CONFIDENTIAL

Mr Scott Simpson

Reference: MSP/1846/15-16/20/DW

18 December 2015

Dear Mr Simpson

Public Standards

Code of Conduct for Members of the Scottish Parliament

Complaint against Sandra White MSP

I refer to your complaint form dated 6 December.

The procedure for dealing with a complaint about the conduct of an MSP is set out in Part 9 of Volume 3 the Code of Conduct for MSPs ("the Code"). Paragraph 9.9 requires me to notify the member who is the subject of the complaint. I will therefore be writing in early course to Sandra White MSP to inform her of the nature of your complaint. Please let me know by return if there is any reason why I should not disclose your name to her (in terms of paragraph 9.10 of the Code).

I am also required to consider whether your complaint is admissible, in terms of paragraphs 9.12 and 9.13 of Volume 3 of the Code. There are certain complaints which are excluded from my remit. These are set out in paragraph 9.1.6 of Volume 2 to the Code.

The use of an official computer or email account is governed by the Reimbursement of Members’ Expenses Scheme, in relation to which complaints are excluded under paragraph 9.1.6 (c). If you wish to pursue this aspect of your complaint, you should write to the Presiding Officer at the Scottish Parliament, Edinburgh EH99 1SP, with a request that it be addressed by the Scottish Parliamentary Corporate Body.

The first part of your complaint concerns what you perceive to be a prima facie breach of Section 74 of the Criminal Justice (Scotland) Act 2003. You have also mentioned a question about whether Sandra White is co-operating fully with Police Scotland. Criminal investigations are outside the scope of the Code and of my remit. If you wish to pursue these issues, I would suggest that they should be raised with Police Scotland. Breach of a statutory provision, were that to be established, could be relevant in terms of paragraph 5.1.1 of Volume 2 of the Code. Paragraphs 5.1.1 and 5.1.2 are part of the section dealing with Lobbying and Access to MSPs. I intend to make an assessment of whether your complaint is admissible under one or other of those provisions of the Code.

Commissioner for Ethical Standards in Public Life in Scotland

Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE

T: 0300 011 0550  E: info@ethicalstandards.org.uk  W: http://www.ethicalstandards.org.uk
I am not aware that there are any other provisions in the Code which address your complaint about bringing the Parliament into disrepute. The paragraph to which you have referred in Volume 3 is purely for guidance. It is not therefore something which can form the basis of a complaint which I can investigate. However, if you consider that I have failed to take account of any aspect of your complaint, please let me know as soon as possible.

If you wish me not to inform Sandra White of your name when sending her notice of the nature of your complaint, please contact me no later than **Monday, 21 December 2015**.

You can write to me at:

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

or email investigations@ethicalstandards.org.uk. Alternatively, you may telephone the Investigations Manager on 0131 347 3890.

Yours sincerely

Bill Thomson
Commissioner