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The Scottish Parliament and the Ethical Standards Commissioner

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The Ethical Standards Commissioner is an independent regulator appointed by the Scottish Parliamentary Corporate Body, approved by MSPs and underpinned by legislation. This briefing explains the role of the Ethical Standards Commissioner, its functions and its relationship with the Scottish Parliament.

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Summary

The Ethical Standards Commissioner (ESC) is an independent statutory officeholder supported by the Scottish Parliamentary Corporate Body (SPCB). The Commissioner is one of nine independent officeholders directly accountable to the Scottish Parliament.

The post was established on 1 July 2013 by the Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013, which amended the Scottish Parliamentary Commissions and Commissioners etc. Act 2010. The Commissioner investigates complaints about the conduct of Members of the Scottish Parliament (MSPs), local authority councillors, members of devolved public bodies, and lobbyists. The Commissioner also regulates appointments to the boards of public bodies in Scotland.

Ian Bruce is the current Ethical Standards Commissioner, having been appointed in March 2023, following a period as acting Commissioner from April 2021. The post is held on a single, non-renewable, full-time term of six years.

The Commissioner is appointed by the SPCB and must be formally approved by MSPs. Oversight of the ESC's budget, resources, and terms and conditions of appointment rests with the SPCB, while scrutiny of the ESC's policy functions sits primarily with the committees of the Scottish Parliament. In recent sessions, the Standards, Procedures and Public Appointments Committee has scrutinised the ESC's functions relating to MSP conduct, public appointments, and lobbying, while functions relating to the conduct of local authority councillors have typically fallen within the remit of the committee responsible for local government. The ESC's Annual Report and Accounts are laid before the Parliament each year.

Background and establishing legislation

The framework for ethical standards in public life in Scotland was established incrementally through a series of Acts of the Scottish Parliament. The Ethical Standards in Public Life etc. (Scotland) Act 2000 was the first Act within the framework, introducing Codes of Conduct for local authority councillors and members of devolved public bodies and creating both the Standards Commission for Scotland and the post of Chief Investigating Officer, whose role was to investigate complaints about alleged contraventions of the relevant code of conduct.

The Scottish Parliamentary Standards Commissioner Act 2002 extended this framework by establishing a Scottish Parliamentary Standards Commissioner, responsible for investigating alleged breaches of the Code of Conduct for Members of the Scottish Parliament and reporting findings to the Parliament. The following year, the Public Appointments and Public Bodies etc. (Scotland) Act 2003 created the Commissioner for Public Appointments in Scotland, with responsibility for regulating devolved public appointments (such as ministerial appointments to the boards of devolved public bodies).

The Scottish Parliamentary Commissions and Commissioners etc. Act 2010 marked a significant rationalisation of these arrangements. It established the Commission for Ethical Standards in Public Life in Scotland, comprising two members: the Public Standards Commissioner for Scotland and the Public Appointments Commissioner for Scotland. The functions previously held by the Chief Investigating Officer and the Scottish Parliamentary Standards Commissioner were transferred to the Public Standards Commissioner, while responsibility for regulating devolved public appointments passed to the Public Appointments Commissioner. The three predecessor offices (the Chief Investigating Officer, the Scottish Parliamentary Standards Commissioner, and the Commissioner for Public Appointments in Scotland) were subsequently abolished. The 2010 Act also sought to standardise the accountability and governance arrangements of officeholders and bodies supported by the SPCB, including the Standards Commission and the two new Commissioner posts (see Governance and scrutiny relationship with the Scottish Parliament for further information).

A further consolidation took place in 2013. The Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013 abolished the separate posts of Public Standards Commissioner and Public Appointments Commissioner and dissolved the Commission for Ethical Standards in Public Life in Scotland. In their place, a single unified post — the Commissioner for Ethical Standards in Public Life in Scotland, known as the Ethical Standards Commissioner (ESC) — was established with effect from 1 July 2013.

The ESC's remit was subsequently expanded by the Lobbying (Scotland) Act 2016, which conferred additional functions to investigate complaints about lobbyists and report to the Parliament.

Table summarising the legislation conferring functions on the Ethical Standards Commissioner

Note: the table lists the original conferring legislation for reference, not all of which remains in force.

Legislation	Function conferred
Ethical Standards in Public Life etc. (Scotland) Act 2000	Investigation of complaints about councillors and members of devolved public bodies; relationship with the Standards Commission
Scottish Parliamentary Standards Commissioner Act 2002	Investigation of complaints about MSPs; reporting to the Standards, Procedures and Public Appointments Committee
Public Appointments and Public Bodies etc. (Scotland) Act 2003	Regulation of public appointments to the boards of public bodies in Scotland
Scottish Parliamentary Commissions and Commissioners etc. Act 2010	First consolidation of the Commissioner's functions into the Commission for Ethical Standards in Public Life in Scotland, comprising two members
Public Services Reform (Commissioner for Ethical Standards in Public Life in Scotland etc.) Order 2013	Second consolidation of the Commissioner's functions into the current unified post
Lobbying (Scotland) Act 2016	Investigation of complaints about lobbyists' compliance with registration requirements

Functions of the Ethical Standards Commissioner

Complaints about Members of the Scottish Parliament

The ESC's functions in relation to the conduct of MSPs are set out in the Scottish Parliamentary Standards Commissioner Act 2002.

The ESC's primary functions in relation to MSPs are to investigate whether a member has committed conduct that amounts to a breach of a relevant provision, and to report the outcome of that investigation to the Parliament. The ESC may also give procedural advice to MSPs or members of the public about how to make a complaint and what happens after a complaint is submitted.

The ESC does not, however, advise on whether any particular conduct would constitute a breach of a relevant provision, nor express views on the provisions themselves outside the context of a specific investigation or report, unless directed otherwise by the Parliament.

What constitutes a relevant provision

A "relevant provision" is any provision that was in force at the time the conduct in question is alleged to have occurred, drawn from: the Standing Orders of the Scottish Parliament; the Code of Conduct for MSPs; the Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999; or any act or instrument made under section 39 of the Scotland Act 1998 (on members' interests).

Provisions of the Code of Conduct for MSPs relating to sexual harassment by a member of their own staff are treated as having been in force from 24 February 2000, the date of the first edition of the Code.

Excluded complaints

Complaints that fall within a class excluded from the ESC's jurisdiction by Standing Orders or the Code of Conduct are known as "excluded complaints" and are not investigated by the Commissioner. For example, complaints about Members' conduct in the Chamber are considered excluded complaints and investigated by the Presiding Officer of the Scottish Parliament. However, the Parliament may direct the ESC to investigate an excluded complaint, specifying the relevant provisions and any information to be taken into account, and may direct the ESC to treat such a complaint as admissible.

Parliamentary directions

The Parliament may give the ESC directions as to procedural matters (including how investigations are to be conducted and what matters should be reported on) and the Commissioner is required to comply. In practice, these directions are given by the

Standards, Procedures and Public Appointments Committee. These directions can be general — applying to investigations as a whole — or can set different procedures for particular classes of complaint, such as anonymous complaints. The Parliament can also direct the ESC to report on a specific complaint, for example its progress or the reasons for its dismissal. However, the Parliament cannot direct the ESC on the substance of how any particular investigation is carried out (for example, what evidence to accept or what conclusion to reach).

Investigations

Every investigation proceeds in up to two stages, each conducted in private. At any time, the ESC may report to the Parliament on the progress of an investigation.

Stage 1: Admissibility

The ESC first determines whether a complaint is admissible by applying three tests.

1. The first test (relevance) requires that the complaint concerns the conduct of an MSP, is not an excluded complaint (or has been directed for investigation), and that the conduct complained of, if established, might amount to a breach of a relevant provision.

2. The second test (specified requirements) requires that the complaint is made in writing by a named individual, identifies the member concerned, and sets out the relevant facts along with any supporting evidence.

3. The third test (whether further investigation is warranted) requires that initial investigation reveals sufficient evidence to suggest the conduct complained of may have taken place.

If the complaint satisfies all three tests, the ESC proceeds to Stage 2, notifies the Parliament, the complainer, and the MSP. If the complaint fails the first or third test, the ESC dismisses it and informs the relevant parties with reasons. Where a complaint passes the first test but does not meet the specified requirements, the ESC must, before dismissal, report to the Parliament with a recommendation, and await a direction from the Parliament on how to proceed.

If the Stage 1 investigation is not concluded within two months of receipt of the complaint, the ESC must report to the Parliament on its progress.

Stage 2: Substantive Investigation

At Stage 2, the Commissioner investigates whether the member committed the conduct complained about and whether that conduct breached a relevant provision. Findings of fact are made on the balance of probabilities. If the investigation is not completed within six months of the admissibility decision, the Commissioner must report to the Parliament on progress.

Reporting to Parliament

At the conclusion of a Stage 2 investigation, the ESC submits a report to the Parliament (via the Standards, Procedures and Public Appointments Committee) containing details of the complaint, an account of the investigation, findings of fact, and a conclusion as to whether a relevant provision has been breached together with the reasoning. The report does not express any view on sanctions.

Before a report concluding that a named MSP has breached a relevant provision is submitted to the Parliament, the MSP must be given a copy of the draft report and an opportunity to make representations. Any representations not reflected in the final report must be annexed to it.

The Parliament is not bound by the ESC's findings or conclusions, and may direct the ESC to carry out further investigations. Typically, these directions are made by the Standards, Procedures and Public Appointments Committee (see The role of the Standards, Procedures and Public Appointments Committee for further information).

Withdrawal of complaints

A complainer may withdraw a complaint at any time before the final report is submitted. The consequences differ depending on the stage reached.

During Stage 1, withdrawal results in the investigation ceasing, with the MSP informed accordingly.

During Stage 2, withdrawal triggers a more involved process. The MSP is informed and invited to submit views on whether the investigation should continue. The ESC then determines whether to recommend to the Parliament that the investigation should nonetheless proceed. If no such recommendation is made, the investigation ceases. If a recommendation is made, the Parliament decides by direction whether the investigation should continue or be concluded. In all cases, the complainer's reasons for withdrawal may be conveyed by way of a summary.

Procedural issues with regards to complaints

All investigations are conducted in private. The ESC notifies the MSP at the outset that a complaint has been received, informs them of its nature, and (unless it would be inappropriate) discloses the complainer's name. In practice, the ESC notifies the MSP that a complaint has been received once the ESC has reached a decision on whether it is admissible (Stage 1). Where the MSP has not been named in the complaint or the complainer is anonymous, provisions relating to notification apply only to the extent practicable.

Powers to call witnesses and documents

The ESC has statutory powers to require any person to give evidence or produce documents relevant to an investigation, subject to the same limitations that apply to the Parliament's own powers under section 23 of the Scotland Act 1998. Individuals retain the right to decline to answer questions or produce documents on the same grounds as would be available to them in Scottish court proceedings, and Scottish Law Officers and procurators fiscal may similarly decline in accordance with the Scotland Act 1998.

Requirements to give evidence or produce documents are imposed by formal written notice specifying what is required, by when, and on what subjects. The ESC may administer oaths, and it is a criminal offence (punishable by a fine or imprisonment of up to three months) to refuse to take an oath when required, to fail to attend or answer questions as directed, or to alter, suppress, conceal, destroy or withhold required documents, though a reasonable excuse may constitute a defence in certain cases. All information obtained in the course of an investigation is strictly confidential and may only be disclosed to the extent necessary to discharge the ESC's statutory functions or in connection with the investigation or prosecution of a criminal offence.

The role of the Standards, Procedures and Public Appointments Committee

In practice, under the Standing Orders of the Scottish Parliament, directions to the ESC that the Parliament is empowered to give under the 2002 Act (including directions on admissibility, the continuation or cessation of an investigation following withdrawal of a complaint, and the investigation of excluded complaints) are given by the Standards, Procedures and Public Appointments Committee. Directions are formally signed by its Convener on the Committee's behalf. Similarly, all reports that the ESC is required or permitted to make to the Parliament under the Act are made to the Standards, Procedures and Public Appointments Committee rather than to the Parliament as a whole.

The Standards, Procedures and Public Appointments Committee also has a role in scrutinising the ESC's exercise of functions (see Scrutiny of functions by parliamentary committees).

Complaints about Councillors and members of devolved public bodies

The Ethical Standards in Public Life etc. (Scotland) Act 2000 assigns to the ESC responsibility for investigating complaints that councillors across Scotland's 32 local authorities, or members of bodies listed in schedule 3 of the 2000 Act, have breached their respective Codes of Conduct. The schedule 3 bodies include health boards, further education colleges, regional transport partnerships and health and social care integration joint boards.

On completing such an investigation the ESC submits a report to the Standards Commission for Scotland. The Standards Commission then decides whether to direct the ESC to carry out further investigations, hold a Hearing, or take no action.

Performance of these functions is scrutinised by Scottish Parliament committees (see Scrutiny of functions by parliamentary committees).

Regulation of public appointments

The ESC is responsible for regulating and monitoring the process by which Scottish Ministers make appointments to the boards of public bodies in Scotland. The ESC's functions in this area are set out in the Public Appointments and Public Bodies etc. (Scotland) Act 2003 ("the 2003 Act"). Performance of these functions is scrutinised by the Standards, Procedures and Public Appointments Committee (see Scrutiny of functions by parliamentary committees).

The Code of Practice

The ESC is required to prepare, publish and keep under review a Code of Practice governing ministerial appointments to the public bodies and offices specified in schedule 2 to the 2003 Act (the "specified authorities"). The Code sets out the methods and practices to be followed by Scottish Ministers when making or recommending appointments, including how vacancies are to be publicised, how applications are to be encouraged, and the basis on which Ministers are to consider candidates.

The ESC may revise the Code and must, both when preparing it and when making any revision, consult the Parliament and Scottish Ministers and invite representations from other persons. The ESC is also responsible for promoting compliance with the Code and may issue guidance to Scottish Ministers (either generally or in a particular case) on what compliance requires.

Examination of appointments and investigation of complaints

The ESC is required to examine the methods and practices employed by Scottish Ministers in making or recommending appointments to the specified authorities and, where considered appropriate, to examine the making of any individual appointment or recommendation. The ESC also investigates complaints arising from the making of appointments or recommendations to the specified authorities. Scottish Ministers are required to provide the ESC with such information as is reasonably required for these purposes.

Reporting material non-compliance to Parliament

Where the ESC considers that the Code of Practice has not been complied with in a material respect, has brought that to the attention of Scottish Ministers, and considers either that compliance is unlikely to be achieved within a reasonable time or that the Code remains to be complied with after a reasonable time has elapsed, the ESC is required to report the case to the Parliament, together with any information the ESC considers appropriate to include.

In such cases, if the appointment or recommendation in question has not yet been made, the ESC may direct Scottish Ministers to delay making it until the Parliament has considered the case. Scottish Ministers are required to comply with any such direction.

Reports that the ESC makes to the Parliament under the 2003 Act are handled in accordance with the Parliament's Standing Orders. On receipt of such a report, the Clerk publishes notice in the Business Bulletin and refers the report to the Standards, Procedures and Public Appointments Committee. Where the ESC has indicated that information in a report is confidential, the Clerk is required to take all reasonable steps to prevent that information from being made public or from being made available to any member who is not a member of the Committee.

Where the ESC's report relates to a case in which a direction to delay an appointment has been given, the Standards, Procedures and Public Appointments Committee is required to consider the report and to report on it to the Parliament.

Equal opportunities and diversity

The ESC is required to exercise all functions with a view to ensuring that appointments to the specified authorities are made fairly and openly and that, so far as reasonably practicable, all categories of person are afforded the opportunity to be considered. In addition, the ESC must prepare and publish a strategy for ensuring that appointments are made in a manner that encourages equal opportunities and observance of the equal opportunity requirements as defined in the Scotland Act 1998. The strategy may include targets to that end. As with the Code of Practice, the ESC must consult the Parliament and Scottish Ministers before preparing the strategy or setting targets.

The strategy is known as the 'Diversity Delivers' strategy and was first published in 2008 by the then Commissioner for Public Appointments in Scotland. The ESC agreed diversity targets with the Scottish Government through its ‘Diversity Delivers’ strategy in 2008. This strategy is undergoing a review, assisted by the consultant group Leading Kind and a ‘State of the Nation’ report was published on 11 September 2025. The Commissioner plans to consult on the revised draft strategy during 2026.

Modification of the ESC's functions

Scottish Ministers may by order amend schedule 2 of the 2003 Act to add or remove specified authorities. Ministers may also confer additional functions on the ESC or remove existing functions in relation to appointments to those bodies, subject to prior consultation with the SPCB.

Complaints about lobbyists

The Lobbying (Scotland) Act 2016 requires that the ESC investigates complaints about lobbyists who have failed to register or provide certain information to the Scottish Parliament and, where there has been a contravention, to report to the Scottish Parliament.

Grounds for complaint

The ESC must investigate complaints that a person has failed, or may have failed, to:

- Register within 30 days of first engaging in regulated lobbying

- Provide accurate and complete information in a registration application
- Submit information returns as an active registrant
- Supply accurate and complete information in response to an information notice.

Admissibility

Before investigating, the ESC must assess whether a complaint is admissible. A complaint is admissible only if it satisfies three cumulative tests:

1. it must be relevant (appearing on its face to concern regulated lobbying activity and a potential compliance failure);
2. it must meet certain procedural conditions (submitted in writing by an identifiable individual, within one year of the complainant reasonably becoming aware of the conduct); and
3. it must warrant further investigation (sufficient evidence of a potential failure).

On receiving a complaint, the ESC must notify the subject of the complaint of its receipt and nature, and ordinarily of the complainant's name, unless disclosure would be inappropriate.

Where a complaint meets the relevance test but fails a procedural condition, the ESC may be required to report to Parliament before proceeding, and Parliament may then, under section 24 of the Lobbying (Scotland) Act 2016, direct the ESC either to dismiss it or to treat it as meeting those conditions. If a complaint is inadmissible, the ESC must dismiss it and notify both parties with reasons.

If the ESC has not completed the admissibility assessment within two months, a progress report to Parliament is required.

Investigation

Once a complaint is found admissible, the investigation must be conducted in private, with the aim of making findings of fact on the balance of probabilities. The ESC has powers to require witnesses to attend and produce documents, whether within or outside Scotland, subject to privileges analogous to those recognised in Scottish court proceedings. Giving evidence on oath is required where the ESC so directs; refusal and non-compliance are criminal offences carrying fines up to level 5 of the Standard Scale or up to three months' imprisonment.

If the investigation is not completed within six months of the admissibility finding, the ESC must report progress to Parliament.

Reporting to Parliament

On completing an investigation, the ESC submits a report to Parliament setting out the complaint, findings of fact, and any representations made by the subject of the report. Before submitting, the ESC must share a draft with the subject and allow them the opportunity to make representations. The report must not make any reference to a measure which the Parliament can take under section 40 of the Lobbying (Scotland) Act 2016 (i.e., censure or no action).

Parliament is not bound by the ESC findings and may direct further investigation under section 27 of the Lobbying (Scotland) Act 2016. Following receipt of a final report, Parliament may either censure the person who is the subject of the report or take no further action.

Withdrawal of complaints

A complainant may withdraw their complaint at any stage before the final report is submitted. Where withdrawal occurs during an active investigation, the ESC must consult the subject of the complaint before recommending to Parliament whether the investigation should continue or cease. Parliament has the final decision on continuation.

Other procedural matters

The ESC may not advise prospectively on whether proposed or past conduct would constitute a compliance failure, except in the context of a formal investigation. Information obtained during assessments and investigations is subject to strict confidentiality, with disclosure permitted only for the ESC's statutory functions or for criminal investigation or prosecution purposes.

Parliament retains a general power under section 31 to issue directions to the ESC. The ESC is obliged to comply with any such direction, which may cover procedural matters, circumstances in which the ESC may or must suspend or cease an investigation, and requirements to report to Parliament on specific aspects of the ESC's functions. Parliament may not direct the ESC on how any particular investigation is to be carried out.

Rule 3C.1 of the Standing Orders of the Scottish Parliament permits the Standards, Procedures and Public Appointments Committee to make directions to the Ethical Standards Commissioner, on behalf of the Parliament, under sections 24 (relating to admissibility of complaints), 27 (relating to the Parliament directing further investigation) , 28 (relating to withdrawal of complaints) or 31 (relating to other complaint procedural matters) of the Lobbying (Scotland) Act 2016. The Standing Orders provide that a direction is given by the Committee to the ESC if it is signed by the Convener or Acting Convener.

Under section 41 of the Lobbying (Scotland) Act 2016, Parliament is required to set out by resolution (i.e., a formal decision agreed to by a majority of MSPs in the Chamber) its own internal procedures for handling reports submitted by the ESC. This covers how reports are received, how Parliament considers them (including any further investigation it may order), how directions to the ESC are to be given, and the process for reviewing or appealing a censure decision.

Lobbying resolutions

Under the Standing Orders, the Standards, Procedures and Public Appointments

Committee has sole responsibility for bringing lobbying resolution motions. These are motions that seek, by resolution, to:

- modify the schedule of the Lobbying (Scotland) Act 2016, which sets out the types of communications which are not regulated lobbying, under the power in section 1 of that Act;
- make provision about Part 2 of the Act, under the power in section 15, which may include modifying sections 4 to 14 — covering the operational detail of the lobbying register, such as the duties of the Clerk who maintains it, the obligations on those applying to register or already registered, and how the register and its information are managed day to day;
- make provision about information notices, under the power in section 20; or
- make provision about the procedure to be followed when the ESC submits a report to the Parliament under Part 3 of the Act, as required by section 41.

Rule 3C.2 of the Standing Orders provides for the procedure for parliamentary resolutions under the Lobbying (Scotland) Act 2016.

Only members of the Standards, Procedures and Public Appointments Committee may give notice of or move such a motion, and no amendments to such a motion are permitted. Any motion must set out in full the text of the provision to be made or changed. Before making any such resolution, Parliament must first consult Scottish Ministers. Once lodged, the motion is published and referred to the Delegated Powers and Law Reform Committee, which has up to 22 days to consider it (excluding dissolution or recesses of more than four days). The Delegated Powers and Law Reform (DPLR) Committee's role is to assess whether the motion raises any issues that would normally be flagged in the context of subordinate legislation under Rule 10.3 of the Standing Orders. The DPLR Committee must report its conclusions, with reasons, before the process can continue. Parliament cannot vote on the motion until at least seven days after the DPLR Committee report. The resolution is formally made when the motion is moved by a member of the Standards, Procedures and Public Appointments Committee and approved by Parliament.

Governance and scrutiny relationship with the Scottish Parliament

Terms of appointment and oversight by the Scottish Parliamentary Corporate Body

The SPCB supports independent officeholders such as the ESC. Their terms and conditions of appointment and annual budget are set by the SPCB.

The Scottish Parliamentary Commissions and Commissioners etc. Act 2010 standardised the accountability and governance arrangements for officeholders and bodies supported by the SPCB. The Act introduced a range of provisions governing the tenure and conduct of officeholders, including the ESC.

These included a single term of office of up to eight years, with removal possible on two grounds each requiring a two-thirds vote of all MSPs, and restrictions on future employment lasting until the end of the following financial year, with scope for variation subject to SPCB approval. The SPCB was given powers to determine restrictions on officeholders holding other posts, to continue setting remuneration, and to approve the appointment of staff and their terms and conditions. Regarding finances, the SPCB is required to meet properly incurred expenses and must approve expenditure proposals, budgets (which must be prepared before the start of each financial year) and any payments made to appointed advisers.

Officeholders are required to lay a strategic plan before Parliament, preceded by a draft submitted to the SPCB for comment. Officeholders must also produce annual reports, the form and content of which the SPCB may direct. The SPCB also holds powers of direction over the location of offices, the sharing of premises, staff, services and other resources, and witness expenses, and is responsible for designating an accountable officer.

The Parliament agreed to the appointment of Ian Bruce as Commissioner for Ethical Standards in Public Life in Scotland on 26 January 2023. The term of appointment for the current Ethical Standards Commissioner, Ian Bruce, was set by the SPCB at 6 years. The appointment began during March 2023 and is due to end in 2029. The Ethical Standards Commissioner published its current Strategic Plan for 2024 to 2028 on 28 March 2024.

Scrutiny of functions by parliamentary committees

The written agreement between the SPCB and officeholders sets out the role of parliamentary committees in scrutinising the performance of functions of officeholders, such as the ESC.[i] The agreement states:

i This agreement may be updated during Session 7.

> “ Scottish Parliamentary committees hold officeholders to account, in the exercise of their functions, on the Parliament’s behalf. Committee work related to officeholders can include the scrutiny of annual and strategic reports prepared by the supported bodies, which are referred to the relevant committee(s) by the Clerk/Chief Executive. It is for committees to decide the frequency and level of scrutiny they undertake in relation to how the officeholders within their respective remits carry out their duties. Committees should ensure their engagement with officeholders is meaningful and effective as an important part of ensuring their accountability to the Scottish Parliament. Committees do not have a governance role in respect of officeholders, although they may consider governance arrangements as part of their scrutiny work. Committee scrutiny work focusses on how officeholders are carrying out their functions at a high level and is not intended to review, direct or control specific decisions or actions. These are properly matters for officeholders.”
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> The Scottish Parliament

Rule 3A.6 of the Standing Orders of the Scottish Parliament provides that the annual report or strategic plan of an SPCB-supported body shall be referred by the Clerk to the committee within whose remit the subject matter of that document falls. In practice, this means that matters in the ESC's annual report or strategic plan relating to MSPs, lobbying, and public appointments will be referred to the Standards, Procedures and Public Appointments Committee. Matters relating to the investigation of complaints about local authority councillors will likely be referred to the Session 7 Social Justice, Housing and Local Government Committee.

During Session 7, the Public Audit Committee's remit was expanded following the Parliament's agreement to Motion S7M-00270, which added matters relating to the performance of Parliament-established officeholders to its remit. The Finance and Public Administration Committee's remit was expanded by the same motion to include the consideration of the formation and budgets of officeholders. As a result, the Public Audit Committee and Finance and Public Administration Committee may also consider matters relating to the Ethical Standards Commissioner during Session 7.