



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 31 May 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 31 May 2018

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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
11th Meeting 2018, Session 5

CONVENER

*Clare Haughey (Rutherglen) (SNP)

DEPUTY CONVENER

*Patrick Harvie (Glasgow) (Green)

COMMITTEE MEMBERS

*Tom Arthur (Renfrewshire South) (SNP)

*Jamie Halcro Johnston (Highlands and Islands) (Con)

*Tom Mason (North East Scotland) (Con)

*Elaine Smith (Central Scotland) (Lab)

*David Torrance (Kirkcaldy) (SNP)

*attended

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 31 May 2018

[The Convener opened the meeting in private at 09:35]

10:44

Meeting continued in public.

Complaint

The Convener (Clare Haughey): We move to agenda item 2 of the 11th meeting in 2018 of the Standards, Procedures and Public Appointments Committee. The committee has been considering a complaint about a member of the Scottish Parliament. I will now read out a statement that sets out the committee's findings.

On behalf of the committee, I would like to make the following statement in relation to a complaint against an MSP. In accordance with the rules, I will first cover whether the committee agrees with the Commissioner for Ethical Standards in Public Life in Scotland's findings in fact and conclusions on the complaint.

The committee has considered a complaint about Liz Smith MSP from complainers whose identity has not been disclosed at their request. The complaint centres on Liz Smith's disclosure of information that was sent to her on a confidential basis by the complainers.

The Commissioner for Ethical Standards in Public Life in Scotland investigated the complaint and found that Liz Smith had not breached the code of conduct for MSPs. The committee is unanimous in the decision that it has reached on the complaint. It agrees with the conclusion of the commissioner that there has not been a breach of the code of conduct.

However, we differ from the commissioner on one significant finding. The commissioner took the view that Liz Smith was not dealing with the correspondence that was provided by the complainers in her role as an MSP. We take a different view on that point, because Liz Smith was approached in her capacity as a committee member, but we accept that that does not have a bearing on the commissioner's final conclusion in relation to the code of conduct.

Although the circumstances surrounding the complaint do not constitute a breach of the code of conduct, the complainers asked that the material

that they sent to Liz Smith be treated in confidence. Notwithstanding that, Liz Smith forwarded the material to a third party with whom the complainers were in dispute. We believe that Liz Smith should reflect on her decision to forward material that she had received in confidence to a third party with whom she had a long-standing professional relationship. It is our view that members of the public have a right to expect that MSPs will normally respect their wishes with regard to confidentiality. At a later date, we intend to reflect more fully on the provisions in the code of conduct relating to confidentiality.

Meanwhile, the committee urges all MSPs to carefully exercise judgment about how they handle information to which they have privileged access in the course of their role as MSPs, particularly when a conflict of interests arises.

Full details of the complaint and the commissioner's investigation of it will be included in the committee's report, which will be published later this afternoon.

We now move into private session to consider the report.

10:47

Meeting continued in private until 11:17.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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