

STANDARDS AND PUBLIC APPOINTMENTS COMMITTEE

Wednesday 29 November 2006

Session 2

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STANDARDS AND PUBLIC APPOINTMENTS COMMITTEE 11th Meeting 2006, Session 2

CONVENER

*Brian Adam (Aberdeen North) (SNP)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Linda Fabiani (Central Scotland) (SNP)

Alex Fergusson (Galloway and Upper Nithsdale) (Con)

*Donald Gorrie (Central Scotland) (LD)

*Christine May (Central Fife) (Lab)

*Karen Whitefield (Airdrie and Shotts) (Lab)

COMMITTEE SUBSTITUTES

Lord James Douglas-Hamilton (Lothians) (Con)

Paul Martin (Glasgow Springburn) (Lab)

Alasdair Morgan (South of Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

Jennifer Smart

SENIOR ASSISTANT CLERK

Sarah Robertson

LOCATION

Committee Room 3

Scottish Parliament

Standards and Public Appointments Committee

Wednesday 29 November 2006

[THE CONVENER opened the meeting at 13:00]

Item in Private

The Convener (Brian Adam): Welcome to the 11th meeting of the Standards and Public Appointments Committee in 2006. I remind folk to switch off their mobile phones. We have apologies from Alex Fergusson.

Agenda item 1 is to agree whether to take in private item 3, on our draft report into the complaint at item 2. That is normal practice with draft reports. Is that agreed?

Members indicated agreement.

Complaint

The Convener: Agenda item 2 concerns a report from the Scottish parliamentary standards commissioner into a complaint against Alasdair Morison, the MSP for the Western Isles. The complainant is a Mr Keith Craig, a constituent of Mr Morrison.

Mr Craig sought assistance from Mr Morrison in several matters involving NHS Western Isles. Mr Craig's complaint is that, in taking up the case, Mr Morrison breached the code of conduct for MSPs when he used Mr Craig's name in correspondence to the chairman of Western Isles NHS Board. Mr Craig states that he understood that Mr Morrison had agreed that Mr Craig would not be named in any correspondence. Following Mr Morrison's involvement in the case, Mr Craig sought an explanation from Mr Morrison's office on the matter of privacy. Mr Craig was not satisfied with the timeframe within which he received the full explanation.

The standards commissioner has interviewed Mr Craig, and two colleagues who accompanied him to the meeting with Mr Morrison. There is no dispute that Mr Craig's name appeared in correspondence sent by Mr Morrison. However, the standards commissioner states in his report:

"there is conflicting evidence as to whether assurances were sought and given that anonymity would be preserved".

The various accounts of the meeting are reproduced in the commissioner's report.

The standards commissioner finds that he is

"unable at the end of the day to say what exactly occurred and what explains the discrepant evidence. Having assessed the evidence in this case, I find it impossible to decide the questions of reliability and credibility with confidence. I am satisfied however that Mr Morrison did not deliberately disregard a request for anonymity; and I am not satisfied that he gave an assurance at the meeting that anonymity would be provided."

The commissioner concludes that Mr Morrison's conduct does not constitute a breach of sections 2.4 or 2.5 of the code of conduct for MSPs.

Having examined the commissioner's report and the various accounts of the meeting in September 2005, the committee feels that it is not possible to be clear-cut about the event as the participants' own accounts are confusing. The committee feels that if anonymity was so vital to Mr Morrison proceeding, that point should have been made strongly at the meeting and would surely then have been recalled by all parties to the meeting. However, Mr Morrison could have been more explicit in his action in determining whether anonymity was required in this instance. Notwithstanding those observations, the

committee feels that Mr Morrison's actions were not a deliberate act with the aim of inflicting injury on a constituent.

The committee has also examined the circumstances set out in the commissioner's report surrounding the delay in responding to the complainer. The committee notes that Mr Morrison accepts responsibility, and notes also the commissioner's conclusion that the circumstances did not constitute a breach of the code. The committee accepts the commissioner's findings on the facts of the complaint and agrees with his conclusion that Mr Morrison did not breach the code of conduct for MSPs. It is intended that the committee's report—which will include the commissioner's report—be produced by the end of this week.

13:04

Meeting continued in private until 13:06.

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