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 20 March 2026 (reference LA/CES/4565) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by an elected member of Comhairle nan Eilean Siar (the Respondent), the ESC referred the matter to the Standards Commission on 2 November 2026.

The ESC reported that:

- He had investigated one issue of complaint concerning a letter the Respondent published on Facebook and later distributed within his ward, in March 2026, in which he criticised NHS Western Isles and called for a public inquiry. The complaint alleged that, in doing so, the Respondent was disrespectful and critical towards NHS Western Isles employees and "may have" disclosed confidential or sensitive information.
- He had found the Respondent's criticism of NHS Western Isles and of the management team was general in nature (not personal) and the language used was not demeaning or offensive. While the ESC accepted that due to the size of the community, it may be possible for some of the staff members mentioned in examples provided by the Respondent in the letter to be identified, he did not name them personally and it was evident from the context that he was reporting what he had been told by his constituents.
- He did not find the Respondent shared any information, without permission, that should have been reasonably regarded as confidential.
- Having considered the various factors of the complaint and the evidence gathered, he concluded that the Respondent's conduct did not amount 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 and confidentiality 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 did not consider the Respondent's conduct would amount to a breach of the Code and 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.

The Standards Commission nevertheless reminds councillors of the importance of ensuring they behave in a respectful and courteous manner, including when they are posting online in that capacity.

Date: 5 November 2026