

STANDARDS UPDATE

September 2026



The Improvement Service's Councillor Academy - OU module on the Councillors' Code

The Councillor Academy is a dedicated learning portal designed to support councillors and candidates in Scottish local government. Developed in partnership with The Open University and delivered by the Improvement Service – the national improvement organisation for local government in Scotland – the Academy offers a range of bespoke learning resources tailored to the unique needs of councillors.

The portal includes a module on the Councillors' Code developed by the Standards Commission. This aims to help councillors understand what the Code requires, why compliance with it matters, and how to apply its provisions in the types of scenarios they may face.

In particular, the portal aims to help councillors:

- understand and apply an objective test to identify when they have an interest that must be declared
- understand what interests must be recorded in their Register of Interests
- identify regulatory and quasi regulatory matters (such as licensing and planning applications), and understand how they must conduct themselves when dealing with them
- recognise what is required of them when interacting with others, both in person and in writing, including when using social media
- evaluate whether information is confidential or can be shared appropriately
- support constituents appropriately by managing expectations, engaging respectfully with officers and avoiding becoming inappropriately involved in operational matters

More information on the Councillor Academy can be found on the [Improvement Service's website](#).

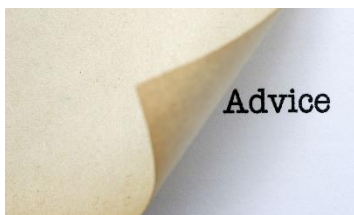
The Module on the Councillors' Code can be found [here](#).

Judicial Review

The Standards Commission has decided to appeal against a decision made by the courts in respect of a recent judicial review. The judicial review concerned a decision not to accept certain documents for consideration at a Hearing.

The Standards Commission is appealing because it is concerned about the impact the ruling could have on its ability to conduct fair, proportionate and efficient hearings.





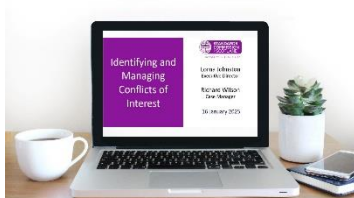
It is also concerned that this judgment has wider, serious implications for other organisations that regulate or discipline individuals. More information on this case can be found [here](#).

Advice Note for Members on Strategic and Operational Matters

The Standards Commission has reviewed and updated its Advice Note for Members of Public Bodies on Distinguishing Between their Strategic Role and any Operational Work. The Advice Note now makes it clear that:

- What may be strategic and what may be operational can vary between different public bodies, depending on their size and sector. The distinction between what is strategic and operational may also alter if the size or remit of the member's public body changes.
- Members may be expected to be provided with more information about operational matters if, for example, significant risks emerge or are identified in respect of the public body's governance, finances and / or its ability to provide services effectively. The Advice Note recognises, however, that the provision of too much operational detail can prevent members from being able to understand the overall position and identify strategic risks.

The revised Advice Note can be found [here](#).



Online Training on the Model Code of Conduct for Public Body Employees

The Standards Commission is holding an online awareness and training session for public body employees on the provisions in the Model Code of Conduct for Board Members on Tuesday 26 January 2027 from 10:00 to 11:30. If you are a public body employee and are interested in attending please ask your Standards Officer for the joining link. Alternatively, please email enquiries@standardscommission.org.uk.



Online Training and Support for Members of Health and Social Care Integration Joint Boards (IJBs)

To support the introduction of voting rights for lived experience members of IJBs, the Standards Commission has updated its **Advice Note for Members of IJBs**.

It has also produced a **card for lived experience members**, which is intended to help them manage expectations about what they can and cannot do, in terms of their IJB's Code of Conduct. The revised Advice Note and the card can be found [here](#).

In addition, the Standards Commission has produced a **standard training presentation** on the Code for Members of IJBs. This can be found [here](#).



The Standards Commission is also holding an **online awareness and training session on the IJB Code for all IJB members** on Wednesday, 7 October from 10:00 to 11:30. If you are interested in attending, please ask your Standards Officer for the joining link. Alternatively, please email enquiries@standardscommission.org.uk.

Advice Note for Members of College Sector Boards

The Standards Commission has reviewed and revised its Advice Note for Members for College Sector Boards. In particular, it has provided more explanation in respect of:

- The requirement to act in the best interests of the college and what this means.
- The important distinction between a member gathering views to inform their perspective and independent judgment (which is appropriate) and seeking instructions from an outside constituency or body about how to vote (which is not allowed).
- How members can distinguish between strategic and operational matters.

The revised version can be found [here](#).

Cases Overview

Since the last briefing in June 2026:

Cases Referred to SCS by ESC Elected members of Aberdeenshire (two cases), Argyll and Bute (four cases), Angus, Moray, Orkney Islands (two cases), North Lanarkshire (two cases), Highland (two cases), Falkirk, Dundee City, City of Edinburgh, Dumfries and Galloway, Clackmannanshire, South Lanarkshire and East Lothian (two cases) Councils. Former member of Historic Environment Scotland.	23
SCS directed ESC to carry out Further Investigation Former member of Historic Environment Scotland Dumfries and Galloway Councillor	2
Hearings scheduled Angus, City of Edinburgh, South Lanarkshire and East Lothian councillors	4
Hearings held East Renfrewshire, East Ayrshire and Dumfries and Galloway councillors	3
No Action Written decisions in respect of these cases can be found on the Cases page of our website.	17

East Renfrewshire Council - LA/ER/4506 - Breach

The complaint concerned a failure to register interests. The Panel noted that the Respondent accepted he had failed to record his part-time employment by the office of an MP on his Register of Interests between 2 August 2022 and 24 October 2025, despite receiving remuneration for such work. The Panel noted that the Code requires councillors to register any work for which they receive remuneration by virtue of being employed. In this case, the Panel noted it was not in dispute and indeed found that the Respondent did not register the employment for over three years. It concluded, therefore, that he had breached the Code.

The Panel further noted that the Respondent accepted he did not record an unpaid internship with an MSP between 21 July 2025 and 24 October 2025. The Panel noted the Code obliges

councillors to apply an objective test to determine if any non-financial interests they have require to be registered. In terms of that test, registrable non-financial interests are those which members of the public, with knowledge of the relevant facts, might reasonably think could influence a councillor's actions, speeches, votes or decision-making in their council.

In the particular case before it, the Panel was of the view that the relevant facts for the purpose of the application of the objective test were:

- The MSP represented a constituency outwith the Respondent's Council area.
- The Respondent's role, during the internship, had involved responding to enquiries from the MSP's constituents.
- The MSP had not been a Minister or Cabinet Secretary at the time.
- The MSP represented the same political party as the Respondent.
- The limited duration of the internship (approximately three months).

The Panel did not consider that members of the public, with knowledge of these relevant facts, would reasonably consider the internship as likely to influence the Respondent's discussion and decision-making at council. This was because:

- It was unlikely there would be any crossover between the MSP's constituency work and the Respondent's work as a councillor.
- The Panel was unable to think of, and was not provided with, any examples of where that clearly could have been the case. In other words, it was not evident why the Respondent's internship could be considered as capable of influencing the types of actions, speeches, decision-making or voting he would be expected to undertake or make in his normal everyday work as a councillor.
- The MSP did not have a portfolio that encompassed the Council's remit.
- A shared political outlook between the Respondent and MSP, as representatives of the same party, would be reasonably expected and it was unlikely, therefore, that the Respondent would be unduly influenced by any views the MSP might hold. This was especially given the short duration of the internship.

The Panel concluded, therefore, that the Respondent's internship was not sufficiently significant as to amount to a non-financial interest that required to be registered. In making this decision, the Panel noted the Respondent would have been required to declare the internship at meetings, had it met the objective test in respect of any specific matter being considered by the Council. The Panel noted that there was no evidence or suggestion he had failed to do so.

The Panel noted, in mitigation, that the Respondent had apologised for his failure to register the employment with the MP within the required timescales. The Panel had no reason to doubt his failure to comply with the Code was the result of a misunderstanding of the Code's requirements and was, therefore, unintentional. The Panel was further satisfied that he had not attempted to conceal the interest and that there had been no personal gain. In the circumstances, the Panel concluded that a censure was an appropriate sanction.

East Ayrshire Council - LA/EA/4394 - Breach

The complaint concerned the disclosure of an email chain contained an exchange between the Respondent and council officers about the management of fire risk posed by combustible waste. The Panel noted it was not in dispute that, in July 2025, following a major fire in Kilmarnock, the Respondent forwarded the email chain from his personal email account to an individual who contributed to a Facebook group.

The Panel noted the emails concerned discussion of the Council's legal obligations, its approach to service delivery, and operational enforcement regarding the waste issue. In addition, a number of the emails were specifically marked as "official" and part of the email

chain referred to legal advice that had been provided. While the Panel had concerns that the classification of some of the emails in the chain was somewhat unclear, it agreed that internal correspondence of this nature is inherently confidential. This is because council officers have a right to expect they can correspond with elected members, in order to provide them with updates and advice, without fear that such correspondence will be publicly disclosed without their consent.

The Panel agreed that it was evident from the nature of the information the Respondent shared, being an internal exchange, that it was to be treated as confidential. As such, the Panel considered the Respondent should have understood it was not to be disclosed in full without express consent.

The Panel accepted the Respondent's position was that he disclosed the information to rebut online criticisms that he, as an elected member, had failed to take action in respect of the fire risk posed by combustible waste (as opposed to intending to criticise officers). The Panel was satisfied, therefore, that the Respondent disclosed the information, at least in part, for personal or political advantage, in breach of the Code.

The Panel further agreed that regardless of the Respondent's reasons, the Council's Use of Communication Systems Policy was entirely clear that forwarding emails from a council email account to a personal email one was not permitted. The Panel considered that the Respondent had a responsibility, as he would in any other job, to ensure he was familiar with such a policy.

The Panel agreed that it was also the Respondent's personal responsibility to ensure he was both aware of, and understood, the need to maintain confidentiality and to adhere to the provisions in the Code. The Panel was concerned that the Respondent had not taken steps to ensure he was familiar with the Code and the Council's policies, despite having been elected over four years ago and, further, that he had shown only limited insight into the importance of complying with these and the potential consequences of not doing so.

The Panel nevertheless noted, in mitigation, that the conduct in question was limited in duration. The Panel further noted that the Respondent now accepted he should not have forwarded the email chain. The Panel also took into account that the Respondent had not been the subject of any previous finding of a contravention of the Code and had complied fully with the investigation and Hearing processes. In the circumstances, the Panel concluded, on balance, that a censure, being its public and severe disapproval of the Respondent's conduct was the appropriate sanction.

Dumfries and Galloway Council - LA/DG/4408 - Breach

The complaint concerned comments the Respondent made in two press articles published in August and September 2025. The Panel found that the Respondent made several comments about the Chief Executive. These included that she had clearly "highjacked" Council decisions and "abused her powers" in respect of an emergency purchase of buses. The Panel found the Respondent stated the "little confidence" he had in the Chief Executive was "completely eroded", that she was not the "correct" person to take the region forward. The Panel further found that the Respondent compared the Chief Executive unfavourably to her predecessors, whom he described as "far more professional".

The Panel noted that the Councillors' Code of Conduct, as issued by Scottish Ministers with the approval of the Parliament, requires councillors to act with courtesy and respect and to refrain from publicly criticising the capability, conduct and performance of identifiable officers. The Panel noted that the reasons for the Code's provisions in this regard are because officers have no public right of reply and, further because there are internal procedures for dealing with any issues about their capability, conduct or performance. A failure to follow these could expose the Council to legal challenge. The Panel noted that the Respondent

accepted he had agreed to abide by the Code's provisions as part of his declaration of acceptance of office.

The Panel considered that the comments, when taken together, suggested clearly that the Chief Executive was failing to perform her role and amounted to public criticism of her performance, conduct and integrity. The Panel was therefore satisfied that, in making those comments, the Respondent breached the Code.

The Panel acknowledged that elected members have an important role in scrutinising the use of council funds and, as such, are entitled to raise questions and concerns about decisions made and processes followed. The Panel considered, however, that the Respondent's comments went beyond this and were undermining and personal in nature. The Panel further considered that if the Respondent had concerns about the conduct or performance of the Chief Executive, there was nothing to prevent him from following the appropriate internal procedures for raising these.

In determining the sanction, the Panel was concerned that the Respondent had not demonstrated any insight or understanding either at the time or at the Hearing, into how his conduct could be perceived and the impact it both could and did have on others; or of the importance of building and maintaining good relations with officers. The Panel was further concerned that, by his own admission, the Respondent appeared to be motivated, in part, by defending his own reputation.

The Panel nevertheless acknowledged, in mitigation, that the conduct in question was limited in duration. It further acknowledged that the Respondent had co-operated fully with the investigative and Hearing processes and had not been the subject of any previous finding of a contravention of the Code. The Panel was pleased to note that the Respondent had acknowledged he had failed to comply with the Code. In the circumstances and context, the Panel concluded, on balance, that a full suspension of one month was the appropriate sanction.

Details of the outcome of cases, including full written decisions and information about scheduled Hearings, can be found in the [Cases](#) section of our website.

For further information on the support we can offer councillors and members of devolved public bodies, please either speak to your Monitoring Officer or Standards Officer or look out for information on our website. Alternatively, please contact us:

Room T2.21
Scottish Parliament
Edinburgh
EH99 1SP
0131 348 6666

enquiries@standardscommission.org.uk
www.standardscommission.org.uk
[LinkedIn](#)
facebook.com/StandardsCommission



INTEGRITY IN PUBLIC LIFE