Thank you for your letter of 2 February 2012 on your committee’s review of section 7 of the Code of Conduct for MSPs.

This letter contains my views on the issues raised in the review. I will respond to you separately in my capacity as chair of the SPCB and the Conveners Group.

**Complaints about one MSP’s treatment of another**

Your letter raises the question of who should consider complaints about one MSP’s treatment of another MSP.

Although section 9 of the Code does not say anything about how these complaints would be handled, I note that there are already some relevant provisions in both the Code of Conduct and Standing Orders which cover relationships between Members. I consider that these provisions are accompanied by appropriate enforcement provisions.

Guidance on the relationships between MSPs is included at section 8 of the Code which covers engagement and liaison with constituents. Enforcement provisions for this section are set out at section 8.4 of the Code.

I also note that under Standing Orders Rule 7.3.1, Members are required to conduct themselves in a courteous and respectful manner in the Chamber. This rule also applies in relation to proceedings at meetings of committees and sub-committees, with such modifications as are appropriate. I am responsible for ensuring that Rule 7.3.1 is enforced in relation to the Chamber; individual conveners are responsible for order in their committees.

Paragraph 7.2.5 of the Code requires members to treat other MSPs and the staff of other MSPs with courtesy and respect. I note that complaints under this paragraph would be considered by the Public Standards Commissioner under section 9 of the Code. My experience has been that the current provisions provide a reasonable set of rules which cover one MSP’s treatment of another, and that the arrangements for enforcement of the rules appear to be working satisfactorily.

**Conduct in the Chamber**

Your consultation document raises the question as to whether paragraph 7.3.3 of the Code, which sets out the Presiding Officer’s ruling on conduct in the Chamber, should in future not form part of the Code.
I support this proposal. I am satisfied that Standing Orders fully cover the issue of Members’ conduct during parliamentary proceedings and that there is therefore no need for this to be duplicated in the Code of Conduct.

As I outlined separately in my letter on behalf of the Conveners Group, my preference is to include within section 7 of the Code a requirement for the Presiding Officer to issue guidance on conduct in the Chamber that may be updated from time to time, in order to avoid the appearance of an omission from the Code. One option would be to include this guidance in an annexe to the Code.

Engagement and Liaison with Constituents

Your consultation document notes that some helpful minor amendments could be made to section 8 of the Code in relation to how Members describe themselves and in relation to the undertaking of constituency work.

I note that some of the rules in section 8 are more prescriptive than others. The rules on describing Members are very specific, stating an exact wording for constituency and regional Members respectively. The rules on constituency work are more in the style of broad guidelines and therefore, arguably more challenging to enforce.

I agree that it may be appropriate to make the rules in section 8 on describing Members less prescriptive, without affecting the underlying principle that MSPs should not misrepresent the basis on which they were elected or the area that they serve. I also agree that the wording of the rules on constituency work could be more precise. For example, in relation to the rule that MSPs must not deal with cases outside their constituency / region “unless by prior agreement”, further details could be given as to what that means in practice.

I hope this response is helpful. I look forward to the outcome of your inquiry.

TRICIA MARWICK
PRESIDING OFFICER
23 MARCH 2012