

22 March 2023

Mr Richard Leonard MSP  
Convener  
Public Audit Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

Dear Convener

On 2 March 2023 I gave evidence to the Committee on the 2021/22 audit of the Commissioner for Ethical Standards in Public Life in Scotland. During the meeting, I was asked what an acceptable level of backlog would be, when the Commissioner's Office is compared with similar institutions. I agreed to respond in writing.

As I have reported, the Commissioner stated in his annual report that staff shortages "meant that a backlog of complaints persisted throughout 2021/22, and this remains an ongoing issue." I also noted that the complaints backlog at the end of 2021/22 has significantly increased compared to 2020/21. The Commissioner's Office is currently reporting on its website that it can take up to eight months to conduct an initial assessment of a complaint.

Direct comparison with similar institutions is difficult. Similar bodies to the Commissioner's Office in Northern Ireland and Wales for example, vary in size, scope and nature of activity. In Scotland, the Commissioner's Office covers complaints made against members of the Scottish Parliament as well as local authority councillors, lobbyists and members of public bodies (Exhibit 1 of my report). It also oversees the appointments of people to public boards in Scotland. In Wales and Northern Ireland, perhaps the closest comparators, complaints relating to members of parliament, councillors and services are handled by different bodies.

I have, however, referred to the [UK Parliament's latest annual report of the Independent Complaints and Grievance Scheme \(ICGS\)](#), which covers the year from 1 July 2021 to 30 June 2022. This gives some limited benchmarking information (page 36), which shows that the Commissioner Office compares favourably to the Senedd Commissioner for Standards in Wales when looking at average length of investigation. It appears that this analysis only covers members of parliament complaints for Wales however, as councillor complaints are handled by the Public Services Ombudsman for Wales, not included in the benchmarking. No comparator information is provided for Northern Ireland. This benchmarking does not cover the backlog of cases, but rather the cases already concluded.

My team has considered the annual reports for the comparator bodies in Wales and Northern Ireland. Information and performance indicators are presented differently, but in overall terms, it appears that similar bodies elsewhere in the UK have also experienced increased workload pressures in recent years. As I have reported, the Commissioner's Office acknowledges and is seeking to address its increased backlog of cases. The Committee may wish to explore with the Commissioner.

The Committee also raised the high number of complaints raised with the Commissioner's Office in 2021/22 which were not pursued further and asked whether up to date figures are available. These figures will be compiled for the 2022/23 annual report and accounts and will be subject to audit later in the year. I will continue to monitor the performance of the Commissioner's Office, with a view to further public reporting in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Boyle', with a long horizontal flourish extending to the right.

Stephen Boyle  
Auditor General for Scotland