



**SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER  
ANNUAL REPORT  
2007-2008**

**Independent**

**Complaint**

**Conduct**

**MSP**

**Investigation**

**SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER**

**ANNUAL REPORT**

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Laid before the Scottish Parliament by the Scottish Parliamentary Standards Commissioner in  
pursuance of Section 18 of the Scottish Parliamentary Standards Commissioner Act 2002

1 October 2008

SPSC/2008/1

***“... the Committee agreed to recommend the appointment of a Standards Commissioner, with a view to maximising public confidence in the Parliament’s commitment to maintaining the highest levels of probity in conducting its affairs. The critical factor in the Committee’s decision was the degree of independence which a Commissioner could apply to the investigation of complaints about the conduct of MSPs.”***

Scottish Parliament’s Standards Committee, 4th Report 2000 (Session 1):  
“Models of Investigation of Complaints”.

***“There is nothing more important in public life than integrity. Democracy cannot function without respect for politicians ... which is based on their good reputation.”***

Allan Massie

*The Sunday Times*, 22 February 2004.



## Introduction

1. This is my fifth annual report to Parliament; it will be the last submitted by me, as my second and final term will conclude on 31 March 2009. It has been a most interesting privilege and challenge to be Scotland's first

Parliamentary Standards Commissioner. I would like to express warm thanks to all who have supported me in this role and who have assisted me in my investigations. I am gratified that Members have been invariably cooperative when they have been the subject of complaints.

2. The system within which the Commissioner investigates complaints continues to change and develop. On 3 April 2007, an Act of the Scottish Parliament, the Interests of Members of the Scottish Parliament Act 2006, replaced the previous Members' Interests Order,<sup>1</sup> which was a temporary and transitional measure provided by the Westminster Parliament, as the source of the detailed rules on issues such as registration and declaration of interests. On 4 May 2007, a revised Code of Conduct for Members came into effect, reflecting the new legislation and making some other changes.<sup>2</sup> In September 2007, the Standards and Public Appointments Committee merged with the Procedures Committee to form a new Standards, Procedures and Public Appointments Committee.

3. In 2007/08, 23 complaints were received, close to the five year mean of 26 per year. Over five years to date, I have dealt with 131 complaints. One hundred and twenty of these were assessed for admissibility, with 22 (18%) going on to full investigation. Although only around four a year are fully investigated, some of these can involve considerable work and generate a lot of public interest and comment once public knowledge is acquired. One such complaint is described in this report; it gave rise to significant issues.

4. Over my five plus years to date, I believe that I have, with the assistance of others, done what has been required 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, including the production of written information materials and a website and a policy of making public statements when that appeared necessary to provide a correct appreciation of my role. The role cannot operate to best advantage if the public do not have clear and accurate knowledge of it. This report contains details of how I have made information more widely available in the past year.

5. During 2007/08 I carried out a self-audit exercise using a tool developed by the British and Irish Ombudsman Association (BIOA) for assessing the performance of complaints-handling bodies against seven key principles. The exercise and its outcome are described in this report and provide a useful summary of progress to date and improvements which might be sought in future. 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 renewal, so as to strengthen perceived independence, and directly surveying the views of complainers about the service received.

6. One message I would like to pass on to my successors regards the need for vigilance to protect the independence of operation which is central to public confidence in the Commissioner role. The Parliament laid great store by this when it chose a method of dealing with conduct complaints involving an independent investigator (see the first quote on the page opposite), but there are at times pressures that potentially constrain that independence. Having independent legal advice is an essential component of the Commissioner's independence.

<sup>1</sup> Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order (SI 1999/1350).

<sup>2</sup> For example a change in the way of dealing with "level and quality of service" complaints, explained in my annual report for 2006/07, paragraphs 30-40.

7. Such independent advice was crucial to investigation of the complaint referred to in paragraph 3 above. That investigation 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 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 guidance to Members in the revised Code of Conduct was insufficient. I have drawn the attention of Parliament to these issues in this report.

8. I wish my successor all strength and success in continuing to develop the Commissioner role and contributing to public trust in, and respect for, our political representatives.

Dr J A T Dyer  
1 September 2008

9. The legislation setting up my post and remit, the Scottish Parliamentary Standards Commissioner Act 2002 (“the Act”), requires in Section 18 that I make an annual report to the Parliament

“upon the performance of the functions of the Commissioner”. This is my report for April 2007 to March 2008.

Table 1

<b>SUMMARY OF COMPLAINTS ADDRESSED</b>			
<b>1 April 2007 to 31 March 2008 (with previous two years for comparison)</b>			
	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>
<b>NO. OF COMPLAINTS RECEIVED</b>	<b>14</b>	<b>34</b>	<b>23</b>
Withdrawn at Stage 1	–	1	–
<b>ADMISSIBILITY CONSIDERED</b>	<b>14</b>	<b>33</b>	<b>19</b>
Admissible	1 (7% of 14)	3 (9% of 33)	3 (16% of 19)
Still in Stage 1 at 31/3/08	–	–	4
Inadmissible	13 (93% of 14)	30 (91% of 33)	16 (84% of 19)
<b>ADMISSIBLE COMPLAINTS</b>	<b>1</b>	<b>3</b>	<b>3</b>
Withdrawn Stage 2	–	1	–
Still in Stage 2 at 31/3/08	–	–	2
Completed Stage 2	1	2	1
<b>INADMISSIBLE COMPLAINTS (GROUNDS)</b>	<b>13</b>	<b>30</b>	<b>16</b>
Relevance: Section 6(4)	5	12	11
Procedural: Section 6(5)	–	1	1
Substance: Section 6(6)	5	12	2
Both 6(4) and 6(6)	3	5	2
<b>SUBJECTS OF COMPLAINTS</b>	<b>13</b>	<b>30</b>	<b>20</b>
Committee leak	–	1	1
MSPs complained about	13	29	19
MSPs with 1 complaint	12	26	18
MSPs with 2 complaints	1	2	–
MSPs with 3 complaints	–	1	–
MSPs with 4 complaints	–	–	1
<b>NO. OF COMPLAINERS</b>	<b>14</b>	<b>29</b>	<b>15</b>
Complained once	14	27	12
Complained 2 times (different MSPs)	–	–	1
Complained 3 times (different MSPs)	–	1	–
Complained 4 times (different MSPs)	–	1	1
Complained 5 times (different MSPs)	–	–	1
Complainers who are MSPs	–	1	2

## Complaints

10. The summary in Table 1 shows data on complaints addressed between 1 April 2007 and 31 March 2008, with data for the previous two years included for comparison. Twenty-three complaints were received in the course of the year. This was not much below the average for the preceding four years (27). Some reduction might have been expected due to the change in procedures whereby complaints about “level and quality of service” by Members transferred to the Presiding Officer’s remit from mine in May 2007 (see paragraph 39 below); however, as explained in paragraph 39, seven such complaints nevertheless came to me in the first instance in the past year. I have no information on how many such complaints went direct to the Presiding Officer in 2007/08. No fewer than 12 of the 23 complaints were received in the last quarter of the year, creating significant workload pressures then.

11. One complaint was fully investigated at Stage 2 within the year.<sup>3</sup> The complaint related to the conduct of a former Member at a time when he had been a Member. The complainers had earlier provided £25,000, most of which the Member used to assist in a house purchase; the Member consistently maintained that the money had been provided as a gift. The complainers now alleged that he had failed to register the gift as required in the Register of Members’ Interests [contrary to the Scotland Act 1998 (Transitory and Transitional Provisions) (Members’ Interests) Order 1999 which was in force during Session 2 of the Parliament<sup>4</sup>].

12. The Member did not seek to deny that he had benefited from the gift, but said that he did not realise at the time that it would require registration. He did not register it within 30 days of receipt as required. I concluded, and the Standards, Procedures and Public Appointments Committee agreed, that there had been a breach of the requirements in the Members’ Interests Order regarding registration of gifts. The former Member apologised for his error and the Committee did not recommend any sanction, noting that the available sanctions in any case could not apply to a former Member, as they involved restriction or prevention of participation in proceedings of the Parliament.

13. When I reported last year, one complaint from 2006/07 was still at Stage 2. The complainer later indicated a wish to withdraw the complaint before Stage 2 was completed. After taking into account the views of the Member, I ceased investigation. The figures in Table 1 have been updated to reflect this.

14. At the end of 2007/08, two complaints were still under investigation at Stage 2. One of these<sup>5</sup> completed Stage 3 (consideration by the Standards, Procedures and Public Appointments Committee) by the time of writing this report and I summarise it here as it was a high profile case with significant issues arising from it (see paragraphs 45 to 53 below).

15. In August/September 2007, the Member who was the subject of the complaint engaged unopposed in a campaign to be elected leader of the Labour Group of MSPs in the Parliament. Donations towards the cost of the campaign were received from individuals and organisations and were paid into a campaign account to which the Member was not a signatory. Ten of these donations were of a value over the parliamentary registration threshold for gifts of £520 (they ranged from £950 to £999, just under the threshold of £1000 above which reporting to the Electoral Commission would have been mandatory). A complaint was subsequently received by me that the Member failed to register these donations in the Register of Members’ Interests within the required timescale.

16. The Member had sought and received written advice<sup>6</sup> from the Clerks to the Standards, Procedures and Public Appointments Committee in November 2007, to the effect that registration of the donations on the parliamentary register was not required, on the basis of an assurance from the Member that she had no direct access to, or control of, the money. That advice had been sought after the deadline for registration of around half of the donations had passed. No entry was in fact made by the Member in relation to the relevant donations under “gifts” in the Register of Members’ Interests within 30 days of their receipt.

<sup>3</sup> See Standards, Procedures and Public Appointments Committee, 3rd Report, 2008 (Session 3).

<sup>4</sup> The rules on gifts are now different. There was no prejudice test for gifts in the earlier Members’ Interests Order.

<sup>5</sup> See Standards, Procedures and Public Appointments Committee 6th Report 2008 (Session 3)

<sup>6</sup> It should be noted that the role of the Standards Commissioner is entirely independent of that of the Standards Clerks. The Clerks’ role includes giving advice to Members; the Commissioner’s role is to investigate complaints independently.

17. In February 2008, when I had communicated my conclusion to the Member that the complaint passed the tests of admissibility, nine donations were registered voluntarily on the Register of Members' Interests and the tenth was registered under "Sponsorship", as it had come from a company that had earlier provided support to the Member within the same session of the Parliament.

18. In reaching a conclusion on whether there might have been a breach of a relevant provision, I had to examine whether the donations constituted registrable interests in terms of the Interests of Members of the Scottish Parliament Act 2006 and whether any requirement to register such interests in the parliamentary register was affected by the existence of the Political Parties, Elections and Referendums Act 2000 (PPERA), which requires reporting of certain donations to the Electoral Commission (i.e. whether there was in existence a "dual reporting" regime). These were complex and important matters. I noted that in Volume 3 of the Code of Conduct, the section on guidance on categories of registrable interests was unfortunately totally blank. After obtaining initial advice from my independent legal advisers, I sought the advice of senior Counsel.

19. I proceeded on the basis of that advice, which was that the donations did constitute "gifts" in terms of the Interests of Members of the Scottish Parliament Act 2006; the notion of a gift was not restricted to one that passed directly into the Member's ownership or control. Although in this case the Member did not have direct ownership or control of the campaign funds, she had a beneficial interest in them. The advice also concluded that my jurisdiction and powers were not affected by the provisions of PERA. The fact that PERA might be capable of applying to donations in this context did not mean that the Interests of Members of the Scottish Parliament Act 2006 did not. It was clear that there is in the UK a dual regime of reporting donations, in registers of members' interests and also in returns to the Electoral Commission.

20. At the end of Stage 1, when I considered it likely that a breach of a relevant provision had occurred, I suspended my investigation and made

a report to the Area Procurator Fiscal for Lothian and Borders, in terms of the Direction issued to me by the Standards Committee<sup>7</sup> of the Parliament on 15 January 2003,<sup>8</sup> and in terms of my Memorandum of Agreement with the Crown Office and Procurator Fiscal Service.<sup>9</sup> Paragraph 14 of the Direction reads as follows:

*(14) "If the Commissioner is satisfied in relation to any complaint that the member has committed the conduct complained about and that the conduct would, if proved, constitute a criminal offence, the Commissioner shall:*

- (a) suspend investigation and consideration of the complaint;*
- (b) submit a report to the Procurator Fiscal; and*
- (c) notify the Committee [the Standards, Procedures and Public Appointments Committee].*

21. A Member potentially commits an offence if he or she takes part in proceedings of Parliament without having complied with the rules on registration of interests. However, it is up to the prosecuting authorities to decide whether or not to instruct a police investigation and whether or not to raise any proceedings. In terms of the Direction I have no discretion as to whether I refer to the Procurator Fiscal or not, if the requisite conditions are met.

22. The Area Procurator Fiscal subsequently informed me that, after very full and careful consideration of my report, Crown Counsel had concluded that a prosecution would not be appropriate in the full circumstances of this case. In coming to this decision, Crown Counsel had had regard to the facts that there was a degree of uncertainty surrounding the interpretation of these provisions; the Member had sought the advice of the Clerk to the Standards, Procedures and Public Appointments Committee in relation to this matter; a voluntary disclosure had been made to the Electoral Commission; and the issues raised by the case might more appropriately be dealt with by the Standards, Procedures and Public Appointments Committee. I therefore resumed my investigation as required by Paragraph 15(b) of the 2003 Direction.

<sup>7</sup> The Committee has been known from 28 September 2007 as the Standards, Procedures and Public Appointments Committee.

<sup>8</sup> Scottish Parliamentary Standards Commissioner Act 2002 (Procedures, Reporting and Other Matters) Directions 2002: Paras. 14 & 15, "Criminal Offences".

<sup>9</sup> This MOA is available to view on my website at [www.spssc.co.uk](http://www.spssc.co.uk).

23. The Member disputed whether the donations were “gifts” in terms of the Interests of Members of the Scottish Parliament Act 2006 as they were not received personally by her, and pointed to the written advice provided by the Standards Clerks. She said she was acting on the basis of a precedent that dual reporting was not required and she said that parliamentary registration had not occurred in the case of recent previous party leadership and deputy leadership elections in Scotland. She also argued that the donations did not meet the prejudice test,<sup>10</sup> because they were subject to the regulatory jurisdiction of the Electoral Commission and because there had been a deliberate approach to avoid the campaign being beholden to one or a small number of larger donations; the larger number of smaller donations received, it was argued, therefore did not reach the sort of threshold that would be required of a measure that was associated with a possible criminal offence.

24. I accepted that the Member received advice from the Clerks and the terms of that advice. The Clerks’ advice, however, could not affect my conclusion regarding a breach, which had to be arrived at according to my independent judgement and my interpretation of the provisions based on independent legal advice. I was required to declare only whether or not there had been a breach, with no provision for distinguishing between an intentional or unintentional breach, or for taking into account potential mitigating factors; those were matters for the Parliament.

25. In relation to the prejudice test, I accepted that the Member herself did not feel influenced by the existence of the interests. However, I found that eight of the 10 donations passed the prejudice test (excluding the one registered as “sponsorship” and one in which I had insufficient information on the private donor); I concluded that a fair minded and impartial observer would consider that the interests in question could influence a person acting as an MSP or give the appearance of prejudicing that person’s ability to act impartially.

26. I therefore concluded that, in relation to eight donations, there had been a breach of the

requirement in the Interests of Members of the Scottish Parliament Act 2006 to register gifts in the Register of Members’ Interests. The Standards, Procedures and Public Appointments Committee, with the exception of its two Labour Members, subsequently accepted my conclusion that a breach had occurred.

27. The Committee, after taking into account all the circumstances, including mitigating factors, and further representations from the Member, voted (by four votes to three) to recommend a sanction<sup>11</sup> to the Parliament. Shortly afterwards, the Member resigned her leadership position. The summer recess intervened; at the time of writing, the Parliament has not yet had an opportunity to consider the recommended sanction.

28. The second case still in Stage 2 at the end of 2007/08 is also worthy of mention as it is the only case to date in which action has been taken by the Area Procurator Fiscal following referral by me. The complaint completed all stages of investigation in 2008/09 prior to the writing of this report<sup>12</sup>. The complaint was that the Member failed to register in the Register of Members’ Interests within the required timescale up to £2000 worth of hospitality from the fast food firm, McDonalds.

29. The Member participated in a Community Shield football event in August 2007 which was sponsored by McDonalds. He registered his interest – hospitality, accommodation and six match tickets, worth £1020 in total – four days after the end of the 30-day period for registration.

30. Once I had completed Stage 1 and it seemed to me likely that there had been a breach of the rules on registration of interests, I suspended investigation and reported the matter to the Area Procurator Fiscal for Lothian and Borders, in terms of the Direction<sup>13</sup> issued to me by the Standards Committee<sup>14</sup> of the Parliament, and in terms of my Memorandum of Agreement with the Crown Office and Procurator Fiscal Service.<sup>15</sup> The Area Procurator fiscal informed me that, after full and careful consideration, the matter had been dealt with by a direct measure. The nature of the direct measure in an individual case is not made public.

<sup>10</sup> “An interest meets the prejudice test if, after taking into account all the circumstances, that interest is reasonably considered to prejudice, or to give the appearance of prejudicing, the ability of the member to participate in a disinterested manner in any proceedings of the Parliament.” Section 3(2), Interests of Members of the Scottish Parliament Act 2006.

<sup>11</sup> The Committee voted by four votes to three abstentions to recommend that the Member be excluded from all proceedings of the Parliament for one day.

<sup>12</sup> See Standards, Procedures and Public Appointments Committee, 4th Report 2008 (Session 3).

<sup>13</sup> Scottish Parliamentary Standards Commissioner Act 2002 (Procedures, Reporting and Other Matters) Directions 2002: Paras. 14 & 15, “Criminal Offences”.

<sup>14</sup> The Committee has been known from 28 September 2007 as the Standards, Procedures and Public Appointments Committee.

<sup>15</sup> This MOA is available to view on my website at [www.spsc.co.uk](http://www.spsc.co.uk).

31. I resumed investigation as required by the 2002 Direction. I concluded that there had been a breach of the requirements in the Interests of Members of the Scottish Parliament Act 2006 for the registration of gifts. The threshold for registration of £520 was exceeded, and the interests met the prejudice test as they might reasonably be thought to prejudice, or to give the appearance of prejudicing, the ability of the Member to participate in a disinterested manner in any proceedings of the Parliament.

32. The Standards, Procedures and Public Appointments Committee agreed with my conclusion. The Committee noted that action had been taken by the Procurator Fiscal and that the Member had both apologised for his failure to register and had remedied the deficiency as soon as it had been brought to his attention; it did not recommend any sanction.

### **Admissibility**

33. I assess the admissibility of complaints with reference to three tests set out in the Scottish Parliamentary Standards Commissioner Act 2002 ("the Act"), in Sections 6(4) to 6(6). Of the 19 complaints considered in 2007/08, three (16%) were admissible and 16 (84%) were not admissible. Of the three admissible complaints, one was completed within the year as described above and two remained at Stage 2 at the end of the year. Of the 16 inadmissible complaints, 11 were inadmissible on grounds of relevance, two on grounds of substance and two on both grounds. One further case was inadmissible by direction of the Standards, Procedures and Public Appointments Committee under Section 7(7) of the Act. It was an "undirected complaint" about a leak of committee information.

### **Timescale for Stage 1**

34. I am required to report to the Standards, Procedures and Public Appointments Committee, and to the Member and complainer, if Stage 1 takes longer than the indicative period of two months. Decisions on 17 of 19 complaints considered were reached within the two-month period, the length of time ranging from zero to 60 days. Two complaints each took three to four months for

Stage 1. One of these involved a suspension of investigation and referral to the Area Procurator Fiscal and then referral to the Standards, Procedures and Public Appointments Committee for a direction on further investigation in view of doubt over whether a procedural requirement was met. The other also involved referral to the Committee for a direction in the case of an "undirected complaint" about a committee leak.

### **Timescale for Stage 2**

35. I am required to report to the Standards, Procedures and Public Appointments Committee, and to the Member and complainer, if Stage 2 takes longer than the indicative period of six months. The one complaint which completed Stage 2 within the year took between three and four months for Stage 2. The case carried over at Stage 2 from 2006/07 took between 11 and 12 months from the beginning of Stage 2 to the end of investigation following withdrawal by the complainer. For almost nine of these months, investigation was suspended while the case was with the Area Procurator Fiscal.

### **Subjects of the Complaints**

36. The 23 complaints in 2007/08 related to 19 Members and one committee "leak". Eighteen Members had complaints from one complainer; one member had complaints from four complainers.

### **Complainers**

37. The 23 complaints came from 15 separate complainers, two of whom were MSPs. Twelve complained once, one complained twice, one complained four times and one five times. The multiple complaints were all about different Members. The complainer who complained about five MSPs, all on the same issue and at the same time, was anonymous.

### **Content of Complaints**

38. Of the 23 complaints received in 2007/08, two involved two separate issues each so there were 25 complaint elements in all. Twelve complaint elements related to the requirements of the Interests of Members of the Scottish Parliament Act 2006 – 10 alleging failure to register a gift and two alleging paid advocacy.

39. In seven cases there were complaints about the adequacy of representation provided by the Member. I reported last year<sup>16</sup> about a change to the procedure for dealing with such complaints following the implementation of a revised Code of Conduct (Edition 3) on 4 May 2007. The requirement on a Member “... to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously” was transferred from the Key Principles section of the previous Code to Section 8 of the new Code; complaints under Section 8 come within the remit of the Presiding Officer and are excluded from my remit. However, in four of the seven complaints, the relevant conduct occurred in the period prior to 4 May 2007, when the previous Code was in operation, and I dealt with these complaints. All were found inadmissible. In three cases the conduct complained of occurred following implementation of the new Code. I was obliged to dismiss these as “excluded complaints” before referring the complainer to the Presiding Officer.

40. Two complaint elements related to alleged conduct by Members in their Ministerial capacity. Such conduct is governed by the Ministerial Code of the Scottish Government and is outwith my remit. I informed the complainers about complaining to the Office of the First Minister. Other individual complaint elements related to allegations of a “leak” of committee material, a breach of the rules on disclosure of complaints and a Member encroaching in the constituency of another; the last complaint was also an “excluded” one, coming under Section 8 of the Code of Conduct, and the complainer was referred to the Presiding Officer.

**Summary Data Over Five Years**

41. 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. This is provided in Table 2.

Table 2

<b>SUMMARY DATA AMALGAMATED OVER FIVE YEARS (1 April 2003 to 31 March 2008)</b>	
<b>NO. OF COMPLAINTS RECEIVED</b>	<b>131</b>
Withdrawn at Stage 1	7
Still in Stage 1 at 31/3/08	4
<b>ADMISSIBILITY CONSIDERED</b>	<b>120</b>
<b>ADMISSIBLE</b>	<b>22 (18% of 120)</b>
<b>INADMISSIBLE</b>	<b>98 (82% of 120)</b>
<b>INADMISSIBLE COMPLAINTS (GROUNDS)</b>	<b>98</b>
Relevance: Section 6(4)	43 (44%)
Procedural: Section 6(5)	3 (3%)
Substance: Section 6(6)	34 (35%)
Both 6(4) and 6(6)	18 (18%)

42. The average rate of receipt of complaints is 26 a year or around two a month. A few are withdrawn during Stage 1. Between a fifth and a sixth of complaints completing Stage 1 are considered admissible and go on to full investigation (around four a year). Of those considered inadmissible, in 44% the reason is lack of relevance, in another 35% lack of substance, and in 18% lack of both relevance and substance. **The finding that lack of relevance is a factor in the inadmissibility of over half of complaints which do not meet the requirements at Stage 1 suggests that there is an important continuing task for the Commissioner in making information available to potential complainers about his role and remit.**

43. Overall, 17 complaints have completed Stage 2 over five years. These can be reduced to 11 cases, as in two instances there were four complainers making essentially the same complaints about the same Member(s). The outcomes of these, including the degree of concordance between the independently made judgements of the Commissioner and of the Standards, Procedures and Public Appointments Committee and its predecessors in terms of breaches of the Code of Conduct, are provided in Table 3.

<sup>16</sup> For a full explanation, see Scottish Parliamentary Standards Commissioner Annual Report 2006-2007, pp. 7-9.

Table 3

<b>FINDINGS OF BREACHES OF A RELEVANT PROVISION, BY STANDARDS COMMISSIONER AND BY STANDARDS COMMITTEE,<sup>17</sup> 1 APRIL 2003 TO 31 MARCH 2008</b>				
		<b>Standards Committee</b>		
		Breach(es)	No breach	<b>Total</b>
<b>Standards Commissioner</b>	Breach(es)	5	1	<b>6</b>
	No breach	0	5	<b>5</b>
	<b>Total</b>	<b>5</b>	<b>6</b>	<b>11</b>

44. In relation to ten out of the 11 cases, the same conclusions were reached by the Commissioner and the Committee. In one case, I concluded that breaches of the Code of Conduct had occurred and the Committee, in its final judgment, disagreed.<sup>18</sup>

### **Issues Arising From Cases Addressed**

#### *Reporting of donations to Members' election campaigns; "dual reporting"*

45. Important implications arise from the conclusions reached following investigation of the complaint reported in paragraphs 15 to 27 above. These particularly concern the current need for "dual reporting" of donations to Members both to the Electoral Commission and to the Register of Members' Interests and moves on a UK basis to remove this dual requirement, moves which did not appear to have been in the awareness of the Scottish Parliament when it debated and passed the Interests of Members of the Scottish Parliament Act 2006.

46. Paragraph 4 of the Schedule to the Interests of Members of the Scottish Parliament Act 2006 is headed "Election Expenses", but it deals only with elections at which the Member is returned as a Member (general elections). It requires registration of donations only where the giver has provided more than 25% of the total expenses.

47. Those circumstances aside, there is a lack of explicit guidance to Members in relation to the registration requirements for donations such as those to a leadership election campaign. There is a clear need for Parliament to supplement Volume 3 of the Code of Conduct for Members in relation to guidance on registrable interests, so that any uncertainty regarding "dual reporting" and what constitutes "gifts" may be reduced in future.

48. Whether there is a requirement for "dual reporting" was an issue raised by the complaint referred to above. "Dual reporting" refers to a requirement to report certain donations both to the Electoral Commission, under the Political Parties, Elections and Referendums Act 2000 (PPERA) and to parliamentary registers of members' interests (in Scotland, under the Interests of Members of the Scottish Parliament Act 2006). The Member involved in the complaint argued that there was an understanding that dual reporting was not required. However, it is currently the position in the UK that dual reporting is required.

49. That was the gist of advice provided to me by senior Counsel and accepted by the Standards, Procedures and Public Appointments Committee.<sup>19</sup> The fact that PERA may be capable of applying to donations in a particular context does not mean that the Interests of Members of the Scottish Parliament Act 2006 does not. My jurisdiction and powers are not affected by the provisions of PERA. Indeed the Explanatory Notes to PERA, at paragraph 141, say:

*"One effect of these provisions is to require that donations made to a holder of an elective office, which are disclosed in a register of members' interests, will also be subject to the reporting requirements set out in Schedule 7. This will mean some overlapping of registers of members' interests and the Electoral Commission's register of disclosable donations. But the controls on donations to MPs and others will not in any way circumscribe the ability of the House of Commons or the devolved legislatures to regulate the interests and conduct of their members."*

<sup>17</sup> The general term "Standards Committee" is used here to encompass changes in name over the years.

<sup>18</sup> See Standards Committee 5th Report 2004 (Session 2) and Scottish Parliamentary Standards Commissioner Annual Report 2004-2005, p4.

<sup>19</sup> See Standards, Procedures and Public Appointments Committee, 6th Report 2008 (Session 3).

50. The Electoral Commission fact sheet on “Donations to regulated donees” reflects this where it says:

*“These controls on donations are separate to other controls binding on elected representatives, such as registers of members’ interests which are held for Parliament, the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly or the Standards Board.”*

51. While a requirement for dual reporting does pertain on a UK basis, there is evidence that dual reporting has been seen as problematical, and that there has been an effort to address this through amendments during the passage of the Electoral Administration Act 2006.<sup>20</sup> Section 59 of that Act, introduced by an amendment in the House of Lords, is not yet in force; its intention is to remove the need for dual reporting by making sure that the parliamentary registers collect the information which is demanded by the reporting requirements of PPERA, then removing the requirement for Members to report under PPERA. The explanatory Notes to Section 59 say, at paragraph 307:

*“This section removes the requirement for holders of relevant elective office to report donations to the Electoral Commission (with one exception). Currently all holders of relevant elected office have to report donations to both the Electoral Commission and to the relevant register of members’ interests of the body of which they are a member. This section removes that duplication.”*

52. At Westminster, the threshold for reporting sponsorship (the category under which campaign donations are registered there) was fairly recently increased to £1000 to match the PPERA reporting threshold in anticipation of this change. No such preparation appears to have been made when the Interests of Members of the Scottish Parliament Act 2006 was passed and to my knowledge there was no discussion then of the new provision in the Electoral Administration Act 2006. Although Baroness Ashton of Upholland said in the House of Lords debate on the amendment applying to holders of elective office in addition to MPs (i.e. including MSPs) that the measure had the support of the Scottish Executive, the Interests of Members of the Scottish Parliament Act 2006 was of course a Committee Bill. The Scottish Parliament appears to have lacked awareness in recent times of the moves on a UK basis to resolve the dual reporting issue.

53. It seems clear to me that section 59 of the Electoral Administration Act will not be able to be implemented in Scotland, and the requirement for dual reporting thereby removed, unless and until the requirements for registration in the Register of Members Interests are adjusted to meet the reporting requirements under PPERA. It appears that Parliament needs to consider what steps may be required to resolve this issue.

#### *Direct measure by Procurator Fiscal*

54. In paragraphs 28 to 32 above, I summarised a case in which, for the first time, referral to the Procurator Fiscal resulted in a direct measure being taken in relation to the Member. Each case is of course unique, but in view of the contrast between a direct measure being taken in this case, and a very similar case resulting in no action in 2005,<sup>21</sup> Members might wish to consider whether this may indicate a more strict approach by the Crown Office and Procurator Fiscal Service to future cases referred to them by the Commissioner where a potential offence by a Member appears to have occurred.

#### **Workload**

55. During 2007/08 I worked on average 58% of full-time, or three days per week, or 12 days per month – more than what had originally been envisaged in setting up the post (five to ten days per month). This was similar to the previous year (13 days per month). There were significant workload pressures however in the last quarter of the year, in which period 12 of the 23 complaints were received; this is twice the usual rate of receipt. In addition, a complaint received in the third quarter, summarised in paragraphs 15 to 27 of this report, required considerable work. During the last quarter, I required to work 14 days per month or 69% of full-time.

56. From my experience of five years to date, the work has required on average three days per week or 12 days per month. This might reduce a little in future with the change to the way of dealing with “level and quality of service” complaints (see paragraph 39). The Commissioner is currently engaged by Parliament at 50% of the full-time rate.

<sup>20</sup> See House of Commons Select Committee on Standards and Privileges, Fifth Report (11 January 2006), *Electoral Administration Bill: Simplification of Donation Reporting Requirements*; also the statement by Baroness Ashton of Upholland in the House of Lords debate on the Electoral Administration Bill, Hansard, 7 June 2006, Cols. 1298-1299.

<sup>21</sup> See Standards and Public Appointments Committee, 4th Report 2005 (Session 2).

## BIOA Principles of Good Complaint Handling: Self Audit Using “Spotlight” Tool

57. The British and Irish Ombudsman Association (BIOA) is an organisation of Ombudsmen, similar post holders and those interested in their work, which seeks to develop and safeguard the role of the Ombudsman and publishes criteria which define the role. As Scottish Parliamentary Standards Commissioner, I am a Corporate Associate Member of BIOA.

58. In 2006/07, BIOA produced a *Guide to Principles of Good Complaint Handling*. The guide identified seven principles of complaint handling which underpin the key BIOA values of independence of judgement, fairness and impartiality, effectiveness and accountability. These principles are:

- clarity of purpose,
- accessibility,
- flexibility,
- openness and transparency,
- proportionality,
- efficiency, and
- quality outcomes.

59. BIOA then went on to develop a self-assessment toolkit called “Spotlight”, so that complaint handling organisations could use it to assess their performance against the seven principles. The aims of using such a self-assessment would be:

- to understand how the scheme works and how it can be improved to better integrate the BIOA principles,
- to encourage organisational learning and the identification of best practices,
- to support the prioritisation of improvements,
- as key input to the strategic plan, and
- to benchmark against other organisations.

60. As indicated in my Annual Report for 2006/07, I thought it would be useful to use the Spotlight toolkit to audit my own practice. At the same time I was aware that there were potential limitations in this approach. For one thing, it is a self rating tool. While complete objectivity may therefore not be achieved, at least it promotes critical evaluation of practice over a range of specified criteria. Also I am unusual in being a one person organisation. Most complaint handling organisations are much bigger and have a range of staff. The general idea is that the ratings would be a consensus from discussion amongst a number of

staff, e.g. senior management of a scheme. A further difference from most schemes is that I do not carry through the whole process. I investigate only, and final decisions on complaints and consequences are made by the Parliament. I was therefore unable to rate items dealing with staff issues and with final outcomes. Nevertheless I considered it a worthwhile exercise.

61. The structure of the tool is that each of the seven principles is operationalised into six to nine statements, each of which is rated on a six category scale as follows:

1. We do this really well, making a major contribution to our success.
2. We have solid approaches in place.
3. We have some things in place but they are patchy and incomplete.
4. We are just starting to look at this.
5. We are not doing anything in this area.
6. Don't know or not applicable.

62. Out of a total of 53 items, 11 were not applicable to me. Of the remaining 42, nine (21%) were rated in the first category, 32 (76%) in the second and one (2%) in the third. None were rated in the fourth or fifth categories. The one item rated “patchy and incomplete” was under the principle “Accessibility” and the statement was “Those people who may need to use the scheme are aware of its existence”.

63. The main point of the tool, however, is not the provision of a numerical score but of a qualitative view of strengths and of areas where improvement could occur. After rating of the statements as described above the tool has two sections for each principle for recording, first, strengths and the evidence on which the relevant ratings are based, and second, opportunities for improvement and associated action plans.

### Strengths

64. Particular strengths (rated in category 1) were as follows, under the various principles:

#### *Clarity of purpose*

*“The scheme role is clearly expressed and involves complaint resolution.”*

*“Management ensure processes are developed to support scheme objectives.”*

(The evidence included explanatory material on my website ([www.spsc.co.uk](http://www.spsc.co.uk)) and leaflet and my published document on "What you can expect from the Commissioner", plus my Information Strategy. The last two documents are available on my website. Processes are largely set down in legislation and in general Directions from Standards, Procedures and Public Appointments Committee.)

#### *Accessibility*

65. *"People with physical or mental disabilities are not disadvantaged when using the scheme."*

(With my medical and psychiatric background, I believe I am sensitive to disability both physical and mental. Where there is any doubt about the ability of a complainer to understand or to communicate, I will offer a home visit to clarify and agree the complaint with the person. I make allowance for disability in subsequent communication, e.g. discovering what is the easiest mode of communication for the person.)

#### *Flexibility*

66. *"Sufficient investigation is undertaken to ensure we reach a clear and reasoned conclusion about the merits of the case."*

*"Our processes allow us to fast track complaints where necessary."*

(In no case has the Standards, Procedures and Public Appointments Committee asked me to carry out further investigation after receiving my report. Flexibility is a benefit of having a small scheme, with me as the only investigator. I have complete discretion about how far to investigate in any individual case. I can prioritise investigations where there is a good reason to do so.)

#### *Openness and transparency*

67. *"The scheme's remit, together with what is outside the remit, processes and procedures, are clearly set out and published."*

(My own information leaflet, which has been made available to all MSPs and the Parliament Public Information Office, and my website fully describe these, as does the Code of Conduct for MSPs which is available on the Parliament website. The Parliament website offers a link to my website. My website contains information in various languages and my leaflet can be made available in any language on request.)

#### *Proportionality*

68. *"Flexible arrangements are in place to ensure the scheme can respond appropriately to differing circumstances."*

*"The scheme remit, with its qualifiers and limitations, is clearly communicated to all stakeholders."*

(See my comment under "Flexibility" above.)

#### *Quality outcomes*

69. *"Scheme personnel clearly listen to complainants and ensure that the process is understood by them."*

(As the sole investigator, I know that steps are taken to ensure that this happens in each case.)

70. In short, the particular strengths were that there is good information available about the scheme's remit and processes, and the small scale makes it easier to have a flexible approach with good contact with complainers and attention to any issues relating to disability.

### **Areas for Improvement**

#### *Accessibility*

71. *"Those people who may need to use the scheme are aware of its existence."*

("Those people" in my case are the general public, and it is a difficult challenge to try and ensure that they are aware of my role in advance of potentially becoming a complainer.

The same issue was identified in my risk management plan referred to in my 2006/07 Annual Report. The same action plan applies:

1. To undertake further distribution of information to partner libraries, CAB offices and other outlets with the advice/assistance of Parliament Public Information staff.
2. To respond to any opportunities in radio TV and newspapers to give factual information about my role.

I have already this year revised and updated my information materials and sent copies of my leaflet to all MSPs following the May election.)

*Openness and transparency*

72. *“Detailed governance policy and procedures are developed and published.”*

I rated this in the second category overall – most governance elements are in place and published, though not in a form that brings them all together. However, I do not consider it optimal in relation to the perceived independence of my role that my appointment can be renewed or otherwise by those under scrutiny. My view, that there should be for future post holders a single term of say five to seven years, has been made known to the Parliament via my Annual Report for 2005/06 and my evidence to the Finance Committee Inquiry into Governance and Accountability.<sup>22</sup>

*Efficiency*

73. *“Investigations are even-handed, dealing fairly with both the complainant and the organisation being complained about.”*

I rated this in the second category on my own judgement. However, I would suggest that a consumer satisfaction survey of complainers, conducted with the help of an external organisation, would add further useful information about the complaints system and how it is perceived by those who use it. This would have resource implications and needs to be discussed with the Parliament. An intermediate solution would be to give a routine brief questionnaire to users of the service following conclusion of their complaint, asking about issues such as how they heard of the Commissioner, their view of the timeliness of response and their satisfaction as to how the complaint process was undertaken.

74. In short, the areas for improvement suggested from this exercise included improving public education about my role, providing in future for a single term of office so as to strengthen perceived independence and surveying the views of complainers about the service received.

**Involvement With Other Organisations****British and Irish Ombudsman Association (BIOA)**

75. I continue as an Associate Member of BIOA, which has been described above in paragraph 57. I have found it very useful as a source of information and contacts. I am a Member of the BIOA legal interest sub-group, which meets several times per year. I continued to serve on a BIOA working group drawing up guidance on good practice in governance in ombudsman and related schemes, and I presented a paper on this to the two-day BIOA biennial conference at the University of Warwick in April 2007.

**Other Parliamentary Standards Personnel**

76. I attended a Standards Seminar in Cardiff in April 2007 at which standards personnel from the UK and Ireland discussed matters of common interest. In October 2007 I took part in a meeting with members of the Standards Committee of the Northern Ireland Assembly when they visited the Scottish Parliament to discuss standards issues. I also continued the helpful practice of informally comparing notes from time to time with other Commissioners/investigators in the UK and Ireland.

**Talks Etc.**

77. I have addressed a number of meetings on the subject of my role, e.g. I gave talks in Aberdeen and Dumfries to the Council of Ethnic Minority Civic Congress (CEMVO) Scotland as part of its Ethnic Minority Civic Congress Information and Training Sessions. I also participated in a seminar of Chartered Institute of Public Finance and Accountancy (CIPFA) students in Glasgow in May 2007.

78. Informing the public about my role is an area of work that could be expanded to meet the aims of my Information Strategy. I will be pleased to talk to community groups and organisations about my remit as Standards Commissioner and how the complaints process works.

<sup>22</sup> Finance Committee 7th Report 2006 (Session 2).

**Other Activities**

79. At the start of the year, I revised my published information (leaflet and website), taking account of the new Code of Conduct and the Interests of Members of the Scottish Parliament Act 2006. As a further step, I distributed copies of my revised leaflet to all MSPs, both to inform them (particularly new Members) and so that they could make it available to constituents as appropriate. I also had discussion with Parliament Public Information Service staff about wider distribution of my information and I ensured that copies of my revised leaflet would go out to partner libraries and the Citizens’ Advice Bureau offices and website. I issued a press release in February 2008 commenting on aspects of my role on which there was some confusion. This is available on my website (at [www.spssc.co.uk](http://www.spssc.co.uk)). I noted that in 2007 my website received 23,463 hits.

80. In the course of the year, my Memorandum of Agreement with the Crown Office and Procurator Fiscal Service<sup>23</sup> was agreed with those bodies and then approved by the Standards, Procedures and Public Appointments Committee. Towards the end of the year I met with the Area Procurator Fiscal and Crown Office to review the working of the Memorandum. In February 2008, I met in Edinburgh with the Secretary of the Committee on Standards in Public Life to discuss matters of common interest.

81. In February 2008, I gave oral evidence to the Standards, Procedures and Public Appointments Committee in relation to its review of section 8 of the Code of Conduct.<sup>24</sup> I responded to a request from the Scottish Government for my views on whether my post should be listed as a public authority under Schedule 1 of the Freedom of Information (Scotland) Act 2002. I participated in a discussion in Edinburgh in relation to the interim findings of the Independent Review of Audit, Regulation, Inspection and Complaints Handling of Public Services in Scotland. I also later in the year attended a conference in Edinburgh about the Review. I attended an annual Freedom of Information conference in Edinburgh in October 2007. I had a meeting with the Chief Investigating Officer of the Standards Commission for Scotland

in October 2007, at which we discussed matters in common. In the same month, I offered my views to the First Minister and the Permanent Secretary on the review of the Ministerial Code.

**Finances**

82. The post was set up with an annual budget of £100,000, reduced to £90,000 from 2006/07 reflecting a different way of dealing with contingencies; significant one-off costs such as meeting the cost of a legal challenge are now to be met from a central contingency fund in the SPCB budget rather than from the Commissioner’s budget. The Accountable Officer is the Clerk of the Scottish Parliament. Expenditure from 1 April 2007 to 31 March 2008 is shown below, with data from the previous two years for comparison.

Table 4

<b>Expenditure (£)</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>
Salary costs (including National Insurance and pension contribution)	55,363	53,359	54,665
Legal costs	6,794	11,468	18,416
Other running costs	3,485	6,992	4,659
<b>TOTAL EXPENDITURE</b>	<b>65,642</b>	<b>71,819</b>	<b>77,740</b>
<b>BUDGET</b>	<b>100,000</b>	<b>90,000</b>	<b>90,000</b>

83. The main cost was the Commissioner’s salary (£40,820 p.a. plus employment overheads). For the first four months of 2005/06 I was paid at 60% of the full-time rate because of an unusual peak in workload from complaints received late in 2004/05. The post is home based, so there are no accommodation costs and I employ no staff.

84. The increased legal costs for 2007-08 reflect the complexity of complaints going to Stage 2 investigation during the year, including a high-profile case.

85. At present the budget is clearly sufficient to meet the needs of the post. This could change if the workload developed to the point where there was a need for staff and office accommodation.

<sup>23</sup> This is available to view on my website at [www.spssc.co.uk](http://www.spssc.co.uk).

<sup>24</sup> See Standards, Procedures and Public Appointments Committee, Official Report 26 February 2008, Cols. 101-108.

### Future Priorities 2008-2009

86. I will continue in my information strategy to give accurate information to the public about my role. In 2005/06 I carried out a risk management exercise; the item with the highest risk score, i.e. the biggest potential impact on my being able to perform my role effectively, was lack of public knowledge of my role. My risk management plan detailed measures that could be taken to increase public knowledge, such as:

- “1. Further distributing information to partner libraries, Citizens’ Advice Bureau and other outlets. This could be discussed with the Parliament’s Public Information staff.
2. Responding to opportunities on radio and TV and in newspapers to give factual information about the Commissioner’s role.”

Similar information emerged from my use of the BIOA self-audit tool in 2007/08 as described above. The items in (1) above have now been achieved but those in (2) are ongoing.

87. Exchange of information with other standards bodies and personnel in the UK, Ireland and elsewhere will be maintained.

88. A major issue for 2008/09 will be helping to ensure an effective handover to my successor, for my tenure of the post comes to an end in March 2009. I will liaise with Standards, Procedures and Public Appointments Committee and with the Scottish Parliamentary Corporate Body on how best to handle transitional issues and I will be happy to assist in preparing my successor to take over the role. At the end of the year I will review records from 2003/04, my first year in office, and take the views of the Standards, Procedures and Public Appointments Committee, with a view to deciding on destruction or retention as they will then have been retained for five years.

## The Commissioner and the Role

The Commissioner is Dr Jim Dyer OBE, who became the Scottish Parliament's first Standards Commissioner in April 2003. He was appointed following open recruitment by the Parliamentary Corporate Body, with the agreement of the Parliament, for a three year term. The Parliament subsequently agreed a second three year term from April 2006. The post and its remit were created by the Scottish Parliamentary Standards Commissioner Act 2002.

The Commissioner is an independent investigator of complaints that an MSP has breached the Code of Conduct, the Interests of Members of the Scottish Parliament Act 2006 or other provisions. The Code of Conduct gives guidance to MSPs on the conduct of their parliamentary duties. It covers such things as:

- respecting privacy
- registering and declaring interests
- paid advocacy
- lobbying and preferential access.

The Commissioner does not:

- decide on sanctions (Parliament does)
- give advice on standards issues (the Standards, Procedures and Public Appointments Committee clerks deal with this)
- deal with complaints about Parliament staff or MSP staff
- deal with complaints about Ministerial action (these go to the Office of the First Minister)
- deal with complaints about conduct in the chamber or committee (these go to the Presiding Officer or the Convener of the committee), or about Cross Party Groups (these go to Standards, Procedures and Public Appointments Committee)
- deal with complaints about use of allowances or parliamentary facilities or services (these go to the Scottish Parliamentary Corporate Body)
- deal with complaints under Section 8 of Volume 2 of the 2007 Code (these go to the Presiding Officer).

The Commissioner takes part in Stages 1 and 2 of a four part complaints process. The process can be summarised as follows.

**Stage 1 – is the complaint admissible?** It must be:

- Relevant
  - About the conduct of an MSP
  - Not an “excluded complaint” (ones dealt with elsewhere)
  - It must involve a potential breach of Code (so it must relate to the conduct of “parliamentary duties”)
- Procedurally correct
  - E.g. it must name the MSP, identify and be signed by the complainer, be not more than one year from identifying the problem etc.
- Of enough substance as to warrant further investigation

**Stage 2 – did the MSP carry out the conduct complained of, and did this mean that the rules were breached?**

- Investigation takes place in private
- The Commissioner has formal powers to compel witnesses and require production of documents
- Interviews are tape recorded
- The Commissioner reports to Standards, Procedures and Public Appointments Committee. The Member is first given sight of the draft report and can suggest corrections

**Stage 3 – consideration by Standards, Procedures and Public Appointments Committee**

- The Committee considers the report
- It is not bound by the Commissioner's findings
- It may direct him to investigate further, or carry out its own investigation
- It may recommend sanctions to Parliament (from this stage on, the process is public)

**Stage 4 – Parliament decides on sanctions**

- The Member can be prevented or restricted from taking part in proceedings for a time
- In some circumstances, he or she may be excluded
- Rights and privileges may be withdrawn from the Member

- *Some breaches are criminal offences – with the possibility of fines up to £5000 (by the Courts)*

*The above information, together with guidance on how to make a complaint is available in fuller form on a leaflet available from the Commissioner (also available in Gaelic) and on his website (see below).*

### **Contacting the Commissioner**

- **Write to**  
***The Standards Commissioner***  
***The Scottish Parliament***  
***Edinburgh***  
***EH99 1SP***
- **Telephone**  
***Direct Tel: 0131 348 6666***  
***Mobile: 07909 872726***  
***(RNID Typetalk calls welcome)***
- **Fax**  
***0131 348 6834***
- **email**  
***standards.commissioner@scottish.parliament.uk***
- **website**  
***http://www.spsc.co.uk***

Commissioner: Dr J A T Dyer OBE  
The Scottish Parliament  
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EH99 1SP

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