
SECTION 24 CASE REFERRALS

1. INTRODUCTION

- 1.1 Section 24 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act) provides for complaints about employee and *ex officio* members of devolved public bodies. The Section states that:

Sections 16 to 19, 21 (other than subsection (1)) and 22 of the 2000 Act do not apply in the case of a member of a devolved public body (a) who is also an employee; or (b) who is an *ex officio* member of the body.

On receiving (a) a report under section 14; or (b) an interim report under section 21(1), relating to such a member, the Standards Commission shall send it to the devolved public body.

- 1.2 This document is intended to outline how the Standards Commission will normally proceed when it receives a report from the Ethical Standards Commissioner (ESC) about an investigation into a complaint about an employee or *ex officio* member of a devolved public body (the Respondent).

2. PROCEDURE

- 2.1 The Standards Commission will send a copy of the ESC's report to the Chief Executive (or relevant senior officer) of the devolved public body. The Standards Commission will note that while it does not have the power to take any action in respect of the Respondent, the devolved public body may nevertheless wish to do so. It is noted that this could include:
- consideration of whether initiating disciplinary procedures is appropriate if the Respondent is an employee; and/or
 - advising the organisation in which the Respondent holds office, and is a member of the devolved public body by virtue of holding that office, of the ESC's findings.
- 2.2 The Standards Commission will prepare and publish, on its website, an anonymised summary of the complaint and the ESC's findings, along with any advice for members of devolved public bodies as it deems appropriate.
- 2.3 The Standards Commission will send copies of its summary to the Respondent, Complainer, and ESC and will advise them that the ESC's report has been sent to the Chief Executive of the devolved public body.



Data control and version information				
Date	Action by	Version Updated	New Version number	Brief Description
19/12/22	LJ	n/a	V1.0	Introduction following approval at SCS meeting on 12/12/22