

**Commissioner for
Ethical Standards in Public Life
in Scotland**
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

Ariane Burgess MSP
Convener
Local Government, Housing and Planning Committee
The Scottish Parliament

24 April 2023

Sent by email to: localgov.committee@parliament.scot

Dear Convener

Supplementary information

Thank you again for the opportunity to provide evidence to the Committee in January.

I undertook to provide some supplementary information to the Committee on the proportion of complaints about Councillors I receive that relate to the use of social media. This is included in the table in the appendix to this letter, which spans a five-year period and includes the as yet unpublished figures covering our last financial year ending 31 March 2023.

I also undertook to update the Committee on the ongoing application of the Directions issued to me by the Standards Commission for Scotland (SCS). There are currently three sets of Directions in place. The details are provided below.

1. The first Direction, originally issued in July 2020, requires me to submit to the SCS (save with its prior consent) in relation to any investigation in respect of a complaint or complaints about a councillor or member of a devolved public body the outcome of which has not been reported to the SCS under Section 16 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the Act), interim reports in writing no later than:
 - (a) the expiry of the three-month period after the opening of such investigation, or
 - (b) for investigations for which a period of three months has already expired, the date falling one month after the date hereof, and at the expiry of every three-month period thereafter.

The interim reports are to provide a summary of the investigative work undertaken, an explanation as to what requires to be done to complete the investigation and an indication of when it is expected that a final report will be issued. I am also required to provide written updates to the respondent(s), complainer(s) and the relevant Council or devolved public body, every three months, on the progress of investigations in respect of a complaint or complaints about a councillor or member of a devolved public body.

This Direction was renewed on 27 September for a two-year period.

2. The second Direction was issued in November 2020. This requires me, in respect of all investigations I have undertaken under sections 9 and 12 of the Act on complaints received on or after the date of the Direction, to report to the SCS on the outcome of each such investigation within 7 days of the date on which the investigation is concluded. A report provided to the SCS in compliance with paragraph 1 of the Direction requires me to set out the findings of my investigation into the complaint or complaints and my conclusions as to whether I consider there has been a breach of a Code of Conduct.

This Direction was initially renewed from November 2022 until February 2023. It was renewed for a two-year period from January 2023.

3. The third Direction, originally issued in March 2021, requires me to investigate all complaints received about councillors and members, except in specified circumstances where the Respondent is incapacitated, the conduct complained of is outwith one year from the date of complaint, or where, on its face, no breach of the applicable Code has taken place.

This Direction was renewed on 27 February this year and is currently due to expire in August. Following discussions on the issue with the SCS, I undertook to include the eligibility provisions included in the Direction in our Investigations Manual, which I have done:

<https://www.ethicalstandards.org.uk/publication/investigations-manual>

As a consequence of this, the SCS may conclude that the third Direction does not require to be renewed. This is, of course, a matter for the SCS to decide upon.

I trust that this is all clear and helpful to you and to the Members of the Committee.

Please don't hesitate to contact me if you have any questions about this or if I can be of any further assistance.

Yours sincerely

Ian Bruce
Ethical Standards Commissioner

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APPENDIX – COMPLAINTS RELATED TO SOCIAL MEDIA

Complaints received about Councillors relating to social media	2018/19		2019/20		2020/21		2021/22		2022/23	
	cases	complaints	cases	complaints	cases	complaints	cases	complaints	cases	complaints
Total Received	112	168	146	274	121	225	144	274	94	127
Number relating to SM	1	2	35	40	31	74	30	71	18	29
%age	1%	1%	24%	15%	26%	33%	21%	26%	19%	23%