



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Independent Review of Complaints**

### **Terms of reference**

To consider and report to the Scottish Parliamentary Corporate Body (SPCB) on the current process for recommending and agreeing sanctions on MSPs by the Scottish Parliament in relation to complaints in respect of their conduct, whether any reform is necessary to ensure the process is, and is seen to be, impartial, fair and transparent and commands the confidence of the public and the Parliament and what any such reforms could be.

Consideration should focus, in particular, on:

- How best to aid or promote consistency and proportionality in considering, recommending and agreeing to sanctions.
- Whether a scheme or hierarchy of sanctions, or relevant factors, or something similar, would support the desired outcomes, and if so, recommendations that would inform a draft scheme or list of relevant factors.
- How best to ensure fairness in the process, and the appearance of fairness, including the opportunity for the Member to engage with the sanctions process.
- Lessons that can be learned from other relevant legislatures.

The question of how to conduct the review and respond to the terms of reference will be for the review lead to determine. The review lead will have access to parliamentary service staff, as required, to answer questions, provide further information and guidance (on matters such as context and the practical implications of any recommendations).

The outcome of the review will be a report to the SPCB, by the end of 2025, with interim updates as agreed. It would then be for the SPCB to consider the report's recommendations, including referral, as the SPCB determines, to any other Parliamentary bodies, most likely the Standards, Procedures and Public Appointments (SPPA) Committee, for their consideration. It would be for the SPPA Committee to make any recommendations to the Parliament on changes to the Code of Conduct and/or Standing Orders.

### **Person specification**

The SPCB is therefore seeking an individual to lead a review ("the review lead") of the Scottish Parliament's sanctions process, to ensure public and political confidence.

**Skills/Abilities** – The review lead will have the ability to operate in a political environment, and produce comprehensive reports, with clear, actionable

recommendations. The review lead will have demonstrable credibility and integrity, and the ability to command the confidence and respect of senior stakeholders

**Experience** – The review lead will have substantial experience of operating at a senior / executive level in the public sector, and experience of leading reviews of policy and procedures, in particular where the legal and procedural landscape is complex.

**Knowledge** – The review lead will have knowledge of the political context in Scotland and the Scottish Parliament. It would be advantageous for the review lead to have knowledge of how the conduct of elected representatives and supporting complaints processes are managed, alongside knowledge of Nolan Principles of standards in public life or similar ethical principles.