



The Scottish Parliament  
Pàrlamaid na h-Alba

**Standards, Procedures and Public Appointments Committee**

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Dear James,

Thank you for your letter of 12 March, which lodged a formal complaint against Mark McDonald MSP with the Committee.

The Committee considered your complaint this morning and agreed to refer it to the Commissioner for Ethical Standards in Public Life. The Committee also noted that the complaint had been publicised through the media.

The Committee's remit is concerned with MSPs' conduct and it has no locus on the broader duty of care of the SPCB with regard to building users. I have referred your letter to the SPCB in order for it to consider those issues.

I attach my full statement following this morning's deliberations.

Yours sincerely

Clare Haughey MSP  
Convener  
Standards, Procedures and Public Appointments Committee

## **Statement made by Clare Haughey, Convener of the Standards, Procedures and Public Appointments Committee on 15 March 2018**

The Committee has agreed that I will make a short statement setting out our current consideration of the rules regarding sexual harassment and the recent complaint made to the Committee by James Dornan.

The Committee is currently conducting an inquiry into whether the MSP Code of Conduct is fit for purpose when dealing with complaints about sexual harassment and inappropriate conduct.

There is still some way to go with our inquiry, but there appears to be an early consensus that a more robust process is required.

There needs to be recognition of the sensitivities required when handling such cases and for there to be fairness to everyone concerned.

And any new process will also have to try to reconcile openness and transparency, with privacy and a duty of care towards potentially vulnerable people.

Against the backdrop of reviewing our existing procedures and the Code of Conduct I will now turn to the letter of complaint from Mr Dornan.

Under the Commissioner's Act, the Committee may refer certain complaints to the Commissioner for Ethical Standards in Public Life for investigation. Broadly speaking, the role of the Commissioner is to independently establish the facts of a complaint. The Committee will then consider whether it agrees with the Commissioner's findings and any question of sanctions.

We believe this is the most appropriate way of handling this complaint. The Commissioner is resourced to carry out this type of investigatory work, although we appreciate the sensitivities associated with this unique area. We do not think it would be appropriate for the Committee to undertake its own investigation and there is no procedure or precedent for the Committee to do so.

We understand that due process must be followed and this will take time regardless of who carries out the investigation. It is in no one's interest that this process becomes drawn out. We are confident the Commissioner will recognise this.

We have therefore agreed today that we will issue a direction to the Ethical Standards Commissioner to conduct an investigation into this complaint.

It is clear that there will be considerable ongoing interest in this case and in the investigation process. The Committee will not make any further public comments until we have considered the Commissioner's report.

In order to ensure a robust outcome, proper processes must be observed. The Commissioner must be allowed to carry out this investigation without any

interference. It will be for the Commissioner to determine what evidence is relevant and necessary for the investigation.

We also believe it is necessary to draw attention to another aspect of this situation. The Code of Conduct states—

“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.”

The Committee reminds all Members of this requirement. The Rule covering disclosure is important because it allows investigations by the Commissioner and the Committee to be conducted fairly and without external influence.

The Committee admonished a member earlier this session for a breach of this Rule and all business managers were reminded accordingly.

I thank Members for their contribution today.