OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 5 March 2026

Session 6

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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	**1**
SUBORDINATE LEGISLATION	**2**
Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353)	2
ETHICAL STANDARDS COMMISSIONER	**8**

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
8th Meeting 2026, 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

THE FOLLOWING ALSO PARTICIPATED:

Ian Bruce (Ethical Standards Commissioner)
Graeme Dey (Minister for Parliamentary Business and Veterans)
Iain Hockenhull (Scottish Government)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 5 March 2026

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Martin Whitfield): Good morning and welcome to the eighth meeting in 2026 of the Standards, Procedures and Public Appointments Committee. Annie Wells is joining us remotely.

Our first agenda item is a decision on whether to take item 5, which is consideration of the evidence that we will hear from the Ethical Standards Commissioner, in private. Are members content to take that item in private?

Members *indicated agreement.*

Subordinate Legislation

Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353)

09:00

The Convener: Our next agenda item is consideration of the Representation of the People Act 1983 Remedial (Scotland) Order 2025, which is subject to the affirmative procedure.

We have an opportunity to take evidence from the Minister for Parliamentary Business and Veterans before we go on to consider whether to recommend to the Parliament that the Scottish statutory instrument be approved.

I welcome to the meeting Graeme Dey, Minister for Parliamentary Business and Veterans, who is joined today by Scottish Government officials Iain Hockenhull, who is head of elections, and Lorraine Walkinshaw, who is a solicitor.

I invite the minister to make a short opening statement.

The Minister for Parliamentary Business and Veterans (Graeme Dey): Good morning. The order that is before us today responds to a European convention on human rights compliance issue that has been identified in relation to voting rights for Scottish Parliament elections.

Section 3A(3) of the Representation of the People Act 1983 prohibits some people who have been detained on mental health grounds related to criminal justice from voting in elections in the United Kingdom. This is a blanket ban that is similar to the one that used to be in place for prisoner voting. The Scottish Government considers that the changes made by this order are required for convention compliance ahead of the election on 7 May 2026.

The order makes minor changes to maintain consistency with the exceptions made for prisoner voting in 2020. A person who has been detained on a mental health ground but sentenced to 12 months or less will be able to vote. A person who has been charged or convicted of criminal conduct but has received a mental health detention rather than a prison sentence will be able to vote only if the maximum sentence or sentences possible would have amounted to 12 months or less.

A further category that has been granted voting rights is that of persons who are subject to a temporary compulsion order. For these people, there has not yet been any finding of fact as to the alleged conduct in their case. They are therefore in a similar situation to remand prisoners, who are currently able to vote in all UK elections. Similarly,

persons who are subject to guardianship orders retain the right to vote, as these orders do not permit detention.

The order came into force on 19 November last year but applies only to elections between 7 May 2026 and 28 February 2030. This is intended to ensure that affected people can vote in the Scottish Parliament election and subsequent by-elections, and also that a full consultation can be held on the matter, with the next Parliament considering a permanent change to the law.

Although I will not be returning as Minister for Parliamentary Business and Veterans after the election, members will recall that I wrote to the committee on 30 January, highlighting a number of proposed topics for a public consultation on electoral reform ahead of future possible legislation.

In summary, the order makes limited changes that are considered necessary for ECHR compliance ahead of May's election. It is subject to a sunset clause, as it is considered that the next Parliament should reach a settled view on the law in this area.

I am happy to take any questions.

The Convener: I am grateful for your opening remarks, minister. Before I turn to questions and comments from committee members, I want to clarify something.

We are talking about the election that is happening in nine weeks' time, but this order came into effect in November last year, so there has been an understanding among the Electoral Commission and the wider electoral community of the intentions. Therefore, it is not a change that will be implemented when this SSI passes through the chamber, should it do so. Is that correct?

Graeme Dey: Correct.

The Convener: Therefore, subject to the SSI passing, there are no surprises for the coming election.

Graeme Dey: Absolutely. That was always the understanding, subject to the Parliament agreeing to the instrument. The order coming into effect in November last year has allowed work to be done in advance of this year's election. The creation of a relevant registration form is one example of that. There is dialogue with the electoral authorities because, clearly, there is work to be done to identify the nuts and bolts of how this works in practice. That work has been going on, subject to Parliament's approval.

Sue Webber (Lothian) (Con): I have a question, minister. In England and Wales, they have found a compromise: they do not let prisoners vote unless they are released on a temporary licence. Why did the Scottish Government not seek some sort of compromise, such as that presented?

Graeme Dey: With prisoner voting?

Sue Webber: Yes. This instrument is also about prisoner voting—these people are still detained.

Graeme Dey: The decision was reached in 2022 and predates my time. The Parliament voted for that position. In so doing, this anomaly arose, which we are now trying to address.

I am not trying to duck the question, but I was not in charge of, or involved with, the bill at the time. That decision was supported by Parliament a few years ago.

Sue Webber: I have a statement that I want to make later. Is that okay, convener?

The Convener: Absolutely. That is fine.

I have one further question with regard to the evidence received from the Royal College of Psychiatrists, which set out a number of areas on which it was seeking assurance. In particular, it stated that clear guidance and resources must be part of the process, which I think is acknowledged by the Government. Given that we are now nine weeks from the election, is that guidance in place? As far as you are aware, minister, has it been satisfactorily received by those who may have to be involved?

Graeme Dey: I will bring in Iain Hockenhull with the detail, but my understanding is that work has been done. The trigger for progressing all of the activity will be the signing off of the form and the passing of the SSI, if that is what Parliament decides to do. We have been engaged with the UK Government on the form, and I understand that the finalised version of it is currently with ministers in the UK Government.

Iain Hockenhull (Scottish Government): The new registration form, which is specifically designed around the group of people affected by the order, has been discussed with and prepared by the Electoral Commission. We have also discussed it with the UK Government. It has been revised as a result and it is currently with the UK minister, who has to give formal approval for this type of form.

On next steps, although we have had initial discussions with electoral registration officers, we would like to further discuss with them, and with colleagues who work on mental health policy, the appropriate hospitals and other agencies, such as the Mental Welfare Commission for Scotland, for communicating with and getting the message out to alert people, while not alerting the wrong people; that is, people who are not enfranchised by this

change. We do not want to create false hope. It is about getting the message across clearly.

The Convener: "False hope" might be an interesting phrase. Do we know how many individuals this order will affect?

Graeme Dey: We believe it to be in the region of 20 people. This is a very complex area, which is why I was reluctant to go for a permanent solution at this stage. As we are required to act for compliance reasons, we have come up with something that addresses the situation for the period of the election and allows the next Parliament to get into the detail so that we have a permanent solution that captures all the different strands.

The Convener: That is helpful.

Further, not that the next Parliament or Scottish Government would ignore it, but the sunset clause means that it will be in people's diaries and that it will be dealt with, along with a number of other electoral items that we have discussed in the past.

Graeme Dey: I will make a useful point here, for clarity. As part of considering the options that I had, I had informal discussions with the business managers of the other parties in the Parliament to get a view of what people considered the best way forward. The timing of the sunset clause came out of those discussions, in that it is sufficiently far away from the next election for the issues to be dealt with and, I hope, properly addressed in a permanent way.

The Convener: That was very helpful. Thank you.

As members have no more questions, we will move to agenda item 3, which is the formal debate on motion S6M-20958. Members will be aware that only the minister and members can speak in the debate on the motion, which I invite the minister to move.

Motion moved,

That the Standards, Procedures and Public Appointments Committee recommends that the Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353) be approved.—[*Graeme Dey*]

The Convener: Does any member wish to speak?

Sue Webber: I do, convener.

I will not be supporting this SSI today, because of my party's long-standing opposition to allowing prisoners to vote, regardless of the circumstances of their incarceration. Individuals who are imprisoned as a result of breaking the law should not be able to vote, and I would extend that view to prisoners in the general population, not just those in mental hospitals.

I would also remind the committee of a number of cases of prisoners convicted of serious offences being given relatively lenient sentences due to the soft-touch justice guidance implemented by the Scottish National Party. As a result of that, we might be allowing individuals convicted of such serious offences to participate in our democracy.

The capacity of individuals detained on mental health grounds needs to be considered, too. Indeed, the Royal College of Psychiatrists in Scotland has said that

"voting rights should not be contingent on additional, specific assessments of capacity".

At the very least, the committee should be given more detail on how capacity to vote will be assessed.

We have frequently been told that we need to allow prisoners to vote in order to comply with the ECHR. I think that, at this point, my position on the ECHR will be clear to the committee, but it is also worth highlighting the fact that the convention itself does not require prisoners currently serving custodial sentences to be given the vote, as is the case in Scotland. In England and Wales, a compromise was made, whereby prisoners released on temporary licence were permitted to vote, yet the SNP made no attempt to reach such a compromise here.

In summary, I do not think that the public elected any of us to enfranchise prisoners, and we do not need to agree to this SSI to comply with the ECHR. For those reasons, I will be voting against it today.

The Convener: If no other members wish to contribute, I invite the minister to respond.

Graeme Dey: I will be very brief, convener. I understand Ms Webber's position on this issue, but what we are dealing with is an anomaly in a law passed by this Parliament. The law is there; we have an issue that we need to resolve temporarily, the next Parliament can return to the matter in full and come to a permanent solution. Obviously, all members of the Parliament will be able to feed their views in at that point.

The Convener: I am grateful. The question is, that motion S6M-20958 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Maguire, Ruth (Cunninghame South) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Whitfield, Martin (South Scotland) (Lab)

Against

Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)

The Convener: The result of the division is: For 3, Against 2, Abstentions 0.

Motion agreed to.

That the Standards, Procedures and Public Appointments Committee recommends that the Representation of the People Act 1983 Remedial (Scotland) Order 2025 (SSI 2025/353) be approved.

The Convener: I now suspend the meeting for a changeover of guests.

09:13

Meeting suspended.

09:15

On resuming—

Ethical Standards Commissioner

The Convener: Our next item is evidence from Ian Bruce, the Ethical Standards Commissioner, on his annual report and accounts for 2024-25. Welcome back to the committee, Ian. I think that you have some opening words that you would like to say.

Ian Bruce (Ethical Standards Commissioner): Good morning. Thank you, convener and members, for the opportunity to provide evidence. I have prepared a brief opening statement, to ensure that there is as much time as possible for questions to me on the work of the office.

Given that this will be our last session together, I first acknowledge and set out for the record my gratitude to you, convener, and to the other members of the committee for your understanding and support for my office during this session of Parliament. We have come through a challenging period, but, thanks to the dedication and ability of the staff, we are in a very good place at this time, and we are also well placed to fulfil our role into the future.

This will come as no surprise to anyone, but I should highlight that the annual report that I am giving evidence on is fairly dated. Almost a year has passed since the financial year that it covers ended, so it might be helpful to provide a more up-to-date picture to the committee, to let you know how things are at the moment. As the committee will be aware, complaint numbers can provide an indication of the depth of feeling that the public might have about issues, but my office also provides statistical information on cases, which is a better indicator of workload.

In general, complaints and cases have increased again this year. For councillors and board members, up to the end of December—the first three quarters of the year—we have seen case numbers increase by about 65 per cent. For MSPs—I checked the figures for you this morning, because I know that this is of interest to the committee—up to the end of February, we have had 57 cases this year. So far, that represents a 148 per cent increase. Complaints about lobbying continue to be relatively rare. We have had only one case this year, which is being assessed, and that compares to two cases last year.

I am sorry to say that the majority of the complaints that we deal with continue to relate to incivility in public life. That is a pernicious and worrying trend, and I am working with other stakeholder organisations with a view to addressing it if we can.

In spite of rising complaints and case numbers, we have managed to bring down waiting times again over the same period. We are now consistently reaching a decision on admissibility within two months and completing investigations within six months on average, which is well inside our key performance indicators. We publish the most up-to-date figures on our website. In the previous quarter, on average, we took 42 days to assess councillor complaints and 21 days to assess MSP complaints. That has taken hard work and dedication from me and the staff, but we have also introduced a range of additional measures to improve our efficiency as an organisation.

That is the update. I am happy to take any questions that members might have.

The Convener: Thank you very much. I hope that, between us, we do not ruin our reputation in this meeting.

As usual, as the convener, I have the privilege of leaping in first. The directions that the Standards Commission for Scotland previously issued as a result of events that occurred have now expired. From your update today, and from the annual report for last year, there has been an improvement. A lot of people love dashboards showing green, orange and red. What is the risk of similar issues arising again?

Ian Bruce: Well—

The Convener: There will be a risk, but, in your view, how serious is it?

Ian Bruce: There will be none on my watch. As you know, public appointments are my wheelhouse, and the quality of appointments matters—that is the reality. As long as office holder appointments are well made and people get an appropriate induction, it should not happen again.

Notwithstanding that, I should point out that there are now a number of checks and balances in place that perhaps were not there at the time. I am thoroughly engaged with the advisory audit board, and I have regular—now quarterly—engagement with the Scottish Parliamentary Corporate Body on behalf of office holder services. I report to at least two subject committees—this being one of them—on arrangements that are in place for intelligence to be shared. If any red flags were to arise, I would expect this committee and others to be in touch with the SPCB.

The Convener: You have confidence that those lines of communication—that is, those by which red flags would be identified—are much stronger now than they were, say, five years ago.

Ian Bruce: Absolutely. The other thing to say is that there is now a threshold for whistleblowing to occur. That was not necessarily reached when the office was in the situation that it was in, but we have now introduced a code of conduct that applies to me, in my capacity as commissioner, as well as to all staff. If staff have any concerns about the way in which I conduct myself—that is, if my conduct is not compatible with the code of conduct—they have a direct reporting line to the chair of our advisory audit board, who, clearly, will have an in to the SPCB. That is another line of defence that was not in place previously.

The Convener: That is very reassuring.

Something that I know exists—you have certainly updated it more than once—is the investigations manual. What benefits has that brought? Does everyone know what will happen with investigations now?

Ian Bruce: Indeed. It means that everything is handled in a consistent way. There are very clear guardrails in place.

Those with an interest—not just complainers, but those subject to a complaint—can look at the investigations manual to assure themselves that the office is handling a given complaint or case in an appropriate way. Over and above what is in the manual, we have introduced a whole raft of new quality assurance measures, including external validation.

The other good thing about the manual is that it is not static; we are a learning organisation, and we are committed to continuous improvement. Perhaps I can give you a simple example relating to the previous update. I am not responsible for carriage of hearings, but I will occasionally call witnesses, and it was highlighted to me that it would be helpful if I familiarised those witnesses with what to expect in advance of a hearing, if it were going to happen. I now make a point of doing that, and it seems to be working out well. That is just an example of the sort of thing that we introduce when we update the manual.

The Convener: It is a bit of a living document that reflects experience.

Ian Bruce: It is, absolutely.

The Convener: Excellent. I call Sue Webber.

Sue Webber: Commissioner, I want to ask about the funding that you operate with currently. You are fully funded by the SPCB, but I see that there was a decision to surrender £80,000 to the corporate body. How has not just the £97,000 underspend but the surrendering of that £80,000 to the corporate body impacted on your financial position over the past year? What has been the overall impact on you and how you function?

Ian Bruce: Things are going absolutely fine this year. We get a monthly financial forecast from the finance team, which the senior management team

looks at. We are acutely aware of all the spending that goes on at a really granular level.

As for last year's underspend, I have a responsibility to secure best value. If I am able to make savings in a year, I will do so, and if I am in a position to surrender funds back to the SPCB, because I have not spent what I expected to, I will do that, too. An awful lot of that particular underspend was attributable to the fact that I decided not to fill a post but to use some contractors instead, so the spend involved was on a short-to-medium-term basis, rather than on a post and all the associated on-costs. We also spent less on legal fees, because we are now handling an awful lot of stuff that used to go outside for legal advice. Indeed, far and away the majority of that sort of thing is being handled in-house these days.

Sue Webber: That is very fiscally prudent of you, commissioner. I am not going to disagree with your approach.

In your introductory remarks, you mentioned the increase in activity. It all sounds as if things are ramping up and that there is quite a lot of pressure on your office. What operational or budgetary challenges are you expecting over the next year, and how is your office planning to respond to them?

Ian Bruce: You will probably have seen from our risk register that one of the risks for us is that all the staff are moving on to a 35-hour working week. You will be able to do the sums yourself, but it is the equivalent of a post being lost.

I have been working alongside the staff for well over a year, now, in anticipation of that, because I do not have all the answers and it is the people on the front line who usually know best where efficiencies can be made and gained. We have been working as a team to improve our productivity in all sorts of areas, and that is what we have done.

Sue Webber: Can you share any specific examples of that?

Ian Bruce: Yes. First, we have moved on to SharePoint and Office 365, which gives us the advantage of access to Copilot. It is a form of artificial intelligence—a large language model—but, in the version that we use, any prompt or information we feed it does not enter the public domain and is fully protected within the office. That has been particularly helpful for our research.

We have also introduced a duty investigating officer role that rotates around the investigating officers, and that has improved efficiency quite markedly. In effect, we assess complaints that come in on a live basis—

Sue Webber: That helps with turnover and speeds everything up.

Ian Bruce: It does speed everything up, but it also means that case allocation happens more quickly than previously, and we can also get out to people immediately if they are not providing us with very good information.

To be honest with you, I must say that AI, which I have mentioned, is a phenomenon, and it is presenting us with a bit of a challenge with regard to what comes to us these days. Instead of waiting, we are able to contact people immediately and say, "We don't understand what this complaint is. Can you clarify it?" The fact that we can do that in real time instead of taking a bit of time to do it is speeding things up, too.

Those are just a couple of examples. I have many, many other examples of things that we have put in place.

Sue Webber: If the move to a 35-hour week is, as you said, the equivalent of losing one full-time post, are you seeking to bring in another head?

Ian Bruce: No—I have planned for it. As I said, I am responsible for securing best value. I knew that we would be doing this, and, in our budget, we have come in under inflation for the coming year.

Sue Webber: Perhaps more people need to take a look at how you work, commissioner.

The Convener: I think that what you are saying is that redesigning things and increasing efficiency are allowing you to move to the 35-hour week, which effectively means the loss of a head. However, you have experienced bubbles of complaints in the past, and you had a real problem getting people on board to process them, because of the training required, the time that needed to be taken and the skill sets that your investigators need. Where does any concern that you might have in that respect sit on the dashboard?

Ian Bruce: I have mentioned the investigations manual. One of the things that we asked our internal auditors to do—we have internal as well as external auditors—was to look at our entire complaint-handling procedure. We are going to get them to do another deep dive into that at the end of this financial year. They identified that there was nothing in the manual to deal with the sorts of supercomplaints, as we call them, that we had in the past. We developed some processes when we received those complaints, and we have now formalised them and are ready for any spike that might occur. We know how to deal with it, we have procedures in place for it, and I feel that I have sufficient capacity to deal with it.

Obviously, it is up to me to allocate resource appropriately. Inevitably, if we have such a spike,

it might take us longer to do an initial assessment and to carry out an investigation, but I would expect all stakeholders to have a measure of empathy in that respect. However, it is incumbent on me to ensure that we can meet those particular challenges as and when they come our way.

The Convener: That is excellent. I call Ruth Maguire.

09:30

Ruth Maguire (Cunninghame South) (SNP): Good morning. I am struck by what you said about expecting stakeholders to have empathy if there was a hold-up. One of the stakeholders will be the elected person who is being complained about. You said that the average time that is taken to assess a complaint is 21 days. Can you share with the committee what the longer figures would be?

Ian Bruce: That varies considerably, depending on the nature and complexity of the complaint. The 21-day period is for initial assessment, and that is for complaints about MSPs. We reach a decision on whether the complaint is admissible within that period. Far and away the majority of cases in this year to date—almost all, bar one—have not been admissible. We tell members in a single letter, "We've assessed this complaint. This is the name of the person. This is what they said about you. We don't believe it's admissible, for these reasons."

Ruth Maguire: Is that letter the first contact that they have from you? They do not sit waiting to hear from you.

Ian Bruce: Yes, that is the first contact. That was a policy decision that I took. I know that we could take alternative routes, such as letting somebody know as soon as a complaint comes in. However, the nature of the complaints that come to me is such that they can frequently be quite nasty. As I have said, these days, some are AI generated, and it might be not entirely clear what they are complaining about. I need to understand precisely what they are complaining about, and I take care of that behind the scenes before I get in touch with a member. I would not want a member to receive notification of a complaint, to have no idea what it means and to be sitting for, say, three weeks waiting to hear from me. I would rather assess it properly and then get back to the member with the decision as quickly as possible.

Ruth Maguire: Thank you. That is helpful to hear.

Emma Roddick (Highlands and Islands) (SNP): When was that policy decision made and when did it come into effect?

Ian Bruce: As soon as I took up post as acting commissioner.

The Convener: In effect, at the beginning of this session.

Ian Bruce: Yes.

Ruth Maguire: In your opening statement, you gave us some numbers on the volume of cases. You also spoke about complaints being about incivility and that being a big issue. Can I ask for your reflections on what factors are influencing trends in MSP complaint numbers? What do you think is driving that?

Ian Bruce: I wish that I could tell you. I have interrogated the cases for this year, but there is not a single answer. Quite a few of the complaints are excluded. For example, people complain about things that they see and hear in the chamber, which is a problem. Those are not complaints for me to deal with; fundamentally, they are for the Presiding Officer to deal with.

A general observation would be that politicians should lead by example, and they do not always do so. If we expect the public to behave towards their elected representatives with civility and respect—I see an awful lot of evidence of that not happening, which is highly problematic—there is a trickle-down effect.

Ruth Maguire: When a citizen complains to your office about something that has happened in the chamber or in committee, does your office direct them to the correct place to make a complaint?

Ian Bruce: Of course. We always direct people to the appropriate authority for them to complain to. We also signpost sources of support when it looks as though it is appropriate to do that.

Ruth Maguire: You spoke about being a learning organisation and continuing to improve. Can you talk about any plans, changes or priorities that you will be acting on this year to improve the complaints process?

Ian Bruce: I mentioned that we have taken up external validation—that is going on.

My particular priority at the moment is not so much the process—I think that we are handling the process very well; we learn on a regular basis and update the manual accordingly—as the work that I am doing with other stakeholders, which is important. Those stakeholders include the likes of the Convention of Scottish Local Authorities, Police Scotland, the Jo Cox Foundation and, obviously, the Standards Commission. We are drawing together an action plan to address incivility in public life. That is less about the efficiency of the organisation and more about trying to tackle the root cause of some of those behaviours.

Ruth Maguire: Can you give us a flavour of that action plan and work?

Ian Bruce: Sure. To give you a simple example, we are going to gather the demographic data of complainers and respondents. Anecdotally, we all know that, for example, women are subject to more inappropriate behaviour than men. However, we do not have the data to demonstrate that. We hope that people will co-operate in that respect at the point of complaining or responding to a complaint. That will allow us to give a more accurate picture of what is going on out there in relation to types of complaints, who is being complained about and who is complaining. That is one of the practical steps that I can take.

I am also working with other bodies, such as the Public Services Ombudsman for Wales and the Northern Ireland Public Services Ombudsman, and with colleagues at Westminster in the House of Lords and the House of Commons. That is about sharing good practice in relation to complaint handling; it is less process driven and more about higher-level activity.

Ruth Maguire: MSP complaint handling times are not included in the 2024-25 report. Do you intend to provide that data in future years?

Ian Bruce: Of course. I will happily do that. I am sorry—that is an omission.

Ruth Maguire: Can you give us an update on handling times just now?

Ian Bruce: Yes. The handling time for initial assessment was 21 days in the last quarter, and it was six months for an investigation.

Ruth Maguire: Do you think that the six-month investigation time is acceptable? Would you seek to improve on that?

Ian Bruce: Of course. I introduced KPIs for the office when I came in, and I consulted this committee—and everyone else—on them at the time. They are in the manual. We report quarterly on our website. It is a bit like being in the supermarket, when you want to know how long the queue is and how long you will have to wait. Since I came into post, all those times have come down remarkably and markedly. However, that does not mean that I am going to rest on my laurels. If I can find ways of doing things more quickly than I currently do, I certainly will.

Ruth Maguire: Forgive me, convener, if colleagues intend to come on to this later, but the committee has been concerned about the lack of support for MSPs once they are complained about. I appreciate that that is not your responsibility, Mr Bruce, but I would imagine that you have a view on it, given your role. Do you feel that a corporate employee helpline is the appropriate place for an MSP to get support, given the public-facing nature of their role, the nature of complaints, and their impact on an MSP, who has to keep the issue private and confidential?

Ian Bruce: I have a very strong view on it. I wrote to the SPCB to say that I thought that support was lacking.

Ruth Maguire: When did you write to the SPCB about that?

Ian Bruce: Two years ago. However, I had been in discussions with staff for about a year—more or less, since coming into the role—before writing formally to say, “There’s a lacuna here, and it’s concerning.”

Dame Laura Cox, who conducted the review at Westminster, identified that there was a lack of support. Members there have the independent complaints and grievance scheme, but we have nothing equivalent here, and it worries me. It worries me particularly with regard to departing members, who will have nothing.

I cannot offer a view on whether the corporate helpline is sufficient. It would depend on the quality of the service that is provided, which I have never assessed. Certainly, something should be in place for members, former members, complainers and witnesses—in particular, for anyone who has been subject to bullying and harassment-type conduct. There we are. I hope that that is sufficiently clear.

Ruth Maguire: It was helpful to get that on the record. Thank you.

The Convener: I think that it is right to say that one of the early changes that you brought in was to clarify in the letter that MSPs receive, notifying them of a complaint, where exactly the duty of confidentiality—and privacy, to pick up on Ruth Maguire’s term—lies. Subjectively speaking—I think that I am correct in this—I would say that there continues to be a deep misunderstanding among MSPs of the nature of that relationship when it comes to confidentiality.

Ian Bruce: Yes, and, again, that was based on the committee’s views. I listen. I know that I am not subject to direction or control, but I listen, and if we can improve things, we will certainly do so.

For what it is worth, I have been in touch with the clerk of the committee on this. You will be familiar with Rosemary Agnew’s recent report, but one of the recommendations in it that it was appropriate for me to take forward was to do better in signposting sources of support. I have been in touch to say that I am happy to amend our template letters for members again, to highlight where they can find support, although I repeat that I am not in a position to judge the quality of such support.

The Convener: The challenge that I think sits beneath Ruth Maguire's question, and which I will make explicit, is that the level of support is inadequate, given the nature and complexity of what is being dealt with and the expectation that it will always be someone else who will have to pick it up, rather than its being the responsibility of any group, corporation or whatever.

Given that you have just touched on Rosemary Agnew's report, I hope that it is all right with members if I come to Annie Wells next, as she has some questions relating to that. I will then come back to our other questions.

Annie Wells (Glasgow) (Con): Good morning, commissioner. Can you hear me? I do not know whether I have been unmuted.

Ian Bruce: Yes, I can.

Annie Wells: Okay. Do you have any reflections on the independent review of the MSP complaints and sanctions process that you would like to share with us? Has anything been highlighted to you?

Ian Bruce: As I have said, I read the report with interest. I assisted Rosemary Agnew with her review, and I think that I am content with it, to an extent, in as much as she seemed relatively happy with the way in which we were handling complaints ourselves as an organisation.

My overarching observation is that it looks as though there is a lack of consistency in complaint handling generally, and that is problematic both for members of the public and for those who are the subject of complaints. If the Parliament does not currently have a manual for handling investigations, I am more than happy to provide advice and guidance on how one might be developed, but people should know what to expect in such situations. The more clarity that you can provide, the better, from my perspective.

Annie Wells: I think that you are absolutely right. However, although the review's recommendations are likely to assist you in investigating complaints against MSPs, the fact is that timescale is important, too. We know that the process can take 18 months or two years, sometimes, or just three or four months. Why is there such a difference? Is it because of complexity?

Ian Bruce: There is certainly complexity, but, with regard to MSP complaints, I can speak only to my own period in office. Clearly, there were challenges early on, but we are now in a position in which I really would not expect a complaint investigation to take much more than six months, and it would usually take less than that. The complaints that it might take longer to investigate would be those that would involve an awful lot of witnesses and a lot of testimony requiring to be gathered, but those are vanishingly rare.

Annie Wells: Right. I have one last question, if you do not mind, convener.

The Convener: Please go on.

Annie Wells: Ruth Maguire touched on this—why are MSPs not given the support that they need? I was on the other side of the complaints system a few years back. Why are MSPs not given the support that they need when the complainer gets whatever support they need?

09:45

Ian Bruce: I am not sure that complainers do, but, notwithstanding that, I agree that the lack of support for members is highly problematic. To reiterate the point, I feel that complainers, respondents and witnesses—all the people who are subject to inappropriate conduct—should have access to appropriate support. I believe that it is incumbent on the Parliament to provide it. It is the Parliament's code of conduct, which sets out its expectations.

You will be familiar with this from prior evidence sessions, but my office requires all my people, and me personally, to act with empathy, kindness and respect, so it is very important that we hold up our end of the bargain. Why there is no support for people who find themselves in such situations is, frankly, beyond me.

I will speak briefly to what is probably the worst-case scenario. You may remember what happened in the Carl Sargeant case. An elected member was accused of something, and whether or not those accusations were well founded, they found themselves in a position in which, fundamentally, they took their own life. The coroner was pretty clear about the fact that a lack of pastoral support for that individual led to those circumstances. That is not good enough.

If you will excuse me for saying so, members have some guiding principles in this place; they are on the mace, and one of them is compassion. Show some.

Annie Wells: Absolutely. Thank you.

Ruth Maguire: I do not want to labour this too much, as it could look like self-interest, because we are a group of MSPs. It is very unique that in a workplace—and this is our workplace—if you are accused of wrongdoing, everything just disappears. Here, party support and parliamentary support will disappear. That is pretty unique, and it is not just, is it?

Ian Bruce: No, it is not. I am sorry; I am extemporising again. I hope that you will forgive

me. One of the points that I have been making very publicly recently is that the impact of incivility and those types of behaviours is damaging for our democracy—it seriously is. If women, as respondents or complainers, are being subjected to more of that kind of conduct than others—and we know that they are—why on earth would they want to stay in such a position? Why would they want to put themselves forward for such a position if there is no support for them when they find themselves in those circumstances? It is self-evident from my perspective that that support should be there.

If you want a thriving democracy and want all those voices around the table—which you should, because that leads to better decision making—you should make politics an attractive proposition.

The Convener: I have a curious question. I am asking this deliberately because I am genuinely curious about the answer. The time that it takes to investigate a complaint against an MSP is around six months. Will you talk through the anatomy of why it takes six months? Is it amazing that it takes only six months? Will you give us a timetable?

Ian Bruce: We do not investigate that many MSP cases, as you will be aware. I could certainly get more precise figures.

The Convener: It is more about the story.

Ian Bruce: Sure. There are complicating factors. Members sometimes decide to take legal advice. We want to resolve complaints as quickly as possible, so we set deadlines for members and usually say that we would like them to respond to the initial complaint within two weeks. Those deadlines are then extended because of legal advice or because members say, "Now is not a good time." Sometimes, a law firm becomes involved, which can extend the time because there is a back-and-forth between us and the law firm. People must have an opportunity to make representations on a complaint, and I need to take time to carefully consider any representations that are made and amend the report if I feel that that is appropriate.

Those are the factors that add up. The investigation itself does not necessarily take six months; the length of time results from the other factors around it.

The Convener: Therefore, although six months seems a long time, when you divide it into the two-to-four weeks to get a first response and a clarification, and then the thinking time, the actual investigation and the decision-making time, it is quite easy to see how you get to six months relatively quickly, even though people look at it from the outside and go, "Six months? Surely you can't take that long." However, you are striving to bring down that time as much as possible.

Ian Bruce: For sure. I have been asked about the annual report, and I think that there has been an omission, so I commit to providing more granular detail. I can set out how long each complaint took to investigate and so on. I am happy to do that, because it is not onerous.

Emma Roddick: Can I clarify the figures? Does the six months that it takes to complete an investigation include determining admissibility as well as the actual—

Ian Bruce: No. The six months is the overall period.

Emma Roddick: If an investigation is needed to determine admissibility, how long does that currently take?

Ian Bruce: It takes 21 days, which is included in the six months.

Emma Roddick: Okay.

The Convener: Are those 21 days a set requirement?

Ian Bruce: No. That is just how long it currently takes. In the most recent quarter, up to December—we publish the figures on our website—it took us an average of 21 days to reach a decision on admissibility for an MSP complaint. We want to reach those decisions more quickly, but some cases stretch out the time. More often than not, we say, "No, that is not admissible," and we explain why.

The cases that stretch the time out are those in which a complainer submits 200 or 300 pages but it is unclear what they are complaining about and we then engage in a back-and-forth with them. That is why we introduced the duty IO role: we sometimes do not understand what they are complaining about. That is why such cases take longer—we are not reaching a view; we are determining the exact complaint and what we can potentially do about it, if anything.

The Convener: In your opening statement, you mentioned that you have had only one lobbying complaint this year. The lobbying register and the Lobbying (Scotland) Act 2016 have been around for a long time, and you have been responsible for dealing with lobbying complaints. Is the system working brilliantly? Do people not understand it? Can you open up on the strange area of lobbying complaints? It is amazing that there appears to have been only one lobbying complaint.

Ian Bruce: I would love to give you an answer, but it would be pure conjecture on my part. I like to base my decisions on evidence. I get so few complaints about lobbying, so I do not have the

evidence to answer your question. It could be that everything works remarkably well, but I genuinely do not know.

As you will be aware, organisations do research in that area. The committee might want to look at what Transparency International thinks about the lobbying system in Scotland, because I am sure that it will have views.

The Convener: In the early days of this committee, lobbying was certainly an area that we pressed the Government to express a view on, so it might be an issue that we return to in the next parliamentary session.

Emma Roddick: On public appointments and oversight, there have been some fluctuations in the numbers of open appointment rounds, reappointments and extensions to appointments, compared to the numbers in previous reports. What factors are involved in that?

Ian Bruce: I am going to simplistic about it, but it is to do with churn as much as anything. We regulate appointments to 800 spaces. Under the code, you are allowed a maximum eight-year term, so, inevitably, there will be more reappointments in some years, because people are usually appointed for a three or four-year term and can then be reappointed if they still meet the board's needs. More often than not, people are reappointed. When people come to the end of their term, they need to be replaced, so there are spikes in activity in some years and there is less activity in others. This year, appointment rounds are up about 30 per cent. That really is just about replacing board members regularly.

Emma Roddick: There has been a rise in satisfaction levels for public appointments adviser involvement. How do you intent to maintain or even improve on that?

Ian Bruce: We have been doing that for a very long time, and we maintain that and improve on it by gathering the data and, whenever someone says, "Actually, I wasn't very happy about X, Y or Z," having a constructive discussion with the adviser to ensure that they understand why there was a drop in satisfaction in respect of their input and what we can do about that in the future.

We have a very good, productive working relationship with the Scottish Government and the Scottish ministers. Complaints about non-compliance with the code of practice are vanishingly rare. They are very committed to doing the right thing and making appointments on merit.

Emma Roddick: That is good. The "State of the Nation: Diversity in Public Appointments" report shows that the number of female applicants and appointees is above the target, but the same cannot be said for disabled and black and minority ethnic appointees. How do you reflect on those findings, and what comes next with regard to improving those figures?

Ian Bruce: It is fair to say that we have made an awful lot of gains, and not just in my time in office. Since the first public appointments commissioner in Scotland took up their post, we have seen incremental increases, and we have adopted a number of measures that have made those even better. For example, female representation was stuck pretty much at 35 per cent for a very long time, but, alongside the Government, we introduced the core skills framework, which allowed ministers to be more exacting about what they want on boards. In turn, that led to more diversity, which was helpful.

Other measures can be and are taken. For example, disabled representation or reflection is problematic, so I granted what is known as a code variation request, which means that panels can go for a guaranteed interview scheme whenever they want to, in the hope of increasing representation.

The last diversity strategy was published in 2008, but not all of its recommendations were implemented. The committee will remember that there was an international financial crisis at the time, so the focus on board diversity was not as high as it might otherwise have been, and there just was not the resource to implement some of the recommendations. That is why I am engaged in a refresh of the strategy, and we are bringing forward more recommendations. Some of these things will have to be done on a regional and national basis, because a lot of my influence at the moment is on an appointment-round-by-appointment-round basis.

From the last annual report, you can see that we are making small incremental gains with respect to all the protected characteristics, but, if we want to drive quicker improvement, we will need to do more strategic work around things such as attraction—helping people to understand what these roles involve and that they are not just for one type of person, and that, actually, they are capable of fulfilling such a role.

We had our latest steering group meeting yesterday—I am on that group, but we also have a director general from the Government—and we were talking about the framework for the next strategy, the measurements of success that we will be looking for, and additional actions that we will be looking for not just officials but boards themselves to implement in order to drive further progress.

10:00

Emma Roddick: Within that, do you expect any changes to targets or the way in which things are monitored?

Ian Bruce: I am ambivalent about targets. The legislation allows us—well, the commissioner—to introduce them, but my concern is that they have the propensity to drive tokenism, and I want everyone to think about diversity quite differently. People tend to think of it in terms of protected characteristics. Now, the Equality Act 2010 is in place, and it ensures that people are not discriminated against. When you apply for a role, the process that you go through should be fair to you, regardless of whichever protected characteristic you have. In other words, no matter whether you are female, have a declared disability, are from a black or minority ethnic background or whatever, you should experience a fair process. You should not be discriminated against.

It is important that we continue to monitor how people get on through that process, but my concern about setting targets is that they could give the wrong impression, because it is diversity of thought, experience and so on that we are looking for to ensure that boards are effective. A board might look diverse, but the people on it might have very similar perspectives and backgrounds, which is not what we want. I do not want to drive a system in which people think, "Well, the board needs to look diverse," and that becomes more important than diversity of thought, experience and background and more important than merit.

Therefore, I am quite cautious about targets, and I am not sure whether we will have them in the future. However, we will continue to monitor how people get on through the process, to ensure that it is fair.

Emma Roddick: What are the pros of targets?

Ian Bruce: They can encourage people to think, "We need to do something." For example, if a board is made up exclusively of men—which can happen in sectors where men are overrepresented—having a target can, in theory, drive the organisation, and the individuals involved in recruitment, to take positive action measures.

I am thinking of a male-dominated industry such as that related to, say, science, technology, engineering and mathematics—that type of thing. There are organisations—Equate Scotland would be a good example in this scenario—that you can go to and basically encourage women working in those sectors to make an application. Even if there are predominantly men in a certain sector, you can target women who might be able to fulfil a role on that board. It is therefore possible to drive positive action through targets.

My preference, though, would be to make recommendations about using positive action measures without necessarily attaching them to a target, because that will probably drive the activity and behaviour that we want to see and preclude the sorts of behaviours that we do not want to see—that is, making appointments that are not based on merit but simply tick a diversity box.

The Convener: Thank you. I see that members have no more questions.

On behalf of the committee, I want to thank you for stepping up a number of years ago, staying around and certainly achieving a lot of what you had hoped to achieve. I know that you will continue to do that. Please extend my thanks, and the committee's thanks, to your staff, too. They are seen so very rarely, but I know that they are a phenomenal source of comfort and wisdom, while also holding you to account, which is important. Thank you very much.

Ian Bruce: Thanks very much, convener. I wish you all well for the future.

The Convener: Thank you. I now close the public part of the meeting.

10:04

Meeting continued in private until 10:42.

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