether the Respondent recollected the Complainer having asked him not to speak to her in a certain way three times during the call. In response, the Respondent accepted the Complainer may have done so albeit he could not recall this.

When questioned by the Panel whether he accepted that his conduct could be perceived as intimidating, even if he had not intended it to be so, the Respondent stated that he hoped not. The Respondent reiterated that he was "completely shocked" when he learned about the Complainer's concerns about the call, because, as far as he was concerned, it was a typical conversation and that he had simply asked her a straightforward question that she failed to answer.

The Respondent confirmed he was familiar with and had attended training on the Code. The Respondent advised that he understood fully the requirement for him to be respectful at all times and reiterated that he abhorred bullying.

DECISION

The Hearing Panel considered the submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Convery.

2. The Respondent breached paragraphs 3.1 and 3.10 of the Code and a restriction on his right to freedom of expression that such a finding would entail could be justified.
3. The Respondent had not breached paragraph 3.3 of the Code.

Reasons for Decision

1. The Panel noted there was no dispute that the Respondent telephoned the Complainer on 18 August 2025 concerning a housing matter involving one of his constituents. The Panel was satisfied that, in doing so, he was acting in his capacity as an elected member. The Panel was satisfied, therefore, that the Code applied to his conduct at the time of the events in question.

2. In reaching its decision as to whether there had been a breach of the Code, the Panel took the following three-stage approach, as outlined in the Standards Commission's Advice Note on the Application of Article 10 of the ECHR:
   - Firstly, it would consider whether the facts found led it to conclude, on the balance of probabilities, that the Respondent had failed to comply with the Code.
   - Secondly, if so, it would then consider whether such a finding in itself was, on the face of it, a restriction on the Respondent's right to freedom of expression under Article 10.
   - Thirdly, if so, the Panel would proceed to consider whether the restriction involved by the finding was justified by Article 10(2), which allows restrictions that are necessary in a democratic society (and, in particular, in this case, to protect the rights of others and maintain the mutual bond of trust and confidence between councillors and officers necessary for local government to function effectively).

Stage 1: Whether the Respondent's conduct amounted, on the face of it, to a breach of the Code

3. The Panel noted that as there was no recording of the telephone conversation, it was therefore required to assess the competing witness accounts in order to determine, on the balance of probabilities, what had occurred.

4. The Panel noted that the Complainer's account of the call which she gave to the ESC during the investigation was generally consistent with the one she gave at the Hearing and was supported to a large extent by the contemporaneous notes she prepared on the evening of the call and over the subsequent days. The Panel further noted that some aspects of the Complainer's evidence were corroborated by her colleagues. The Panel noted, however, that the Complainer had described the Respondent as having spoken to her in a "raised voice" during the ESC's investigation whereas she recorded he had "shouted" at her in her note. The Panel noted that, when giving evidence at the Hearing, the Complainer referred to shouting only in the context of her evidence that she told the Respondent she would be unable to help him if he continued shouting at her and raising his voice.

5. The Panel accepted the evidence of Officer A that she heard the Respondent speaking at a volume that attracted her attention and that she considered he had been shouting. The Panel further accepted Officer A's evidence that she observed the Complainer become visibly upset during and immediately after the call.

6. The Panel noted two other council officers who had been in the room with the Complainer at the time of the call had given evidence to the ESC during his investigation. The Panel noted that those witnesses were described as having been sitting "adjacent" to and "opposite" the Complainer. The Panel noted both reported that the Complainer was distressed immediately after the telephone call. The Panel noted, however, that neither described the Respondent as having shouted. Instead, one noted they could hear a "raised voice" and the other that the Respondent's voice was "raised for the majority of the call".

7. The Panel noted that in his evidence, the Respondent did not dispute that the Complainer may have asked him to stop speaking to her in a certain way, albeit he did not recollect her doing so. The Panel further noted that the Respondent had confirmed he had repeatedly asked the same question to the Complainer. The Panel noted the Respondent had been consistent in his contention that he had not shouted at the Complainer and that he accepted he had a naturally loud voice. The Panel considered, however, that he should have been aware of that and the fact that speaking at a raised volume could objectively be taken, at the very least, as demonstrating frustration.

8. The Panel noted that there was a conflict in the evidence regarding the precise words used by the Respondent. While the Panel considered it possible that some of the remarks alleged may have been made, it did not regard it as necessary to make findings on every disputed phrase, in order to determine whether the Code had been breached.

9. Having considered carefully the evidence led and submissions made, the Panel found, on the balance of probabilities, that:
   - the Respondent spoke to the Complainer in a raised voice for a substantial part of the telephone conversation;
   - the Complainer asked the Respondent on more than one occasion not to speak to her in a particular way, meaning it was evident that his manner and tone was unwelcome and inappropriate; and
   - the Respondent repeatedly asked the same question regarding the property.

10. The Panel accepted that the Respondent had contacted the Complainer in order to seek information on a constituent's behalf. The Panel further accepted that councillors are entitled, and indeed expected, to scrutinise the actions of council officers and raise concerns or seek information on behalf of constituents. The Panel was satisfied, however, irrespective of the precise wording used, that the Respondent's tone, manner and approach during the call were discourteous and disrespectful.

11. The Panel agreed that their relative positions as an experienced elected member and Deputy Leader of the Council, and a Housing Officer meant there was an inherent power imbalance between the Respondent and Complainer. The Panel considered that this placed an even greater responsibility on the Respondent to ensure that any scrutiny or challenge was conducted in a respectful and courteous manner. The Panel noted the Respondent had indicated he spoke to all council officers in the same way. The Panel agreed, however, that such an approach was not necessarily appropriate given more junior officers may not be as accustomed as their senior colleagues in dealing with elected members and facing robust challenge from them.

12. The Panel further determined that in conducting himself in such a manner, the Respondent had undermined the atmosphere of mutual trust and respect that should exist between councillors and council employees.

13. The Panel therefore concluded that the Respondent had, on the face of it, breached paragraphs 3.1 and 3.10 of the Code.

14. The Panel recognised that a single, isolated incident can amount to bullying, if sufficiently serious. It noted, however, that not every instance of disrespectful or discourteous behaviour will meet that threshold. The Panel considered that an objective assessment of the conduct itself, together with its reasonably foreseeable impact, was required.

15. The Panel acknowledged the evidence concerning the impact the call had on the Complainer and accepted that she had been left upset and distressed by the interaction. The Panel again noted the

power imbalance between the Respondent, as a long-serving and experienced elected member and Deputy Leader of the Council, and the Complainer, as a relatively junior council officer.

16. The Panel noted, nevertheless, that the conduct in question was limited to one telephone call lasting around five minutes. While the Panel noted it had found the Respondent had raised his voice and spoken to the Complainer in a discourteous and disrespectful manner, it was not persuaded that viewed objectively and in context, his conduct had the character of behaviour intended, or reasonably likely, to humiliate, intimidate, denigrate or personally undermine the Complainer. This was because it took place during a telephone call between just the two of them, as opposed to a more public forum. In addition, the Panel considered that it would have been evident that the Respondent was frustrated that he was not getting what he considered to be an adequate answer to the question he was raising on behalf of his constituent, rather than being driven by any motivation to personally attack or specifically target the Complainer. The Panel noted, in this regard, that there was no evidence of any wider or ongoing pattern of behaviour by the Respondent towards the Complainer beyond the confines of the interaction in question.

17. Having considered all the circumstances, the Panel concluded that while the Respondent's conduct was disrespectful and inappropriate, it did not reach the threshold required to amount to bullying. The Panel concluded, therefore, that the Respondent had not breached paragraph 3.3 of the Code.

Stage 2: Whether a finding of a contravention of the Code would be a breach of the Respondent's right to freedom of expression under Article 10 of the ECHR

18. The Panel noted that enhanced protection of freedom of expression under Article 10 applies to all levels of politics, including local politics. The Panel further noted that the Courts have held that political expression is a broad concept and that there is little distinction between political discussion and discussion of matters of public concern[1]. In this case, the Panel noted that the Respondent had called the Complainer to discuss an issue regarding the removal of waste in the garden of a Council-managed property, being a matter of public concern. In the circumstances, the Panel considered that the Respondent would attract the enhanced protection of freedom of expression afforded to politicians, including local politicians, under Article 10.

Stage 3: Whether any restriction on the Respondent's right to freedom of expression involved by a finding of a contravention of the Code would be justified by Article 10(2) of the ECHR

19. The Panel nevertheless noted that the right to freedom of expression is not absolute. Article 10(2) states that restrictions can be imposed, provided they are necessary in order to achieve a legitimate aim. The Panel noted that legitimate aims can include:
    - protecting the rights and reputations of others;
    - protecting the mutual bond of trust and confidence between councillors and officers;
    - ensuring council officers enjoy public confidence in conditions free of undue perturbation to allow them to be successful in performing their tasks;
    - enabling local government to function effectively; and
    - ensuring public confidence in local government was not undermined and that a council was not brought into disrepute.

20. The Panel accepted, however, that the Courts have found any restriction on freedom of expression must also be proportionate to the legitimate aim being pursued. As such, the Panel was required to undertake a balancing exercise, weighing the enhanced protection to freedom of expression enjoyed by the Respondent against any restriction imposed by the application of the Code and the imposition of any sanction.

[1] Thorgeirson v Iceland (1992) 14 EHRR 843

21. In doing so, the Panel had regard to the following findings that have been made by the Courts:
    - The necessity of any restriction on the exercise of freedom of expression must be established convincingly and be in response to a pressing social need.
    - In a political context, a degree of the offensive, shocking, exaggerated, emotive, non-rational and aggressive, that would not be acceptable outside that context, should be tolerated[2].

22. The Panel accepted the Respondent was seeking to act in the best interests of his constituent by asking for an update on their behalf. It further acknowledged he was entitled to scrutinise any action (or indeed, perceived inaction) by council officers. The Panel considered, however, that there was no reason why he could not have sought an update and conducted any scrutiny in a courteous and respectful manner. The Panel had no doubt that the Respondent was acting in good faith and in the best interests of his constituent in asking questions and raising concerns on their behalf. The Panel noted that its findings concerned solely the manner in which he had done so.

23. The Panel acknowledged, that in a political context, a degree of the offensive, shocking and exaggerated, that would not be acceptable outside that context, is tolerated. The Panel noted, nevertheless, that the Respondent was an experienced councillor and deputy leader of the Council, who was well aware of the standards expected of elected members. As such, the Panel considered the degree of latitude that could properly be afforded to his conduct, in the context of a telephone call with a relatively junior council officer, was correspondingly narrower. The Panel considered council officers have a right to work in a safe and respectful environment, without being subjected to disrespectful and inappropriate behaviour. The Panel considered, therefore, there was a clear pressing social need for a restriction to prevent such conduct from occurring.

24. Having taken into account the context and factors outlined above, the Panel determined, on balance, that the Respondent's conduct was sufficiently excessive as to justify, as proportionate, a restriction on his enhanced right to freedom of expression. The Panel concluded, therefore, that a formal finding of a breach of paragraphs 3.1 and 3.10 of the Code could be made.

SANCTION

The decision of the Hearing Panel was to suspend, for a period of one month with effect from 5 November 2026, the Respondent, Councillor Convery, from all meetings of the council and of any committee or sub-committee thereof and of any other body on which the councillor is a representative or nominee of the council or body.

This sanction was made under section 19(1)(c) terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Reasons for Sanction

1. In determining the appropriate sanction, the Panel considered:
    - firstly, whether the interference (i.e. the proposed sanction) was the minimum necessary, or whether less restrictive means could be employed; and then
    - secondly, whether the benefit of that least restrictive measure outweighs its adverse impact on the Respondent's right to freedom of expression. For example, whether any benefit in applying a sanction in respect of protecting the rights and reputations of others, and to ensure good administration which enables local government to function effectively, would outweigh any impact on the Respondent.

[2] Heesom v Public Service Ombudsman for Wales (2014) EWHC 1504 (Admin)

2. In making its decision on sanction, the Panel had regard to the Standards Commission's Policy on the Application of Sanctions. A copy of the policy can be found on the Standards Commission's website, here: https://www.standardscommissionscotland.org.uk/cases/hearing-rules.

3. The Panel began by assessing the nature and seriousness of the breach of the Code. The Panel noted that the Respondent had agreed, as part of his acceptance of office as a councillor, that he would abide by the terms of the Code, which include the requirements for councillors to treat everyone with whom they come into contact in their capacity as elected members with respect, and to work with council officers in an atmosphere of mutual trust and respect. The Panel agreed that these are key provisions of the Code as a failure to comply with them can adversely affect the rights and reputations of others and can have a detrimental impact on working relationships that enable a Council to function effectively.

4. The Panel noted it had found that the Respondent conducted himself in a telephone call with a relatively junior officer in a manner that was disrespectful and inappropriate and had left her visibly upset and distressed. The Panel considered that this conduct represented a significant departure from the standards expected of an experienced elected member, particularly given the power imbalance between the Respondent and the officer concerned. As such, the Panel agreed the Respondent's behaviour was reasonably serious in nature.

5. The Panel then considered the aggravating and mitigating factors as set out in the Policy on the Application of Sanctions, beginning with those in mitigation. The Panel noted that mitigating factors are those which may lessen the severity or culpability of the breach.

6. The Panel noted that, in making the telephone call, the Respondent was trying to help a constituent with a housing matter by seeking information on their behalf.

7. The Panel further noted the Respondent's conduct was limited in duration to one telephone call. In addition, the Panel noted that the Respondent had cooperated fully with the investigation and adjudication processes.

8. The Panel then proceeded to consider whether there were any aggravating factors; being ones that may increase the severity or culpability of the breach.

9. The Panel acknowledged that the Respondent had every right to help his constituent and seek an update on their behalf. The Panel agreed that, as an experienced councillor, of some 31 years, the Respondent should have been able to do so without being disrespectful. The Panel was concerned that while this may not have been the Respondent's intention, he had not demonstrated any insight, understanding or remorse, either at the time or at the Hearing, into how his conduct could be perceived and the impact it both could and, indeed, did have on others.

10. The Panel was of the view that a censure, being the minimum sanction available to the Panel, was not appropriate in light of the seriousness of the conduct and impact it had on the officer in question.

11. The Panel agreed that a censure would not achieve the aims, as outlined in the Policy on the Application of Sanctions, of:
    - preserving the ethical standards framework;
    - promoting adherence to the Councillors' Code of Conduct;
    - maintaining and improving the public's confidence that councillors will comply with the Code and will be held accountable if they fail to do so; and
    - achieving credible deterrence.

12. Having considered the nature and seriousness of the breach, as well as any aggravating and mitigating factors identified, the Panel nonetheless concluded that a short suspension was the appropriate sanction in the circumstances and the minimum necessary to achieve the aims listed above. This was because the Panel accepted that, while the Respondent's conduct was reasonably serious, it had been limited in duration.

13. Having considered all of the matters outlined above, the Panel concluded, on balance, that the appropriate sanction, in the circumstances, was to suspend the right of the Respondent to attend all meetings of South Lanarkshire Council, of any committee or sub-committee thereof, and of any other body on which the councillor is a representative or nominee of the council for a period of one month, with effect from 5 November 2026.

RIGHT OF APPEAL

The Respondent has a right of appeal in respect of this decision, as outlined in Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

Date: 2 November 2026

Morag Ferguson
Chair of the Hearing Panel