



SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER

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From the Commissioner, Dr J A T Dyer OBE

PRESS NOTICE – PUBLICATION OF ANNUAL REPORT

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LAST REPORT FROM FIRST PARLIAMENTARY STANDARDS COMMISSIONER

Publishing his annual report for 2007/08 today, the Commissioner, Dr Jim Dyer, said:

“This will be my last annual report, as my second and final 3-year term will reach its limit in March 2009. It has been a most interesting challenge to be Scotland’s first Parliamentary Standards Commissioner. In my time to date, I believe that I have, with the help of others, which I gratefully acknowledge, done whatever I can to establish the post, and the policies and procedures necessary for its successful operation. I have laid a lot of stress on an information strategy - the role cannot operate to best advantage if the public do not have clear and accurate knowledge of it.

When the Parliament, early on in its life, chose a method of dealing with conduct complaints, it laid great store by having an independent investigator, but there are at times pressures that potentially constrain that independence. In my report I have encouraged my successors to be vigilant to protect the independence of operation which is central to public confidence in the Commissioner role. As a recent high profile investigation demonstrated, independent legal advice is an essential component of the Commissioner’s independence.”

Within the last year the Commissioner carried out a self-audit exercise rating his performance against principles of good complaint handling, using a tool developed by the British and Irish Ombudsman Association. Summarising the outcome, the Commissioner said:

“Particular strengths were that there is good information available about the scheme’s remit and processes, and the small scale of the scheme (I have no staff) makes it easier to have a flexible approach, with good contact with complainers and attention to any issues relating to disability. The areas for improvement suggested included: further improving public education about the role; providing in future for a single term of office for the Commissioner

without the need for reappointment by those who are under his or her scrutiny, so as to strengthen perceived independence; and directly surveying the views of complainers about the service received.”

The Commissioner reports that 23 complaints were received in 2007/08, over half of them in the last quarter. Three of them passed the initial tests of admissibility within the year and went on to full investigation. All three regarded alleged failure to register financial interests. In all cases both the Commissioner and the Standards, Procedures and Public Appointments Committee found there had been a breach of the relevant provisions. In one case, involving a former Member, there was no sanction recommendation, another was dealt with by the Procurator Fiscal by a direct measure and there was no subsequent sanction recommendation by the Committee, and in the third the Parliament rejected the Committee’s recommendation (on a split vote) of a sanction. Four complaints were still having admissibility assessed at the end of the year. The workload in 2007/08 required 12 days per month.

The Commissioner reports that, with relatively small numbers, it is to be expected that there will be significant fluctuations in the number of complaints received from year to year. It is now possible to give five years’ amalgamated data, which should provide a more meaningful picture. He said:
“The average rate of receipt of complaints over five years was 26 a year or around two a month. A few are withdrawn during Stage 1 of investigation. Between a fifth and a sixth of complaints completing Stage 1 are considered admissible and go on to full investigation (around four a year).”

The Commissioner noted that, although only around four cases a year are fully investigated, some of these can involve considerable work and generate a lot of public interest and comment once publicity occurs. One such complaint is briefly described in his report, regarding the non-registration of donations to a Member’s party leadership election campaign; it gave rise to significant issues. Dr Dyer said:

“Investigation of this case revealed that elements of the Scottish Parliament in recent years may have been to some degree lacking in awareness of the statutory requirement for “dual reporting” of donations to Members to both the Electoral Commission and to parliamentary registers of members’ interests, and also of UK legislative moves to reduce problems associated with dual reporting by seeking to remove the requirement to report to the Electoral Commission. The investigation also revealed that relevant Parliamentary guidance to Members, on registration of financial interests, in the revised Code of Conduct was insufficient. I have drawn the attention of the Parliament to these issues in this annual report.”

Note for Editors

The Commissioner will be available on 07909 872726 between 1500 and 1700 on 1 October to answer questions on his report.