OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 18 December 2025

Session 6

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Pàrlamaid na h-Alba

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Thursday 18 December 2025

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
COMPLAINT	2

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
26th Meeting 2025, Session 6

CONVENER

*Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

*Ruth Maguire (Cunninghame South) (SNP)

COMMITTEE MEMBERS

*Emma Roddick (Highlands and Islands) (SNP)
*Sue Webber (Lothian) (Con)
*Annie Wells (Glasgow) (Con)

*attended

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 18 December 2025

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Martin Whitfield): Good morning, and welcome to the 26th meeting in 2025 of the Standards, Procedures and Public Appointments Committee. Agenda items 4 and 5 relate to consideration of a report and consideration of amendments to standing orders. Under agenda item 1, do we agree to consider items 4 and 5 in private?

Members *indicated agreement.*

09:30

Meeting continued in private.

10:16

Meeting continued in public.

Complaint

The Convener: Under agenda item 3, I will make a statement about the decision of the Standards, Procedures and Public Appointments Committee on a report from the Commissioner for Ethical Standards in Public Life in Scotland about a complaint from Alison Morris against Ash Regan MSP.

The committee has carefully considered the report from the commissioner on a complaint that Ash Regan MSP breached the terms of the code of conduct in relation to the provisions of paragraph 9.1, regarding disclosure of a complaint or an intention to make a complaint.

The complaint related to a post made by Ash Regan MSP on the social media platform X, following comments made by Maggie Chapman MSP, following the publication on 16 April 2025 of the United Kingdom Supreme Court's judgment in the case For Women Scotland Ltd v The Scottish Ministers.

On 22 April 2025, Ash Regan wrote to the Presiding Officer of the Scottish Parliament in relation to those comments, questioning whether they were compatible with the code of conduct. In a subsequent post on X, Ash Regan posted a copy of that letter along with the following text:

"I've formally reported Maggie Chapman MSP to the Presiding Officer and Standards Committee following her dangerous dismissal of the Supreme Court's ruling on the Equality Act as a 'political attack'. MSPs have a duty to uphold the law, not undermine it."

The committee has considered carefully the commissioner's report, representations made by and on behalf of Ash Regan to the commissioner and to the committee, and the terms of the code of conduct. The committee considers that the actions of Ash Regan MSP, in posting on X about her letter to the Presiding Officer, are covered by the relevant provision of the code of conduct for MSPs. The relevant provision in paragraph 9.1 clearly applies to all members of the Scottish Parliament in relation to any complaint or intention to make a complaint.

The committee also considers that, in doing so, Ash Regan breached the terms of section 9.1 of the code. The committee considers that this post breached the terms of section 9.1 of the code of conduct. We are unanimous in this decision.

In her representations to the commissioner, Ash Regan asserted that not only did she not make a complaint but that she had no intention to make a complaint, noting:

"The correspondence cited is directed to the Presiding

Officer and the Parliament's Standards, Procedures and Public Appointments Committee, expressly reporting a concern, not a complaint. In the closing paragraph, I request advice rather than action ... When advised that I could escalate the matter as a formal complaint to the Ethical Standards Commission, I concluded such an escalation was better left to members of the public and I would continue to pursue the matter of parliamentary process through the committee effectiveness routes available to ensure that robust and transparent processes would be in place should such an issue arise again with any committee convenor or deputy convenor."

In representations to the committee, Ash Regan reiterated that position. The committee is not persuaded by the proposition set forth by Ash Regan that she did not intend to make a complaint. The letter includes statements such as "formally raising concerns" and

"respectfully request that this matter be considered by the relevant parliamentary authorities".

The letter also sets out Ash Regan's view that she considered Maggie Chapman's

"remarks to be incompatible with the standards of conduct expected of all MSPs and particularly of those in committee leadership positions."

The committee further notes that, as referenced in the commissioner's report, email correspondence to the Presiding Officer and to clerks to the committee referenced a "formal complaint."

The committee notes that neither the Presiding Officer nor the clerks to the committee expressed a view as to whether the letter did or did not amount to a complaint. This approach is consistent with the determination of admissibility of any complaint being a matter for the authority responsible for taking such decisions.

The committee considers that any objective reading of the letter, covering emails and social media post would be that there was, at the very least, an intention to make a complaint about the conduct of Maggie Chapman MSP.

The representations on behalf of Ash Regan, including those on the commissioner's draft report, also contend that section 9.1 of the code does not apply, on the basis that the code regulates complaints about members and not complaints by members. It is argued that the relevant provision in paragraph 9.1 applies only to members who are the subject of a complaint and therefore

"had no application to Ms Regan as the potential or intended complainer."

It is said that, in the event, that does not represent the true meaning of section 9.1 and that the section is ambiguous and, as such, lacks the necessary precision for any interference with freedom of expression.

The interpretation of the code set out in the representations made on behalf of Ash Regan, on the commissioner's report, does not accord with our approach to section 9.1 or that expressed by our predecessors in earlier sessions. The committee considers the relevant provision in section 9.1 to be clear and unambiguous in its application to all MSPs.

The purpose of the code of conduct is to set

"out the standards of conduct for members of the Scottish Parliament in relation to their Parliamentary duties as an MSP."

As such, the provisions in section 9.1 do apply to complaints by members.

The representations for the member argue that the code is holding members to a different standard to that which applies to members of the public. The committee considers that the purpose of the code is important in this regard, as it sets standards that are for members of the Scottish Parliament and it does not have an overall purpose of regulating the conduct of members of the public in general.

As with the other provisions of the code of conduct, section 9.1 has been agreed by the whole Parliament as a standard of conduct to which its members are held. The relevant provision in section 9.1 of the code of conduct does not prevent a member from expressing their political opinions. In this case, the committee notes that section 9.1 did not prevent, or would not prevent, the member from expressing her opinions in relation to matters of public debate or other elected representatives. Such matters are not the objective of this provision.

The relevant provision in section 9.1 is specific to the complaints process, including the commissioner's investigations at stages 1 and 2. Section 5(2) of the Scottish Parliamentary Standards Commissioner Act 2002 requires that stages 1 and 2 of the complaints process take place in private.

More particularly, this provision seeks to prevent members from disclosing any complaint or intention to make a complaint with members of the press or other media. This provision is aimed at protecting the integrity of the system for investigation and consideration of complaints about MSP conduct, a matter to which the effective conduct of the commissioner's investigations and the position of all those involved in the complaints process are relevant. In so far as section 9.1 imposes a restriction on members' conduct, it goes no further than is necessary for that purpose.

The committee has concluded that the breach of the code of conduct in this instance was sufficiently serious to merit the recommendation of a sanction.

The committee referred to the range of sanctions available to it, where a withdrawal of a member's rights and privileges is contemplated, as set out in paragraph 69 of the guidance on section 9 of the code of conduct.

On the basis of the facts and circumstances of this case, the committee determined that the most appropriate sanction available to it was exclusion from the proceedings of the Parliament for a specified period of time.

I propose that the appropriate sanction in this case would be exclusion from meetings of the Parliament and its committees on two sitting days, with those days being a Wednesday and a Thursday.

Is the committee in agreement?

Members *indicated agreement.*

The Convener: That concludes the public part of the meeting.

10:26

Meeting continued in private until 10:34.

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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