



The Scottish Parliament
Pàrlamaid na h-Alba

Standards, Procedures and Public Appointments Committee

To:
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By email only

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Dear Business Manager

Code of Conduct rules on disclosure

Yesterday the Committee concluded its consideration of a complaint made against Neil Findlay MSP to the Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner). The complaint was that Neil Findlay had made a statement to the press about his intention to make a complaint against Colin Beattie. (a complaint for which Colin Beattie was subsequently exonerated). Neil Findlay's actions amounted to a breach of Rule 9.1.2 of Volume 2 of the Code of Conduct for MSPs (the Code). The Rule is:

Disclosure

9.1.2 Members must not disclose, communicate or discuss any complaint or intention to make a complaint to or with members of the press or other media prior to the lodging of the complaint or during Stages 1 and 2 of the procedure for dealing with complaints (this procedure is set out in Volume 3, Guidance; Section 9).

9.1.3 In relation to Excluded Complaints (which are not always subject to the four stage process set out in the guidance notes), this restriction applies until the Standards, Procedures and Public Appointments Committee has confirmed that the Ethical Standards Commissioner will not be carrying out an investigation or, where such an investigation has been carried out, that the Ethical Standards Commissioner will not be carrying out any further investigation.

The Committee agreed with the findings of the Commissioner that Neil Findlay had breached the Code but decided that sanctions would not be appropriate.

The Rule covering disclosure is important because it allows investigations by the Commissioner and the Committee to be concluded in the absence of external partisan comment.

During Session 4 of the Parliament a similar breach of the Code occurred and the previous Committee issued an email to all members reminding them of the Rule. We invite business managers to remind members once more of the rules regarding disclosure of complaints.

The Committee's report can be read in full here:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/101204.aspx>

Yours sincerely

A handwritten signature in black ink that reads "Clare Adamson". The signature is written in a cursive, flowing style.

Clare Adamson MSP
Convener
Standards, Procedures and Public Appointments Committee