



INTEGRITY IN PUBLIC LIFE

## INFORMATION FOR THE MEDIA ON THE STANDARDS COMMISSION FOR SCOTLAND

### THE STANDARDS COMMISSION

The Standards Commission was established by the Ethical Standards in Public Life etc. Scotland Act 2000 (2000 Act). It is an independent public body, responsible for encouraging high standards in public life in Scotland. The 2000 Act provides a framework under which Ministers issue Codes of Conduct for councillors and members of devolved public bodies.

The role of the Standards Commission is to:

- promote the Codes of Conduct covering the behaviour of councillors and those appointed to the boards of devolved public bodies;
- issue guidance to councils and devolved public bodies on how the Codes should be interpreted; and
- adjudicate on alleged breaches of the Codes of Conduct, and where a breach is found, to apply a sanction.

### THE ETHICAL STANDARDS COMMISSIONER

The Ethical Standards Commissioner (ESC) is a separate and distinct officeholder who is responsible for investigating complaints that councillors and members of devolved public bodies have breached their respective Codes of Conduct. The ESC sends a report to the Standards Commission on the conclusion of their investigation. The ESC also has responsibilities in respect of complaints about MSPs and in regulating and monitoring how individuals are appointed to the boards of public bodies. Further information on the ESC's role and remit can be found on their website at:

<https://www.ethicalstandards.org.uk>.

### HEARINGS

On receipt of a report from the ESC, the Standards Commission can choose to:

- Hold a Hearing;
- Direct the ESC to carry out further investigations; or
- Do neither (i.e. take no further action on the complaint).

Hearings are held to determine whether the councillor or member concerned (known as the Respondent) has breached their respective Code of Conduct and, if so to decide the sanction to be applied.

Hearing Panels comprise of three members of the Standards Commission. The ESC will present evidence and/or make submissions at the Hearing about why they consider the Respondent has contravened their Code. The Respondent is entitled to attend or be represented at the Hearing and can also present evidence and make submissions. Witnesses can be called by the ESC and the Respondent. Under the 2000 Act, the Standards Commission has a statutory power to require witnesses to appear and give evidence.

Once it has heard all the evidence and submissions, the Hearing Panel will make a determination about whether or not it is satisfied, on the balance of probabilities, that there has been a contravention of the applicable Code of Conduct by the Respondent. The Panel is obliged to impose a sanction if it concludes that the Respondent has breached their Code of Conduct.

Hearings are normally held in public at the headquarters of the Respondent's respective council or devolved public body. Hearings can also be held online. If a Hearing is held online, it will be livestreamed on the Standards Commission's website.

Written decisions of Hearings are published on the Standards Commission's website at:  
<https://www.standardscommissionscotland.org.uk/cases/case-list>

## SANCTIONS

The sanctions that can be imposed following a breach of a Code of Conduct are as follows:

- **Censure:** A censure is a formal record of the Standards Commission's severe and public disapproval of the Respondent.
- **Suspension:** This can be a full or partial suspension (for up to one year). A full suspension means that the Respondent is suspended from attending all meetings of the council or devolved public body. Partial suspension means that the Respondent is suspended from attending some of the meetings of the council or devolved public body.
- **Disqualification:** In the case of a councillor, disqualification means that the Respondent is disqualified from holding office or standing for election as a councillor for the period determined (which can be up to five years). The disqualification extends to the councillor's membership of any joint committee, joint board or other body on which they are a representative or nominee of their council.

In the case of a member of a devolved public body, a disqualification means the Respondent is removed from membership of the body for the period determined (which can be up to five years).

The Hearing Panel can also choose to disqualify the councillor or member from membership of any other devolved public body of which they are a member.

## FURTHER INFORMATION

Further information about the Standards Commission, including its role, remit and members, as well as details of forthcoming Hearings can be found on the Standards Commission's website at:  
<http://www.standardscommissionscotland.org.uk/>.

## MEDIA ENQUIRIES

The Standards Commission publishes press releases following the conclusion of any Hearing. All media enquiries, including requests for information about any Hearings and for copies of any press releases should be sent to [enquiries@standardscommission.org.uk](mailto:enquiries@standardscommission.org.uk).