

COMMISSIONER'S REPORT

Under s9 of the Scottish Parliamentary Standards Commissioner Act 2002, as amended (the "**2002 Act**").

Confidentiality

The Act requires that the investigation process shall be conducted in private.

Case Ref:		MSP/SP/003633
Date:		17 November 2022
Complainer:		Hugh Humphries
COMPLAINT AGAINST		
Respondent:		Jackson Carlaw MSP
	Member for:	Eastwood
	Party:	Scottish Conservative and Unionist Party

Commissioner's conclusion:

The Commissioner has concluded that the respondent has breached the following relevant provisions:

- Section 13 (1) and (2) of the Interests of Members of the Scottish Parliament Act 2006 (the "**2006 Act**"), following the definitions and conditions of having a declarable interest in section 12 of the 2006 Act;
- Section 3 of the Code of Conduct for Members of the Scottish Parliament, 8th Edition, dated 6 May 2021 (the "**Code**").

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Executive summary

The conduct complained about can be summarised as follows:

The Respondent is an MSP and was the Convenor of the Citizens Participation & Public Petitions Committee (the “**Committee**”).

The Respondent’s Register of Interests (the “**Register**”) shows an overseas visit from 12 - 17 August 2018 to Israel and the Palestinian Territories. The Register states that during the visit, the Cross-Party Group travelled extensively across Israel and visited the Occupied Palestinian Territories. It says the Respondent met with organisations and individuals to hear and discuss issues of concern and areas for possible future engagement. The cost of the visit was met by the Embassy of Israel in the United Kingdom and the estimated cost was £2,200.

On 6 October 2021, the Committee scrutinised Public Petition PE1879 (also referred to as the “**Petition**” throughout this report). The Petition is about providing an accessible and professionally developed learning and teaching resource on Israel and Palestine. The Respondent declared an interest on 6 October 2021 by stating that he was “*convenor in the previous parliamentary session of the cross-party group on building bridges with Israel*”. However, the Respondent made no reference to the registered overseas visit of 12 – 17 August 2018.

The Commissioner concluded that the conduct complained of is proved, on balance, as a matter of fact. The Commissioner also concluded that the registered overseas visit is a declarable financial interest for the purposes of the 2006 Act and the Code.

The Commissioner concluded that the Respondent’s conduct in not declaring a financial interest breached the 2006 Act and the Code.

Introduction

The Scottish Parliamentary Standards Commissioner Act 2002 (the “2002 Act”) empowers the Commissioner to investigate complaints about the conduct of MSPs and report upon the outcome of such investigations to the Scottish Parliament.

The purpose of this document is to report on the outcome of the Commissioner’s investigation.

Background

1. The Respondent is the MSP for Eastwood (Constituency) from 2016 to present. He was a former MSP for West Scotland (Region) between 2007 and 2016. The Respondent is currently a member of the Citizen Participation and Public Petitions Committee for which he is Convener. The Respondent is also Convener of the Cross-Party Group (“CPG”) on Building Bridges with Israel.
2. The Complainer submitted a complaint to the Commissioner, on behalf of Scottish Friends of Palestine, which was received on 1 October 2021, before the conduct occurred, and another complaint, dated 26 October 2021 after the conduct occurred. The complaint material received is attached as **Appendix 1**.
3. The complaint the Commissioner received and is reporting on can be summarised as follows: the Respondent failed to declare a registered financial interest, shown in his Register, prior to the discussion of the Petition.

The complaint

4. The conduct complained about is as follows:

Complaint

The Respondent failed to declare a registered financial interest, shown in his Register, prior to the commencement of scrutiny of Public Petition PE1879.

Admissibility of the complaint

5. Section 6 of the Act requires the Commissioner to complete an assessment of admissibility of the complaint, known as “Stage 1”. The 3 tests relate to:
 - relevancy;
 - specific requirements relating to form, content and execution;
 - whether the complaint warrants further investigation if it appears after an initial investigation that the evidence is sufficient to suggest the conduct complained about may have taken place.

6. The Commissioner concluded that the 2006 Act and section 3 of the Code was engaged. The Commissioner was satisfied that the complaint was admissible at Stage 1 and required to proceed to full investigation, known as “Stage 2”.

The investigation

7. Section 3(12) of the Code states that a member who fails to make a relevant declaration commits a criminal offence. Paragraph 15 of the Directions dated 6 January 2020 (issued to the Commissioner by the Scottish Parliament under sections 4 and 7(6) of the 2002 Act) (the “**Directions**”) make it clear that the Commissioner is to suspend his investigation if he is satisfied that the conduct would, if proved, constitute a criminal offence:

“Criminal offences

(15) 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.”*

8. The Commissioner prepared a report, setting out all of the material that he had reviewed during the Stage 1 of the investigation, and provided this to Crown Office and Procurator Fiscal Service (“**COPFS**”) on 31 March 2022. The report referred to the relevant provisions of the 2006 Act and the Code and included hyperlinks to the Respondent’s Register and the Official Report of the Citizen Participation and Public Petitions Committee, dated 6 October 2021. The report to the COPFS is attached at **Appendix 2**.
9. On 8 June 2022, the COPFS responded to the Commissioner stating that they did not intend to become involved in the matter.
10. The Standards, Procedures and Public Appointments Committee (“**SPPA Committee**”) was advised that a report had been made to the COPFS and the COPFS’ response on 10 June 2022.
11. The Commissioner also wrote to the Respondent on 10 June 2022. The Commissioner confirmed that the case had been referred to the COPFS, the COPFS had since responded and that the SPAA Committee had been advised accordingly.
12. The investigation was carried out in terms of the Commissioner’s powers under the 2002 Act and the Directions.
13. Witness evidence was obtained from:
 - the Respondent;
 - four MSPs who were on the Citizen Participation and Public Petitions Committee;

- [REDACTED] Clerk of the Citizen Participation and Public Petitions Committee; and
- [REDACTED] Clerk of the Citizen Participation and Public Petitions Committee.

14. Documentary evidence obtained included, but was not limited to:

- a letter of complaint received on 1 October 2021 (Appendix 1);
- a letter of complaint, dated 26 October 2021 (Appendix 1);
- the Official Report of the Citizen Participation and Public Petitions Committee, dated 6 October 2021, which can be accessed [here](#);
- the webcast of the Citizen Participation and Public Petitions Committee, dated 6 October 2021, which can be found [here](#) (relevant timings between 00:09:20 to 00:14:26);
- the Respondent's Register of Interests;
- an email from the Respondent to the Commissioner, dated 16 June 2022 responding to the complaint;
- a further email from the Respondent to the Commissioner, dated 9 August 2022 responding to the Investigating Officer's information request;
- an email from Witness A MSP, dated 15 August 2022, responding to the Investigating Officer's information request;
- an email from Witness B MSP, dated 18 August 2022, which included a document with his response to the Investigating Officers information request;
- an email from Clerk A, dated 18 August 2022, responding to the Investigating Officer's information request;
- an email from Witness C MSP, dated 22 August 2022, responding to the Investigating Officer's information request
- an email from Clerk B of the Committee, dated 8 September 2022, attaching [REDACTED] response to the Investigating Officer's information request; and
- an email from Witness D former MSP, dated 21 September 2022, responding to the Investigating Officer's request for information.

The approach to findings

15. The Commissioner noted the terms of section 9(2)(c) of the Act which requires the Commissioner to detail the facts found in relation to whether the respondent has committed the conduct complained of. The Commissioner also noted section 8(2) which provides that the standard of proof is that applicable to civil proceedings,

namely the balance of probabilities, i.e. whether it is more likely than not that an event occurred.

The analysis of the evidence and findings

16. The Commissioner considered the complaint and evaluated the evidence in relation to it in order to make his findings on facts.

The Complaint

17. In his complaint which was received by the Commissioner on 1 October 2021, prior to the alleged conduct occurring, the Complainer stated that the Respondent, in his position, *“has a lot of power”* and was expected to lead the discussion in terms of Public Petition PE1879. The Complainer said, even if the Respondent decides to declare the information that he should, he would still be *“in a very strong position to skew the eventual adjudication towards his personal interests and those of his proven associates”*.

18. In the Complainer's further complaint dated 26 October 2021, after the alleged conduct occurred, he said:

“On the 6th October 2021, [the Respondent] in his position as Convener of the Citizen Participation & Public Petitions Committee, failed to declare financial interests and conflict of interests prior to the commencement of scrutiny of Public Petition PE1879 under his authority”.

19. The Complainer referred to the Respondent's Register which states that he participated in a visit, by Building Bridges with Israel, to Israel and the Palestinian Territories from 12 – 17 August 2018. The Respondent's Register states that the cost of this visit was met by the Embassy of Israel in the United Kingdom. The Complainer stated that it was the view of Scottish Friends of Palestine that any engagement with most Israeli politicians, particularly those in government, inevitably comes down to the negative image of Israel internationally, and how it can be countered. The Complainer stated that there is *“no such thing as a ‘free lunch’ and the need to ensure not only fairness in the petition system, but the need to be seen to be fair, this item from the Register of Interests immediately compromises the participation of [the Respondent] in scrutiny of PE1879.”* The Complainer said that this should have been disclosed.

20. The Commissioner considered the Respondent's Register, which records:

“From 12 August to 17 August 2018 I participated in a visit, by the Cross-Party Group Building Bridges with Israel, to Israel and the Palestinian Territories. During the course of the visit the CPG travelled extensively across Israel and in addition visited the Occupied Palestinian Territories. I met with many organisations and individuals to hear and discuss issues of concern and areas for possible future engagement. The costs of my visit were met by the Embassy of Israel in the United Kingdom (MFA) (of 2 Palace Green, Kensington, London, W8 4QB) and in respect of my travel, accommodation and hospitality are estimated to be of the value of £2,200.”

21. The Commissioner also reviewed the Official Report of the Citizen Participation and Public Petitions Committee meeting of 6 October 2021. The Official Report shows that the Respondent, as Convener, advised the Committee that one of the petitions to be considered was Public Petition PE1879 and he went on to declare an interest. The Official Report records that he said:

"Before we proceed, I should declare an interest as convener in the previous parliamentary session of the Cross-Party Group on Building Bridges with Israel. The CPG has yet to be reconvened, but I hope and expect that that will happen later this month".

22. The Respondent thereafter went on to explain who lodged the Public Petition PE1879 and the details of it to be considered and discussed. He asked for members' comments on the Petition to which two members provided suggestions, the first was to close the Petition given that the curriculum for excellence is a matter for local authorities and individual schools and the other suggestion came from another member who agreed with the first approach and said he would like for members of the two CPGs (Building Bridges with Israel and the other on the situation in Palestine) to have a discussion in a rational manner. The Respondent then summarised the two suggestions and in terms of drawing the Petition to the attention of the two cross-party groups, he said *"I am not totally sure that it is within our competence to do so with groups that have not yet been officially recognised by the Parliament, but I think that we could do that. Indeed, I think that it would be useful for the elected members of both groups to initiate a discussion. Do members agree to close the petition on that basis?"* The Members agreed. The Petition was then closed.

23. The Commissioner has also viewed the webcast of the Committee meeting and considers the Official Report's record of what was said at the meeting is accurate. The Respondent, as Convener, introduced the Petition by reading out a script. He declared an interest as Convener of a Cross-Party Group, Building Bridges with Israel, and went on to read out further detail about the Petition and asked for Members thoughts and/or comments on how to proceed. Two Members provided suggestions as highlighted above in paragraph 22 and the Respondent summarised the action that would be taken which was agreed by all.

The Response

24. In his response to the complaint, the Respondent advised that he made the following declaration before the commencement of scrutinising Public Petition PE1879:

"Before we proceed, I should declare an interest as convenor in the previous parliamentary session of the cross-party group on building bridges with Israel. The CPG has yet to be reconvened, but I hope and expect that that will happen later this month".

25. The Respondent said that he believed “*by making [the above] statement that implicit in my reference to the CPG were any perceived interests accruing.*” The Respondent referred to paragraph 4 of Section 3 of the Code of Conduct (covering section 13 of the 2006 Act) in relation to declaration of interests, which states that “*the onus is on individual members to decide*”. He said that had the financial interest been of a monetary sum or an ongoing monetary remuneration then he would, of course, refer to that specifically. However, the Respondent said that in his many years as an MSP, he has not heard a colleague make a declaration in respect of an overseas visit conducted as part of their parliamentary duties or on behalf of their constituents. He said that he would feel that making specific reference to a visit undertaken some years previously, and in a previous session of parliament to be “*highly unusual*”. The Respondent stated that there was no effort on his part to conceal his participation in the cross-party visit as he made explicit reference to his convenorship of the CPG Building Bridges with Israel both at the meeting and in his declaration, which is available on his Register as a matter of public record.
26. The Respondent further stated that he did discuss his potential interest with both the clerks and colleagues prior to the formal proceedings on 6 October 2021. He said having made his oral declaration, they agreed that he would introduce the Petition with the summary as drafted by the clerks (which he said is practice for all petitions) and that he would then leave colleagues to reflect on it and intimate any potential course of action without any personal comment or direction from him. The Respondent said he therefore quite deliberately made no contribution, in his personal capacity, as a member of the Committee.

The Facts

27. The Respondent declared an interest prior to the scrutiny of the Public Petition PE1879. However, the Respondent’s declaration of interest was based on the fact that he had been the convener in the previous parliamentary session of the CPG on Building Bridges with Israel. The Respondent made no mention of his overseas visit that he participated in with the CPG, travelling across Israel and visiting Occupied Palestinian Territories, a visit for which the costs were met by the Embassy of Israel in the United Kingdom.

The Commissioner’s conclusions

28. There is no dispute that the Respondent declared a conflict of interest on 6 October 2021, advising that he was convener of the CPG Building Bridges with Israel in the previous parliamentary session. However, despite the Respondent’s register of interests (which is publicly available online) indicating that he participated in a paid visit across Israel by the Embassy of Israel, the Respondent made no specific reference to this prior to the discussion of Public Petition PE1879. The Commissioner was therefore satisfied that the conduct complained of was committed by the Respondent. Further consideration of the relevant facts and whether the Respondent had breached the Code are set out in the next section of this report.

Overall determination of the conduct complained about

29. Based on the above, the Commissioner has determined the complaint as follows:

The Complaint

The Respondent failed to declare a registered financial interest prior to the commencement of scrutiny of Public Petition PE1879.

Sufficient evidence to find proved.

Relevant provision(s)

30. The Commissioner went on to consider whether, on the basis of the facts that could be proved, the Respondent had breached a relevant provision or provisions.
31. The Code has been approved by the Scottish Parliament under its Standing Orders to provide a set of principles and standards for its Members. For the purpose of considering this complaint, the relevant edition of the Code is the 8th Edition, dated 6 May 2021. In addition, the Commissioner considered relevant provisions of the 2006 Act.
32. The Commissioner also considered the Guidance on the Code of Conduct for Members of the Scottish Parliament which was last updated 21 October 2021 (the "Guidance").

The Investigation

33. The Commissioner acknowledged the Complainer's position that the Respondent's participation in the overseas visit may have compromised his position when dealing with Public Petition PE1879, given the nature and subject matter of the Petition. However, the Respondent argued that: 1) he declared that he was convener of the CPG on Building Bridges with Israel in the previous parliamentary session, therefore there was no effort to conceal his participation in the CPG visit; 2) had the financial interest been of a monetary sum or ongoing monetary remuneration he would have referred to it specifically; 3) he has never heard a colleague making a declaring in respect of an overseas visit conducted as part of their parliamentary duties; 4) making specific reference to a visit taken some years previous would be highly unusual; 5) he discussed his interest with the clerks and colleagues to which it was agreed that he would introduce the petition using the draft script compiled by the clerks and allow his colleagues to take a view on potential course of action; and 6) he deliberately made no contribution in his personal capacity.
34. The Investigating Officer wrote to members of the Committee on 15 August 2022 and requested that they respond to specific questions. The Investigating Officer asked each member if they discussed with the Respondent, ahead of the formal proceedings of the Committee on 6 October 2021, his potential interest in the matter and if so, for them to provide details of the conversation. The Investigating Officer also asked what each member could recall about the Respondent's

introduction of the Petition and in particular its content and how it was drafted as well as what they could recall about any conversations they had with the Respondent relating to how he, and the other Members of the Committee, would handle the Petition during the course of the Committee meeting. The Investigating Officer also asked the Members to provide any other information they deemed relevant to the complaint.

35. Witness A replied to the Investigating Officer on 15 August 2022. They advised that they were struggling to comprehensively recall the details of what was discussed prior to the public proceedings that morning due to the passage of time. They said that they did not recall anything irregular being discussed as they were sure a colleague acting in a manner which was out of the ordinary would have stayed with them. Witness A stated that they were acutely aware of the importance of MSPs referring to their Register of Interests when undertaking parliamentary duties. They said that they were also aware of the Respondent's involvement in the CPG on Israel and were content with his declaration of interest in the formal proceedings in that regard, as recorded in the official report.
36. Witness B replied to the Investigating Officer's request for information on 18 August 2022. Witness B stated that there was no discussion with the Respondent on the matter until the pre-meeting of the Committee on the morning of 6 October 2021. Witness B said that at the pre-meeting, the Respondent, as Convener, informed the Committee that he was previously the Convener of the CPG on Building Bridges with Israel in the previous session of the Parliament and that he would indicate this at the opening of the discussion on the petition. Witness B stated that the Respondent also indicated that he would not participate in any further discussion whilst the Committee proceedings were in progress. Witness B further stated that the Respondent, as Convener, introduced the petition by reading out the Convener's brief which had been provided by the Committee Clerks. They said that the Deputy Convener took the lead on the Petition and made some recommendations. Witness B said that they agreed with those recommendations.
37. Witness C responded on 22 August 2022 stating that they had no recollection of any discussion with the Respondent ahead of the formal proceedings of that specific Petition. They said that they also had no recollection about the introduction of the Petition, its contents, or its drafting. Witness C further stated that they had no recollection about the handling of the Petition. Witness C apologised for not being able to provide any relevant information and stated that it was due to time that has passed since the Petition was considered and said that they left membership of the Committee some time ago. They stated that during their service on the Committee, due discussion was observed regarding all the petitions about to be considered on the day.
38. On 21 September 2022, Witness D responded to the Investigating Officer's request for information. Witness D stated that they could not recall if they discussed the Respondent's potential interest in the matter ahead of the formal proceedings of the Committee on 6 October 2021. Witness D stated that they recalled the Respondent reading out the preamble as drafted by the Committee Clerk. They said that the Respondent also declared an interest as a member of a CPG. Witness D stated that their recollection is that they recommended to the Committee under

point 15.7 of Standing Orders that the Petition should be closed as their understanding was that the Scottish Government and Education Scotland were not in a position to progress the matter further. They said rather, it was felt the matter fell within the remit of the 32 local authorities. Witness D stated that the Committee agreed with his recommendation.

39. The Investigating Officer also asked the same questions of the Clerks to the Committee as well as asking the Clerks if they drafted wording to be used when introducing the petition and what they deemed “*normal practice*” when an MSP is required to declare a financial interest if they participated in an overseas visit as part of their parliamentary duties.

40. Clerk A responded on 18 August 2022. [REDACTED] stated that [REDACTED] was the [REDACTED] Clerk for this Petition and said that a script, called the Convener’s Brief, is prepared for the Convener of every Committee, to help them run the meeting. Clerk A said that the script is prepared by the clerking team and sent to the Convener ahead of the meeting. Clerk A attached a copy of a document titled “*Convener’s brief*” to [REDACTED] response to the Investigating Officer which documents that there was a pre-brief on 6 October 2021, before the Committee, which was sent to the Respondent on 5 October 2021. The Commissioner notes that Convener’s brief contained the information which the Respondent read out when he introduced the Petition in question at the Committee meeting. The Convener’s brief also suggested actions to take which were:

- a) to write to the Association of Director of Education Scotland and the Educational Institute of Scotland to seek their views on the action called for in the petition;
- b) to close the petition under Rule 15.7 of the Standard Orders on the basis that:
 - the resource is available on the Education Institute of Scotland website;
 - the Curriculum for Excellence does not prescribe set topics and allows local authorities and individual schools to develop curricula informed by the local needs or learners; and
 - the Scottish Government states that both it and Education Scotland consider their involvement in the resources closed.
- c) To take any other action the Committee considered appropriate.

41. Clerk A stated that in his correspondence with the team, the petitioner highlighted an entry in the Respondent’s declaration of interests – a trip to Israel and the Palestinian Territories in August 2018, the cost of which had been met by the Israeli Embassy in London. [REDACTED] said that the petitioner also asked whether this would be a relevant interest to declare when the Committee considered the petition. Clerk A said after consulting with the Clerk to the Committee, Clerk B, [REDACTED] advised the petitioner that any declaration of interest is purely a matter for individual members. Clerk A said that the petitioner was dissatisfied with this response and asked who else he could contact within the Parliament in relation to this. Clerk A said following further consultation with Clerk B, [REDACTED] responded with information about the Code and the complaints procedure, noting that the Code did not relate to political statements or views expressed by MSPs.

Clerk A said [REDACTED] cannot recall exactly when it was, they did not have regular meetings ahead of Committee meetings, nor was there a meeting with the Respondent, separate from the Committee meeting, noted in [REDACTED] diary from September/October 2021. However, ahead of the formal proceedings on 6 October, [REDACTED] alongside Clerk B, informed the Respondent that the petitioner had raised a concern with his Register of Interest entry as well as setting out the advice that had been provided in response. Clerk A said that they did not inform the Respondent to take a particular action but noted that it was his responsibility to ensure that relevant interests were declared and for him to determine when an interest was relevant.

42. Clerk A further stated that during the pre-brief, the Convener of the Committee asked whether any Member has comments on any of the petitions on the agenda. [REDACTED] said that this allows Members the opportunity to ask the clerks for clarification on any points in their papers and, should there be an evidence session as part of the meeting, to allocate questions. Clerk A said this was the case with the 6 October meeting. [REDACTED] said [REDACTED] did not recall anyone mentioning Public Petition PE1879, and [REDACTED] did not make any notes in either [REDACTED] hard copy of the Convener's brief or in the pad [REDACTED] was using at the time.

43. Clerk A stated that this was the first time that [REDACTED] had been aware of a financial interest from an overseas visit being raised as relevant to Committee or Chamber business. [REDACTED] said that [REDACTED] does not believe it is common for MSPs to be invited on overseas visits, so [REDACTED] could not say what "*normal practice*" in that circumstance would be. Clerk A stated, however, that the papers for Committee meetings are published four days before the meeting is held. [REDACTED] said similarly, MSPs know the Chamber business, at least the titles of debates, at least a week or so in advance therefore, in both situations, MSPs have time to consider whether anything in their Register of Interests is relevant to those proceedings and therefore should be declared. [REDACTED] said [REDACTED] would expect MSPs to err on the side of caution/transparency when declaring any interests. Clerk A stated that the discussion on the petition and what action the Committee should take, occurred during the formal meeting. [REDACTED] said it was recorded in the Official Report. [REDACTED] said the "Note by the Clerk" that [REDACTED] prepared on Public Petition PE1879, and published as part of the meeting papers, was evidence based and gave a summary of the submissions they had received. The balance of evidence suggested strong grounds for closure. Clerk A said as a result, this was suggested as an option for the action that the Committee could take. [REDACTED] said these options are provided in a separate, private, advice paper. The options for action from this advice paper are reproduced in the Convener's brief. [REDACTED] said, when considering the petition, the suggestion to close the petition was made by the Deputy Convener, and supported by another member, before the Respondent asked the other Members if they agreed, which they did.

44. Clerk B responded to the Investigating Officer's information request on 8 September 2022. [REDACTED] stated that as is common practice, a Convener's Brief was provided for the Convener's (the Respondent) use which provided suggested introductory wording on each petition, including Public Petition PE1879 to be considered at the Committee on 6 October 2021. Clerk B stated that whilst some

considerable time had passed, ██████ recollection was that immediately before the start of the meeting, the Respondent mentioned that he had been Convener of the CPG on Building Bridges with Israel in the previous session of Parliament (Session 5) and sought advice on whether he should declare this on the record when considering the Petition. Clerk B said that ██████ informed the Respondent that whilst declarations of interest are a matter for members, it would seem appropriate for him to refer to this previous role in the interest of transparency. Clerk B stated that the Respondent did so in his introductory remarks on the petition during the Committee and this is recorded in the Official Report. ██████ further stated that on 5 October 2021, ██████ emailed the Respondent to make him aware that Public Petition PE1879 had attracted strongly worded submissions from the petitioner and others who supported it, as well as conflicting submissions from those who opposed it. ██████ stated that immediately prior to the start of the formal proceedings, on 6 October 2021, the Respondent provided Members with some brief background to the Petition and the Scottish Government's response to it, as well as highlighting the polarised nature of the submissions received. ██████ said this mirrored closely the introduction to the petition which the Respondent gave during the formal meeting. Clerk B stated that as is made clear in the Code, the onus is on individual members to consider whether they have a declarable interest relevant to an item of parliamentary business. ██████ said members may approach the SPPA Clerks for advice on whether any such declaration might be appropriate within the context of an item of business. Clerk B stated that all members of the Committee, including the Respondent, agreed how the petition should be dealt with.

The Code

45. Sections 12 and 13 of the 2006 Act and Section 3 of the Code make provision for Declarations of Interest. Section 12 of the 2006 Act and Section 3, paragraph 3 of the Code makes clear that a declarable interest relates to a matter than an MSP has a registerable interest in relation to. The Commissioner has concluded that the Respondent's visit to Israel with the CPG Building Bridges with Israel amounted to a registerable financial interest. The interest is registered as an entry in the Respondent's Register of Interests.
46. Section 3, paragraph 4 of the Code makes clear that the requirement to declare an interest applies when the interest relates to "*the particular matter being addressed*" in the proceedings. Section 3, paragraph 8 makes a similar point. The matter being addressed by the Committee on 6 October 2021 was a petition in relation to providing an accessible and professionally developed learning and teaching resource on Israel and Palestine.
47. While the Respondent stated that he would find it "*highly unusual*" to declare an interest of an overseas visit which occurred some years previous, the Commissioner has reviewed the Guidance on declarations of interest and notes that there is no reference to a financial interest expiring, or any suggestion that if the interest referred to a previous parliamentary session, there is no requirement to declare this in the new parliamentary session. Instead, given the Guidance, and Code, both state "*a member has (emphasis added) a declarable financial interest in any matter if that member has, or had (emphasis added), a registrable financial interest in that matter which is registered in the entry relating to that member*" this

suggests that previous financial interests ought to be declared regardless of whether the interest was from a previous parliamentary session.

48. Furthermore, section 3 paragraph 6 to 8 of the Guidance, relate to procedures in committees and sub-committees. Paragraph 7 states that a member must make a declaration at a committee meeting whenever a 'declarable interest' is sufficiently relevant to particular proceedings. Paragraph 8 lists the procedures that should be followed in declaring interests. It states the declaration should be made at the start of the relevant agenda item or as soon as the member is able to make the declaration, but before otherwise participating in those proceedings. It also states *"where the member does nothing more than attend the committee meeting or vote at it, or both, no oral declaration is required, providing the interest appears in the member's entry in the Register. Parliament has determined that the member's entry in the Register is sufficient declaration of that interest"*.
49. There is no dispute that the Respondent indeed firstly declared his interest of being convener of the CPG Building Bridges with Israel in the previous parliamentary session before going further to read the script about the particular petition. This is documented in the Official Report and can be heard on the webcast of the Committee and was evidenced by the witnesses. However, the Respondent did not make any mention of his overseas visit during the Committee meeting. While the Guidance refers to not having to make an oral declaration on the basis that the interest appears in the member's entry, this refers only to those who are simply attending the meeting and voting, with no other involvement. Given the Respondent was convener of this particular Committee and was responsible for introducing and summing up the actions to take in relation to each petition, the Commissioner is of the view that this was more than simply attending and/or voting at it. For that reason, the Commissioner concludes that the Respondent's financial interest ought to have been declared prior to the discussion of Public Petition PE1879.
50. The Commissioner notes that the Respondent discussed his interest with the Clerks as Clerks A and B have advised of this in their submissions. Clerk A further stated that the petitioner himself contacted [REDACTED] in particular about the Respondent's financial interest. The Commissioner has taken cognisance of the fact that the advice given to the Respondent referred only to him being convener of the CPG as opposed to his overseas visit also. The Commissioner however notes that the onus is on the individual member to consider whether they have a declarable interest. The Commissioner also acknowledges that, given the Respondent referred to the CPG, it is unlikely that he intentionally withheld information about the overseas visit in an attempt to hide this information, especially given it was publicly available on his register of interests.
51. The Commissioner also notes that the Guidance available to MSPs on Declarations of Interest is capable of misinterpretation. Paragraph 4 under Section 3 of the Guidance states that it is not necessary to rehearse all the details of an interest which may appear in the member's entry in the Register of Interests if this is more than is required to explain the nature of the interest. The Commissioner therefore understands why the Respondent considered that his simply referring to being Convener of the CPG was enough. However, paragraphs 6-8 of the

Guidance further provides that it is established good practice for members of a committee to declare interests relevant to the remit of that committee irrespective of the business before that committee and thereafter, a member must make a declaration at committee meetings whenever a 'declarable interest' is sufficiently relevant to those particular proceedings. The Commissioner considers that the Respondent's overseas visit is sufficiently relevant to the proceedings at the Committee meeting in relation to the Petition. As such, a declaration should have been made.

52. The Commissioner is satisfied that the Respondent's overseas visit ought to have been declared at the Committee meeting of 6 October 2021. Failure to do so was a contravention of Sections 12 and 13 of the 2006 Act and section 3 of the Code.

REPORT CONTINUED BELOW

Draft report and the respondent's representations

53. In accordance with section 9(3) of the Act, a draft report was sent to the Respondent on 26 October 2022 and the Respondent was provided an opportunity to make representations.

54. The Respondent provided representations on 1 November 2022 which are annexed to this report at **Appendix 3**.

For and on behalf of

A handwritten signature in blue ink, appearing to read 'Ian Bruce', is written over a faint, illegible printed name.

Ian Bruce
Acting Commissioner

END OF REPORT

Extracts from the relevant provisions

Interests of Members of the Scottish Parliament Act 2006 ('the 2006 Act')

Section 2 – Registerable interests

- (1) In this Act, a “registrable interest” means a registrable financial interest.
- (2) The schedule sets out the circumstances in which a member has, or had, a registrable financial interest.

Section 12 – Declarable interests

- (1) In this Act, a “declarable interest” means a declarable financial interest.
- (2) A member has a declarable financial interest in any matter if that member has, or had, a registrable financial interest in that matter which is registered in the entry relating to that member.
- (3) A member has a financial interest for the purposes of paragraph (b) of section 39(2) of the 1998 Act if that member has a declarable financial interest.

Section 13 – Declaration of interests

- (1) Any member who has a declarable interest in any matter shall declare that interest before taking part in any proceedings of the Parliament relating to that matter.

The Code of Conduct for Members of the Scottish Parliament, 8th Edition, dated May 2021 ('the Code')

SECTION 3: DECLARATION OF INTERESTS

3. Under the statutory requirements, a member has a ‘declarable interest’ in relation to any matter if that member has a registrable financial interest relating to it. Registrable financial interests are those which must be registered under one of the categories set out in the schedule to the Act. These categories are explained in Section 2 of the Code.

4. Before taking part in any proceedings of the Parliament a member should consider whether they have a ‘declarable interest’ in relation to the particular matter being addressed in those proceedings. The onus is on individual members to decide.

6. Where a member has a declarable interest in any matter, the member must make an oral declaration of that interest before speaking in any meeting of the Parliament relating to that matter. This includes initiating, contributing to or intervening in any debate whether—

- during a meeting of the Parliament; or
- during a meeting of a Parliamentary committee (or a joint committee meeting or sub-committee meeting)

8. A member must declare an interest when speaking or intervening in a debate where that interest relates to the subject being debated. The Act requires that only such interests as actually appear in the member's entry in the Register must be declared (section 12(2)). Following the lodging of a written statement of an interest with the Standards Clerks (in relation to initial registration, newly acquired interests, or late registrations), there could be a period of up to 30 days before the statement actually appears on the Register and so becomes publicly known. In this situation, members are encouraged to make a declaration of that interest (either orally or in writing as appropriate to the proceedings) in order to avoid the suggestion of undue influence of which only they will be aware prior to the registration being published.



أصدقاء
فلسطين
الاسكتلنديون
Scottish
Friends
of
Palestine

Arrived TH: 01/10/21
Collected TH: 13/10/21

Hugh Humphries

23 October 2021

Ethical Standards Commissioner
Thistle House
91 Haymarket Terrace Edinburgh
EH12 5HE

Concern Regarding Petitions Committee Convener's Role: Jackson Carlaw MSP

Brief overview

Holyrood's Public Petition Committee is currently on track to scrutinise Public Petition PE1879 on 6 October 2021. The petitioner is Hugh Humphries. I am acting on behalf of Scottish Friends of Palestine, an organisation formed nearly 4 decades ago [third party info] Jackson Carlaw MSP, convener of the Petitions Committee, is currently scheduled to preside over the scrutiny process of petition PE1879. There is strong evidence of conflict of interest, that the scrutiny of PE1879 under Mr Jackson will be prejudiced and biased by his own personal convictions and associations. In this regard it would not be a fair process.

Public Petition PE1879 [<https://petitions.parliament.scot/petitions/PE1879> Provide an accessible and professionally developed learning and teaching resource on Israel and Palestine]

This calls for the Scottish Parliament to "urge the Scottish Government to acknowledge the right of Scotland's pupils to a bias-free education on the topic of Israel-Palestine by:
* ensuring Education Scotland hosts an accessible and professionally developed learning and teaching resource on its national intranet service
* re-establishing a 'strategic review group' to oversee any revision of the original resource developed in 2016."

Need for the petition

This arose from the failure of the Scottish Govt. to host the Israel-Palestine learning and teaching resource, *Palestine & Israel understanding the conflict* [<https://www.eis.org.uk/Policy-And-Publications/Palestineisrael>] on Education Scotland's intranet service, GLOW, despite the fact that both the Scottish Government and Education Scotland took the lead in the development of the resource. Evidence exists which points to the role of lobbyists in influencing the Scottish Government.

Brief comment on the development of the resource *Palestine & Israel understanding the conflict*

In 2015 the Scottish Government established a working group to produce a teaching and learning resource on Israel and Palestine. On completion, it was deemed that certain

groups of individuals had a 'stake' in the resource. Five stakeholder groups were formed and, individually, were consulted over the content of the resource, leading to refinement based on comments provided. The consultation process was completed by the end of 2016 and resulted in the launch of the Israel-Palestine teaching and learning resource – eventually named *Palestine & Israel, understanding the conflict* – by Education Scotland on its GLOW intranet service.

Note It is the view of Scottish Friends of Palestine that the stakeholder group “*Stakeholders from Israeli/Jewish community in Scotland*” is a misnomer. We do not deny the participation of Israelis but given that member organisations designated as ‘Friends of Israel’ attract non-Israelis and non-Jewish individuals to their cause, the replacement of ‘Israeli’ with ‘pro-Israel’ is appropriate.

Evidence in support of the complaint

Extract from Mr Carlaw’s Register of Interests

[<https://www.parliament.scot/msps/current-and-previous-msps/jackson-carlaw>]

Overseas visits

From 12 August to 17 August 2018 I participated in a visit, by the Cross-Party Group Building Bridges with Israel, to Israel and the Palestinian Territories. During the course of the visit the CPG travelled extensively across Israel and in addition visited the Occupied Palestinian Territories. I met with many organisations and individuals to hear and discuss issues of concern and areas for possible future engagement. The costs of my visit were met by the Embassy of Israel in the United Kingdom (MFA) (of 2 Palace Green, Kensington, London W8 4QB) and in respect of my travel, accommodation and hospitality are estimated to be of the value of £2,200.

It is the view of Scottish Friends of Palestine that any engagement with most Israeli politicians inevitably comes down to the negative image of Israel internationally, and how this can be countered. Given the potency of the belief that there is no such thing as a ‘free lunch’ and the need to ensure not only fairness in the petition system, but the need to be seen to be fair, this item from the Register of Interests immediately compromises the participation of Mr Carlaw in the scrutiny of PE1879.

Consideration should now be given to the following:

The link which confirms the appointment of Jackson Carlaw MSP as chair of the CPG on Building Bridges with Israel in October 2020

https://archive2021.parliament.scot/CrossPartyGroups/Session5CrossPartyGroup/Minutes/Israel_202010.pdf.

Then we have the link

https://archive2021.parliament.scot/CrossPartyGroups/Session5CrossPartyGroup/Annual%20Returns/2020_Israel.pdf which gives a list of the names of the member organisations of the CPG including, it should be noted, Scottish Friends of Israel (SFI), Glasgow Friends of Israel (GFI), Scottish Council of Jewish Communities, Glasgow Jewish Representative Council, Confederation of Friends of Israel-Scotland.

The Collation of Consultation Responses [SEE Appendix] clearly identifies the various stakeholder groups which participated in the consultations. Crucially, the first four

organisations listed above as members of the CPG on Building Bridges with Israel, also participated in the consultation process leading to the initial publication of the learning & teaching resource (note: GFI was essentially incorporated within SFI but, on request, was given its own voice throughout the consultation process).

The Collation records that out of the five distinct stakeholder groups, four (and 'a bit') approved of the resource. The fifth, *Stakeholders from Israeli/Jewish community in Scotland*, objected vociferously to the resource, with unremitting hostility expressed. This position on the resource was not unanimous, with *Scottish Jews for a Just Peace* giving their approval

Facebook posts:

On 9 June 2021 Glasgow Friends of Israel posted a Facebook 'motion' which stated "Schools should not be teaching about Israel/Palestine at all" followed by questions which politicised the teaching of the topic. GFI contradicted the motion by then suggesting that the teaching could be entrusted to "agencies" such as the Confederation of Friends of Israel in Scotland.

Then:

On 27 August 2021, Glasgow Friends of Israel posted a photo of the front page of the 27 August 2021 edition of the Jewish Telegraph. This page carried an article reporting on the actions of Glasgow Jewish Representative Council which resulted in National Trust Scotland withdrawing a children's exhibition on Palestine which was on display at Bannockburn's visitor centre.

In the same post the following comment is to be found: "*Well done to everyone who contacted The National Trust for Scotland to complain about distorted lies about Israel in one of their exhibitions*".

It is worth emphasising that this was an exhibition well researched and prepared by children, which reflected the involvement of young people generally in current protest movements and included views on Black Lives Matter, Extinction Rebellion and Palestine. Only the material on Palestine was removed not, as the National Trust of Scotland has stated, as a consequence of "public opinion" but of 'orchestrated opinion'. And it was Mr Carlaw's associates who levelled the completely false allegations at the children's project work.

Comment

Jackson Carlaw MSP Chair of the CPG on Building Bridges with Israel

Following the passing of the 1947 UN General Assembly Resolution which partitioned Palestine, and the massive dislocation of the indigenous Palestinian Arab population as they sought refuge from the ensuing military and terror driven onslaught by the Zionist forces, Palestinian memory of the events became rooted in their land.

Initial Israeli reaction to the consequences of their actions was sanguine, typified by the belief that 'the old eventually die and the young forget'. The former is certainly true, but not so for the latter sentiment - their memory and demand for their rights is stronger than ever.

Regardless of whether Jackson Carlaw leads the member organisations of the CPG or is led by them, the current agenda is the same, to deny the Palestinian narrative and condemn it as lies. The recent appointment of Mr Carlaw as Chair of the CPG on Building Bridges with Israel merely confirms his support for this agenda.

Jackson Carlaw MSP Convener of the Citizen Participation & Petitions Committee

Mr Carlaw, in his position as convener of the Petitions Committee, has a lot of power. He will be expected to lead the discussion and so has the opportunity to give more time and opportunity to those members of the committee who are sympathetic to Israel and deprive those known to be sympathetic to the Palestinian position from adequate time and opportunity to support the petition.

Mr Carlaw will have the power to invite members of the public or advocacy groups to address the committee or give evidence. He could invite both pro-Israel and pro-Palestine groups, and individuals, to attend committee meetings but reduce the latter's opportunity and time to speak. Mr Carlaw could decide to seek the opinion of 'experts' of his choosing. In situations where the casting vote of the convener is required, the power lies in Mr Carlaw's hands.

The complaint

The 'incident' to which this complaint refers is the absence of procedure within the Scottish Parliament which, in consideration of the circumstances outlined above, could allow Jackson Carlaw MSP to indulge in gross abuse of privilege should he oversee the scrutiny of Public Petition PE1879.

The Clerk to the Citizens Participation & Petitions Committee has no power as to what interests, if any, MSPs decide to declare. Even if Mr Carlaw declared all the information recorded in this complaint, his chairing of the scrutiny of PE187 would still be untenable and inadmissible. As current arrangements stand, Jackson Carlaw MSP, will be in a very strong position to skew the eventual adjudication towards his personal interests and those of his proven associates, And these interests are inimical to the success of petition PE1879.

Fairness, and the need for the process to be seen to be fair, which should be at the heart of all decisions made by the Petitions Committee, will be absent.



Hugh Humphries



Appendix

Israel and Palestine Learning and Teaching Resource

Collation of Consultation Responses

Consultation partner	You said	We Did
Scottish Council for Jewish Communities February 2016	There was a rise in anti-Semitic incidents following the Gaza war in 2014 and such incidents have no place in modern Scottish society, any classroom materials produced should challenge such attitudes and behaviour.	Lesson added on anti-Semitism and Islamophobia Lesson added where children compile ground rules to promote respectful language and attitudes.
Education Professionals June 2016 Statement of ongoing support for further development of the resource and/or detailed responses to consultation received from teachers and education officers from Glasgow, Renfrewshire, Inverclyde, North Lanarkshire, West Dunbartonshire, Education Scotland and EIS.	Material is quite powerful and rich for classroom use.	No action
	Very applicable to classes and curriculum	No action
	Consistency of levels, need for greater progression in knowledge and skills	Levels re-examined and changes made.
	As it stands, there is too much detail and the amount of time it would take could hinder uptake. Should be a mandatory core element that is brief enough to be covered in a few lessons with the possibility of moving onto greater depth or other areas of the curriculum.	Exemplar 'units' for Level 2/3 and Level 3/4, Introduction to Israel and Palestine, along with teacher guides have been produced to give an example of how material could be drawn from the library of resources.
	More information from Palestinian perspective than Israeli perspective	After further research, more information was added from an Israeli perspective. Engagement was sought from the Israel/Jewish community to help identify authoritative information that accurately reflects the Israeli perspective. Every attempt has been made to accurately reflect different voices and truthfully present authoritative information. In the context of this resource, balance should be an objective test - what an objective third party might consider balanced and accurate.
	Need introduction to outline background, purpose, guiding principles and aim of materials.	Rationale and teacher guidance produced.
	Possibility of IDL opportunity to bring in Geography – land use, water, counties etc	Further information added on water and land use. Teachers will develop their own

		approach to how they use the material. Key questions have been added to ensure balance is maintained.
	Most of human rights section is fine as it stands but presentation is a bit wordy.	Presentation replaced by film clip.
Stakeholders from Israeli/Jewish community in Scotland 29 November 2016 – Scottish Council for Jewish Communities, Scottish Friends of Israel, Scottish Jews for a Just Peace and Glasgow Representative Jewish Council	No need for such a resource in schools as: <ul style="list-style-type: none"> • It would give rise to anti-Semitism • There is no way of teaching this topic well or right • There can be no balance when children feel threatened by a topic they are taught • The topic is too complicated to be understood by school children • The Jewish community, especially children, would be threatened The content of the resource is flawed by: <ul style="list-style-type: none"> • 'omission after omission' • Bias towards Palestinian perspective • Sources such as the UN are not reliable • Lack of robust quality assurance • The definition of Islamophobia refers to terrorist/Muslim conflation but has no reference to Israel/Jewish conflation 	Bearing in mind that this resource has been approved by educators and any decision about its introduction to schools will be made on the basis of its educational value, consideration will be given to points made.
¹ Further comments following 29 November 2016	Scottish Jews for a Just Peace <i>Although there are claims that this resource will fuel anti-Semitism, all evidence from virtually all research groups is that anti-Semitism is fuelled by the events in Israel/Palestine. Therefore, a balance pack such as this can only help.</i>	No action
	Scottish Council for Jewish Communities, Scottish Friends of Israel, Glasgow Representative Jewish Council, Scottish Association of Jewish Teachers responded— <i>...the project is compromised beyond redemption by its failure to provide a fair and objective presentation of a very complex conflict. ... the subject is fundamentally divisive, potentially harmful not only to community and school relations but also potentially to individual pupils... We remain strongly of the opinion that this project</i>	No action

¹ At the request of the Israeli/Jewish community representatives, home access to the resource was provided to allow more time for further comment

	<i>should under no circumstances be made available as a resource to schools.</i>	
	<p>Personal comment provided by one individual who attended the consultation event but did not wish to represent any organisation-</p> <p><i>I don't have any suggestions for improvements simply because I found the material we were given very biased. Any comment on this material might be used as an attempt to legitimise this imbalanced teaching resource.</i></p>	No action
Stakeholders from the Palestinian community in Scotland 6 December 2016 – Association of Palestinian Communities, Scottish Friends of Palestine, Scottish Palestinian Forum	The resource is more favourable to Israel than to Palestine.	When amendments have been made, further checks will be done to ensure as much balance as possible.
	Need for the resource to be more accessible and child-friendly.	Will seek more visual materials and teachers will adapt to suit needs of learners.
	Description of 2014 incursion into Gaza was too bland and did not show human rights abuses.	Consideration will be made to adding visual material relating to Gaza such as the BBC documentary <i>Children of the Gaza War</i>
	Teacher notes from 'One Voice' biased in favour of Israel.	Material will be reviewed.
	It is not a 'Jewish/Muslim' conflict but an Israeli/Arab one	Material will be reviewed.
	One map wrongly showed Jerusalem as the capital of Israel.	Map will be changed.
	An important strength is that the resource tries to find common ground and looks at how people are trying to work together to move forward rather than always looking back.	
	This is a useful step in providing an opportunity for children to learn about this issue.	
	Omissions: house demolitions, two systems of law in West Bank, effects of wall, land ownership, media bias, future of Gaza, British Mandate, world-wide Palestinian refugees with no right of return, international law eg UN resolutions and Geneva Convention, important omission in Balfour Declaration statement - 'no prejudice to the indigenous peoples', settler violence, blockade of Gaza, peaceful, non-violent protests such as BDS (especially as violent protest is prominent), economic and	Within the constraints of appropriate age and stage and time restrictions, consideration will be given to points made.

	<p>social effects of separation barrier</p> <p>The description of the climate (quite warm) could include that there is no rainfall throughout the summer, making access to water an issue.</p> <p>The card recalling the Kibbutz movement should make clear that it now has a minor role, if any.</p> <p>The card referring to the 2nd Intifada mentions casualty figures. It would be interesting to have the same information on the 1st Intifada card.</p> <p>Teachers and pupils may not understand how to fill in the Venn diagram as no longer taught in maths.</p> <p>There are different narratives of immigration quotas. The British introduced strict quotas just before WWII to end the rebellion that had broken out in 1936.</p>	<p>Within the constraints of appropriate age and stage and time restrictions, consideration will be given to points made.</p>
<p>¹Further comments following 6 December 2016</p>	<p>The card referring to the 2nd Intifada mentions casualty figures. It would be interesting to have the same information on the 1st Intifada card.</p> <p>The heading "Bombing by Palestinians" out-of-date and not balanced.</p> <p>'invading Arab armies' presents an inaccurate picture</p> <p>Land ownership relative to the UN Partition Plan is complicated. The 1943 '<u>A Survey of Palestine</u>', produced for the Anglo-American Committee of Enquiry by the <u>British Mandatory</u> authorities, 34% of land Jewish owned with 32% of the population Jewish – <u>The Jewish Virtual Library</u> gives the percentage of the Jewish population as 30%.</p>	<p>Within the constraints of appropriate age and stage and time restrictions, consideration will be given to points made.</p>
<p>Students 2 December 2016 North Lanarkshire arranged a consultation meeting with six secondary students.</p>	<p><i>Too much information at the beginning before getting to the actual topic.</i></p> <p><i>Level fine for most but some pupils may find it difficult</i></p> <p><i>Welcome thought provoking aspect and that questions must be grappled with - no easy answers.</i></p> <p><i>Important to study this topic in school.</i></p>	<p>These points will be considered in a review of the material.</p>
<p>Parents 7 December 2016 North Lanarkshire arranged a consultation</p>	<p><i>Well thought out with lots of information from different viewpoints.</i></p> <p><i>There is a lot of written material, children are expecting more interactive and visual stimulus especially in primary. A child with</i></p>	<p>No action</p> <p>Consider adding more visual and interactive material. Teachers will make</p>

meeting with parents representing 4 primary and 3 secondary schools from both the denominational and non-denominational sectors	<i>dyslexia would find the text difficult. Although teachers will take what is there and make sure the activities suit the needs of the children in their class. There is enough there to make teachers feel confident about the content and they would just have to add activities.</i>	adaptations to meet the needs of learners.
	<i>Children should learn about real situations in the world and be aware that the media might not always show full, unbiased facts. Comes across as truthful, it is important for children to learn that the truth will not always be evenly balanced.</i>	No action
	<i>Would like to see more on media bias.</i>	Consider enhancing section on media.
	<i>Anti-Semitism cards too difficult for younger pupils. Case studies too long, should be reduced.</i>	Consider reducing content of both.
	<i>This is a topic I would like my child to learn in school.</i>	No action
	<i>I would not have any worries about my child studying this topic. Care has been taken to ensure children respect the views of others. It doesn't ask children to take sides but to learn that different people see things differently.</i>	No action

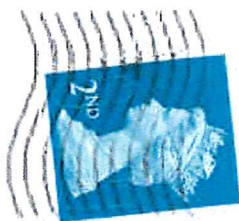
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ETHICAL STANDARDS

COMMISSIONER

TRUSTEE HOUSE

91 HAYMARKET TERRACE

EDINBURGH EH12 5HE

11307103



أصدقاء
فلسطين
الاسكتلنديون
Scottish
Friends
of
Palestine

Hugh Humphries

26 October 2021

Ethical Standards Commissioner
Thistle House
91 Haymarket Terrace Edinburgh
EH12 5HE

Complaint Regarding Jackson Carlaw MSP Convener of the Citizen Participation & Public Petitions Committee

The complaint (or 'incident')

On the 6th October 2021 Jackson Carlaw MSP, in his position as Convener of the Citizen Participation & Public Petitions Committee, failed to declare financial interests and conflict of interests prior to the commencement of scrutiny of Public Petition PE 1879 under his authority.

<https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-06-10-2021?meeting=13365&iob=121216>

Mr Carlaw compromised his position as Convener by failing to give appropriate guidance to colleagues on the Committee, allowing serious errors regarding the purpose of petition PE1879 and the rules which allow criticism of Scottish Government policy and practice and, by default, disallowing precedence being given to Government policy and practice.

Mr Carlaw further compromised his position by incorporating these serious errors into his Closure Letter of 6th October 2021 [attached] and, at the same time, impugning the petitioner and the organisation he represented by misrepresenting petition PE1879

Brief overview

On the 6th October 2021 Holyrood's Public Petition Committee commenced the scrutiny of Public Petition PE1879. The petitioner is Hugh Humphries. I am acting on behalf of Scottish Friends of Palestine, an organisation formed nearly 4 decades ago [third party info] Jackson Carlaw MSP, convener of the Petitions Committee, presided over this initial scrutiny of petition PE1879.

At the outset Mr Carlaw disclosed that he was Convener, in the previous parliamentary session, of the CPG on Building Bridges with Israel. He failed to disclose any further interests or conflict of interests in relation to public petition PE1879.

There is, however, strong evidence pointing to conflict of interest on the part of Mr Carlaw. That the scrutiny of PE1879 and ultimate decision, under the guidance of Mr Carlaw, was not free of his own personal convictions, associations and allegiances. In this regard the session on 6th October was not a fair process. And not only is it important to be fair, but it has to be seen to be fair. Mr Carlaw should have recused himself instead of proceeding to chair the meeting which ultimately closed petition PE1879 within minutes of the session opening. In addition, the communication received from Mr Carlaw confirming the closure of the petition gave completely unacceptable, erroneous reasoning.

Public Petition PE1879 [<https://petitions.parliament.scot/petitions/PE1879> *Provide an accessible and professionally developed learning and teaching resource on Israel and Palestine*]

This calls for the Scottish Parliament to “urge the Scottish Government to acknowledge the right of Scotland's pupils to a bias-free education on the topic of Israel-Palestine by:

- * ensuring Education Scotland hosts an accessible and professionally developed learning and teaching resource on its national intranet service

- * re-establishing a ‘strategic review group’ to oversee any revision of the original resource developed in 2016.”

Need for the petition

This arose from the failure of the Scottish Govt. to host the Israel-Palestine learning and teaching resource, *Palestine & Israel understanding the conflict*

[<https://www.eis.org.uk/Policy-And-Publications/Palestineisrael>] on Education Scotland’s intranet service, GLOW, despite the fact that both the Scottish Government and Education Scotland took the lead in the development of the resource. Evidence exists which points to the role of lobbyists in influencing the Scottish Government.

Brief comment on the development of the resource *Palestine & Israel understanding the conflict*

In 2015 the Scottish Government established a working group to produce a teaching and learning resource on Israel and Palestine. On completion, it was deemed that certain groups of individuals had a ‘stake’ in the resource. Five stakeholder groups were formed and, individually, were consulted over the content of the resource, leading to refinement based on comments provided. The consultation process was completed by the end of 2016 and resulted in the launch of the Israel-Palestine teaching and learning resource – eventually named *Palestine & Israel, understanding the conflict* – by Education Scotland on its GLOW intranet service

Note It is the view of Scottish Friends of Palestine that the stakeholder group “*Stakeholders from Israeli/Jewish community in Scotland*” is a misnomer. We do not deny the participation of Israelis but given that member organisations designated as ‘Friends of Israel’ attract non-Israelis and non-Jewish individuals to their cause, the replacement of ‘Israeli’ with ‘pro-Israel’ is appropriate.

Evidence and comment in support of the complaint

Register of Interests

Extract from Mr Carlaw's Register of Interests [<https://www.parliament.scot/msps/current-and-previous-msps/jackson-carlaw>]

Overseas visits

From 12 August to 17 August 2018 I participated in a visit, by the Cross-Party Group Building Bridges with Israel, to Israel and the Palestinian Territories. During the course of the visit the CPG travelled extensively across Israel and in addition visited the Occupied Palestinian Territories. I met with many organisations and individuals to hear and discuss issues of concern and areas for possible future engagement. The costs of my visit were met by the Embassy of Israel in the United Kingdom (MFA) (of 2 Palace Green, Kensington, London W8 4QB) and in respect of my travel, accommodation and hospitality are estimated to be of the value of £2,200.

It is the view of Scottish Friends of Palestine that any engagement with most Israeli politicians, particularly those in government, inevitably comes down to the negative image of Israel internationally, and how this can be countered. Given the potency of the belief that there is no such thing as a 'free lunch' and the need to ensure not only fairness in the petition system, but the need to be seen to be fair, this item from the Register of Interests immediately compromises the participation of Mr Carlaw in the scrutiny of PE1879. It should have been disclosed.

Consideration should now be given to the following:

The link which confirms the appointment of Jackson Carlaw MSP as chair of the CPG on Building Bridges with Israel in October 2020
https://archive2021.parliament.scot/CrossPartyGroups/Session5CrossPartyGroup/Minutes/Israel_202010.pdf.

Then we have the link

https://archive2021.parliament.scot/CrossPartyGroups/Session5CrossPartyGroup/Annual%20Returns/2020_Israel.pdf which gives a list of the names of the member organisations of the CPG including, it should be noted, Scottish Friends of Israel (SFI), Glasgow Friends of Israel (GFI), Scottish Council of Jewish Communities, Glasgow Jewish Representative Council, Confederation of Friends of Israel-Scotland.

The Collation of Consultation Responses [SEE Appendix] clearly identifies the various stakeholder groups which participated in the consultations on the educational resource which took place in December 2016. Crucially, the first four organisations listed above as members of the CPG on Building Bridges with Israel, also participated in the consultation process leading to the initial publication of the learning & teaching resource (note: GFI was essentially incorporated within SFI but, on request, was given its own voice throughout the consultation process).

The Collation records that out of the five distinct stakeholder groups, four (and 'a bit') approved of the resource. The fifth, *Stakeholders from Israeli/Jewish community in Scotland*, objected vociferously to the resource, with unremitting hostility expressed. This position on the resource was not unanimous, with *Scottish Jews for a Just Peace* giving their approval

The written media

- On the 15 July 2021 *The Jewish Chronicle* headlined an article “Push to start ‘pro-Palestinian’ narrative in Scottish schools” ([Push to start 'pro-Palestinian narrative' in Scottish schools - The Jewish Chronicle \(thejc.com\)](https://www.thejc.com/news/scottish-schools-push-to-start-pro-palestinian-narrative)) which misrepresented petition PE1879 when it quoted the chair of the Scottish Council of Jewish Communities, saying that it was an attempt to “make Scottish schools teach what has been described as a more ‘pro-Palestinian narrative’ “. Then, in the article, we have Scottish Friends of Israel likewise maligning the resource.

Both of the named organisations above, and their representatives, are associates of Mr Carlaw.

- The front page of the 27 August 2021 edition of the *Jewish Telegraph* (<https://mobile.twitter.com/jewishtelegraph/status/1431265975199047681>) and (<https://www.cufi.org.uk/news/scotlands-national-trust-forced-to-removed-anti-israel-display-from-stirling-castle-exhibit/>) carried an article reporting on the actions of Glasgow Jewish Representative Council which resulted in National Trust Scotland withdrawing a children’s exhibition on Palestine which was on display at Bannockburn’s visitor centre. Once again, the organisation named above is an associate of Mr Carlaw.

All three of the above associates of Mr Carlaw are linked by their intention and actions to suppress any attempt at informing the public at large of reality for the Palestinian people.

Facebook posts:

On 9 June 2021 Glasgow Friends of Israel, an associate of Mr Carlaw, posted a Facebook ‘motion’ which stated “Schools should not be teaching about Israel/Palestine at all” followed by questions which politicised the teaching of the topic. GFI contradicted the motion by then suggesting that the teaching could be entrusted to “agencies” such as the Confederation of Friends of Israel in Scotland [Screenshot of this post is available].

Then:

On 27 August 2021, Glasgow Friends of Israel posted a photo of the front page of the 27 August 2021 edition of the *Jewish Telegraph*. Already commented upon, this page carried an article reporting on the actions of Glasgow Jewish Representative Council which resulted in National Trust Scotland withdrawing a children’s exhibition on Palestine which was on display at Bannockburn’s visitor centre.

In the same post the following comment [screen shot of the post is available] is to be found: “Well done to everyone who contacted The National Trust for Scotland to complain about distorted lies about Israel in one of their exhibitions”.

It is worth emphasising that this was an exhibition well researched and prepared by children, which reflected the involvement of young people generally in current protest movements and included views on Black Lives Matter, Extinction Rebellion and Palestine. Only the material on Palestine was removed not, as the National Trust of Scotland has stated, as a consequence of “public opinion” but of ‘orchestrated opinion’. And, again, it was a Mr Carlaw’s associate who had no hesitation in levelling the completely false allegations to suppress Palestinian reality through children’s project work.

Submission to the Citizen Participation & Public Petitions Committee

Submission https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-citizen-participation-and-public-petitions-committee/correspondence/2021/pe1879_h-scottish-friends-of-israel-submission-of-2-october-2021 is a late submission from Scottish Friends of Israel to the Petitions Committee. From one perspective it is a perfect outline of the need for petition PE1879. From another – which is very much relevant in the context of this Complaint – it is a perfect outline of the agenda which drives the actions and operating philosophy of the named and proven associates of Mr Carlaw.

Further comment

Jackson Carlaw MSP Chair of the CPG on Building Bridges with Israel

Following the passing of the 1947 UN General Assembly Resolution which partitioned Palestine, and the massive dislocation of the indigenous Palestinian Arab population as they sought refuge from the ensuing military and terror driven onslaught by the Zionist forces, Palestinian memory of the events became rooted in their land.

Initial Israeli reaction to the consequences of their actions was sanguine, typified by the belief that ‘the old eventually die and the young forget’. The former is certainly true, but not so for the latter sentiment – their memory and demand for their rights is stronger than ever.

Regardless of whether Jackson Carlaw leads the member organisations of the CPG or is led by them, the current agenda of these organisations is the same, to deny the Palestinian narrative and condemn it as lies. The recent appointment of Mr Carlaw as Chair of the CPG on Building Bridges with Israel merely confirms his support for this agenda and allegiance to the current practice of Mr Carlaw’s associates, in denying Palestinian history and experience.

Convener of the Citizen Participation & Public Petitions Committee

Any convener of the Petitions Committee has much power. They are expected to lead and guide the discussion and so have the opportunity to give emphasis to their own particular viewpoint, whether by omission or commission. It is a reasonable expectation that they guide their fellow members of the Committee in terms of accuracy of arguments, observations made and fairness to the petitioner.

One guarantee of the above for all members of the Committee, not just the convener, is that all interests and conflict of interests, including potential conflict of interests, are openly declared by the members of the Committee. This cannot be enforced, the members are essentially held ‘on trust’. In the absence of this, Holyrood’s petition system falls into disrepute.

The meeting of 6th October 2021

<https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-06-10-2021?meeting=13365&iob=121216>

contribution from convener Jackson Carlaw

The meeting commenced with Mr Carlaw disclosing his position as convener/chair of the Holyrood CPG on Building Bridges with Israel. He then reads out, verbatim, petition

PE1879. Mr Carlaw then outlines, in 158 words, the submission setting out the Scottish Government's view of the background to PE1879.

Following his comment that several submissions had been received, including three from the petitioner, he then outlines in 76 words his abbreviated version of these 3 submissions on the background to the petition. Information was then provided that Scottish Friends of Israel had submitted a late submission to which the petitioner had responded.

contribution from Committee member [REDACTED]

In 54 words **third party 1**

- (a) emphasises the position of the Scottish Government and Education Scotland who have stated that "the matter is closed.
- (b) links the petition to Curriculum for Excellence and the role of local authorities/schools, concluding that the committee cannot take the petition any further and proposes its closure.

contribution from Committee member [REDACTED]

third party 2 agrees that the above is a "reasonable approach" with the committee having "taken the matter as far as it probably can."

Comment on the above contributions

[Note: The following advice was obtained from the office of the Petitions Committee: The email is available.

The Scottish Parliament's public petition system is designed to allow members of the public to raise any issue they wish the Scottish Parliament to bring to the attention of the Scottish Government, as long as this complies with certain conditions. This would include someone disagreeing with or raising concerns about current Scottish Government policy or practice]

Mr Carlaw is a seasoned politician, former temporary leader of the Conservative Party in Scotland and a member of the opposition.

It is noted that while the 1210 signatures in support of the petition were not mentioned, Scottish Friends of Israel whose submission made unwarranted and deeply offensive allegations against the resource, was given public acknowledgement by Mr Carlaw.

Third party 1 ignored the conditions for petitions as set out in "The Rules for Petitions" [SEE note above] when he deferred to the account of events, and conclusions, as outlined in the submission from the Scottish Government. Citizen participation and the opportunity to question the accounts of the Government and Education Scotland by means of a Public Petition were ignored. **Third party 1** then, by seeking to justify his position by reference to Curriculum for Excellence, displayed serious ignorance of the content of the petition and the supporting submissions. Nowhere is there to be found any reference to the curriculum, the petition is solely concerned with the provision of a bias-free and accessible educational resource. The curriculum in Scotland's schools is determined by the Scottish Qualifications Authority (SQA). Nowhere within the submissions do you find any reference to the SQA.

Just where was the guidance role of convener, Mr Carlaw? As a seasoned politician and former leader of a political party which has ambitions of government, Mr Carlaw has no excuse for failing to provide informed guidance to **third party 1** when the role of the Scottish Government and Education Scotland was conflated with that of the SQA.. He allowed the course of argument and flawed reasoning to continue its path leading to closure of Petition PE1879

Third party 2 in declaring "the approach" as "reasonable" then declaring that the subject of providing a bias-free educational resource to Scotland's school pupils had been taken "as far as it possibly can" gave a second opportunity to convener Mr Carlaw to provide appropriate guidance to his colleagues. This opportunity was again ignored.

Mr Carlaw's adjudication to bring the petition to the attention of, amongst others, his associates on the CPG on Building Bridges with Israel is nothing short of cynicism and, arguably, dishonesty.

Finally we have the **Closure Letter** PE1897 of 6th October signed by Jackson Carlaw [SEE Appendix for Closure Letter]. It gave Mr Carlaw a last opportunity, not only to clarify the difference between an educational topic and an educational resource, to re-consider the rules which govern petitions but also to consider his responsibilities and obligations as convener of the Petitions Committee when it comes to offering guidance to the Committee..

- He failed to do this by, confusing and conflating the roles of the Scottish Government and Education Scotland with that of the Scottish Qualifications Authority. The consequence of this was the placing of a completely fabricated and false justification for closing the petition on public record.
- A further consequence is that by doing so he impugned the actions and motivations of the petitioner and Scottish Friends of Palestine, the body the petitioner represents.

The implication arising from his misrepresentation of the petition is serious. It gives a Parliamentary sanctioned source to a lie – that Scottish Friends of Palestine seeks to make changes to the curriculum taught in Scotland's schools.

- He gave unquestioning precedence to the views and statements from the Ministers of the Scottish Government and the staff of Education Scotland when he failed to give guidance on the matter. He made a mockery of citizen participation and the role of the citizen, *via* Holyrood's petition system, in holding the Government and its departments to account. Yet again, Mr Carlaw demonstrated dereliction of duty and responsibility as convener to the Petitions Committee.

In the view of the petitioner, Hugh Humphries, and Scottish Friends of Palestine, the body he represents, the consequences of failing to declare conflict of interest while also failing to provide appropriate guidance which could lead to a different outcome for the petition, represents a gross abuse of privilege on the part of Jackson Carlaw MSP. It has the potential for throwing Holyrood's petition system into disrepute.

Fairness, and the need for the process to be seen to be fair, which should be at the heart of all decisions made by the Petitions Committee, has been absent.

I trust you will carefully consider the points made in this complaint and look forward to your response

Hugh Humphries

Appendix

Israel and Palestine Learning and Teaching Resource

Collation of Consultation Responses

Consultation partner	You said	We Did
Scottish Council for Jewish Communities February 2016	There was a rise in anti-Semitic incidents following the Gaza war in 2014 and such incidents have no place in modern Scottish society, any classroom materials produced should challenge such attitudes and behaviour.	Lesson added on anti-Semitism and Islamophobia Lesson added where children compile ground rules to promote respectful language and attitudes.
Education Professionals June 2016 Statement of ongoing support for further development of the resource and/or detailed responses to consultation received from teachers and education officers from Glasgow, Renfrewshire, Inverclyde, North Lanarkshire, West Dunbartonshire, Education Scotland and EIS.	Material is quite powerful and rich for classroom use.	No action
	Very applicable to classes and curriculum	No action
	Consistency of levels, need for greater progression in knowledge and skills	Levels re-examined and changes made.
	As it stands, there is too much detail and the amount of time it would take could hinder uptake. Should be a mandatory core element that is brief enough to be covered in a few lessons with the possibility of moving onto greater depth or other areas of the curriculum.	Exemplar 'units' for Level 2/3 and Level 3/4, Introduction to Israel and Palestine, along with teacher guides have been produced to give an example of how material could be drawn from the library of resources.
	More information from Palestinian perspective than Israeli perspective	After further research, more information was added from an Israeli perspective. Engagement was sought from the Israel/Jewish community to help identify authoritative information that accurately reflects the Israeli perspective. Every attempt has been made to accurately reflect different

		voices and truthfully present authoritative information. In the context of this resource, balance should be an objective test - what an objective third party might consider balanced and accurate.
	Need introduction to outline background, purpose, guiding principles and aim of materials.	Rationale and teacher guidance produced.
	Possibility of IDL opportunity to bring in Geography – land use, water, counties etc	Further information added on water and land use. Teachers will develop their own approach to how they use the material. Key questions have been added to ensure balance is maintained.
	Most of human rights section is fine as it stands but presentation is a bit wordy.	Presentation replaced by film clip.
Stakeholders from Israeli/Jewish community in Scotland 29 November 2016 – Scottish Council for Jewish Communities, Scottish Friends of Israel, Scottish Jews for a Just Peace and Glasgow Representative Jewish Council	No need for such a resource in schools as: <ul style="list-style-type: none"> • It would give rise to anti-Semitism • There is no way of teaching this topic well or right • There can be no balance when children feel threatened by a topic they are taught • The topic is too complicated to be understood by school children • The Jewish community, especially children, would be threatened The content of the resource is flawed by: <ul style="list-style-type: none"> • 'omission after omission' • Bias towards Palestinian perspective • Sources such as the UN are not 	Bearing in mind that this resource has been approved by educators and any decision about its introduction to schools will be made on the basis of its educational value, consideration will be given to points made.

	<p>reliable</p> <ul style="list-style-type: none"> • Lack of robust quality assurance • The definition of Islamophobia refers to terrorist/Muslim conflation but has no reference to Israel/Jewish conflation 	
<p>¹Further comments following 29 November 2016</p>	<p>Scottish Jews for a Just Peace</p> <p><i>Although there are claims that this resource will fuel anti-Semitism, all evidence from virtually all research groups is that anti-Semitism is fuelled by the events in Israel/Palestine. Therefore, a balance pack such as this can only help.</i></p>	No action
	<p>Scottish Council for Jewish Communities, Scottish Friends of Israel, Glasgow Representative Jewish Council, Scottish Association of Jewish Teachers responded–</p> <p><i>...the project is compromised beyond redemption by its failure to provide a fair and objective presentation of a very complex conflict. ... the subject is fundamentally divisive, potentially harmful not only to community and school relations but also potentially to individual pupils... We remain strongly of the opinion that this project should under no circumstances be made available as a resource to schools.</i></p>	No action
	<p>Personal comment provided by one individual who attended the consultation event but did not wish to represent any organisation–</p> <p><i>I don't have any suggestions for improvements simply because I found the material we were given very biased. Any</i></p>	No action

¹ At the request of the Israeli/Jewish community representatives, home access to the resource was provided to allow more time for further comment

	<i>comment on this material might be used as an attempt to legitimise this imbalanced teaching resource.</i>	
Stakeholders from the Palestinian community in Scotland 6 December 2016 – Association of Palestinian Communities, Scottish Friends of Palestine, Scottish Palestinian Forum	The resource is more favourable to Israel than to Palestine.	When amendments have been made, further checks will be done to ensure as much balance as possible.
	Need for the resource to be more accessible and child-friendly.	Will seek more visual materials and teachers will adapt to suit needs of learners.
	Description of 2014 incursion into Gaza was too bland and did not show human rights abuses.	Consideration will be made to adding visual material relating to Gaza such as the BBC documentary <i>Children of the Gaza War</i>
	Teacher notes from 'One Voice' biased in favour of Israel.	Material will be reviewed.
	It is not a 'Jewish/Muslim' conflict but an Israeli/Arab one	Material will be reviewed.
	One map wrongly showed Jerusalem as the capital of Israel.	Map will be changed.
	An important strength is that the resource tries to find common ground and looks at how people are trying to work together to move forward rather than always looking back.	
	This is a useful step in providing an opportunity for children to learn about this issue.	
	Omissions: house demolitions, two systems of law in West Bank, effects of wall, land ownership, media bias, future of Gaza, British Mandate, world-wide Palestinian refugees with no right of return, international law eg UN resolutions and Geneva Convention, important omission in Balfour Declaration statement - 'no prejudice to the indigenous peoples', settler	Within the constraints of appropriate age and stage and time restrictions, consideration will be given to points made.

	<p>violence, blockade of Gaza, peaceful, non-violent protests such as BDS (especially as violent protest is prominent), economic and social effects of separation barrier</p>	
	<p>The description of the climate (quite warm) could include that there is no rainfall throughout the summer, making access to water an issue.</p> <p>The card recalling the Kibbutz movement should make clear that it now has a minor role, if any.</p> <p>The card referring to the 2nd Intifada mentions casualty figures. It would be interesting to have the same information on the 1st Intifada card.</p> <p>Teachers and pupils may not understand how to fill in the Venn diagram as no longer taught in maths.</p> <p>There are different narratives of immigration quotas. The British introduced strict quotas just before WWII to end the rebellion that had broken out in 1936.</p>	<p>Within the constraints of appropriate age and stage and time restrictions, consideration will be given to points made.</p>
<p>'Further comments following 6 December 2016</p>	<p>The card referring to the 2nd Intifada mentions casualty figures. It would be interesting to have the same information on the 1st Intifada card.</p> <p>The heading "Bombing by Palestinians" out-of-date and not balanced.</p> <p>'invading Arab armies' presents an inaccurate picture</p> <p>Land ownership relative to the UN Partition Plan is complicated. The 1943 '<u>A Survey of Palestine</u>', produced for the Anglo-American Committee of Enquiry by the <u>British Mandatory</u> authorities, 34% of land Jewish owned with 32% of the population Jewish – <u>The Jewish Virtual Library</u> gives the percentage of the Jewish population as 30%.</p>	<p>Within the constraints of appropriate age and stage and time restrictions, consideration will be given to points made.</p>

Students 2 December 2016 North Lanarkshire arranged a consultation meeting with six secondary students.	<i>Too much information at the beginning before getting to the actual topic.</i> <i>Level fine for most but some pupils may find it difficult</i> <i>Welcome thought provoking aspect and that questions must be grappled with - no easy answers.</i> <i>Important to study this topic in school.</i>	These points will be considered in a review of the material.
Parents 7 December 2016 North Lanarkshire arranged a consultation meeting with parents representing 4 primary and 3 secondary schools from both the denominational and non-denominational sectors	<i>Well thought out with lots of information from different viewpoints.</i>	No action
	<i>There is a lot of written material, children are expecting more interactive and visual stimulus especially in primary. A child with dyslexia would find the text difficult. Although teachers will take what is there and make sure the activities suit the needs of the children in their class. There is enough there to make teachers feel confident about the content and they would just have to add activities.</i>	Consider adding more visual and interactive material. Teachers will make adaptations to meet the needs of learners.
	<i>Children should learn about real situations in the world and be aware that the media might not always show full, unbiased facts.</i> <i>Comes across as truthful, it is important for children to learn that the truth will not always be evenly balanced.</i>	No action
	<i>Would like to see more on media bias.</i>	Consider enhancing section on media.
	<i>Anti-Semitism cards too difficult for younger pupils. Case studies too long, should be reduced.</i>	Consider reducing content of both.
	<i>This is a topic I would like my child to learn in school.</i>	No action

	<i>I would not have any worries about my child studying this topic. Care has been taken to ensure children respect the views of others. It doesn't ask children to take sides but to learn that different people see things differently.</i>	No action
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Citizen Participation and Public Petitions Committee

Hugh Humphries

All correspondence c/o:
Citizen Participation and Public Petitions
Clerks
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

Tel: 0131 348 5186
Type Talk Direct No. 18001 0131 348 5186
petitions.committee@scottish.parliament.uk

6 October 2021

Dear Hugh,

CONSIDERATION OF PETITION PE1879: Provide an accessible and professionally developed learning and teaching resource on Israel and Palestine

Calling on the Scottish Parliament to urge the Scottish Government to acknowledge the right of Scotland's pupils to a bias-free education on the topic of Israel-Palestine by:

- *ensuring Education Scotland hosts an accessible and professionally developed learning and teaching resource on its national intranet service*
- *re-establishing a 'strategic review group' to oversee any revision of the original resource developed in 2016.*

The Citizen Participation and Public Petitions Committee considered your petition on 6 October 2021. At that meeting, the Committee agreed to close your petition on the basis that the—

- Curriculum for Excellence does not prescribe set topics and allows local authorities and individual schools to develop curricula informed by the local needs of learners; and
- the Scottish Government states that both it and Education Scotland consider their involvement in the resources to be closed.

In closing the petition, the Committee also agreed to bring the petition to the attention of the relevant Cross-Party Groups in the Scottish Parliament.

In reaching its decision, the Committee took into account the information contained in your petition as well as the submissions that it received from the Scottish Government, Arthur West, Frank Thomas, John Mitchell, Alison Phillips, Scottish

Friends of Israel and the three submissions provided by you (PE1879/B, PE1879/D and PE1879/I).

The Official Report (a transcript of what was said in the meeting) will be published by 6pm on 13 October 2021. A recording of the meeting is available to view online.

The Committee would welcome feedback on your experience of the petitions process. I **attach** a feedback form and would be grateful if this could be returned to us using the email above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Carlaw', with a large loop at the start and a long horizontal stroke at the end.

Jackson Carlaw MSP
Convener
Citizen Participation and Public Petitions Committee

10/



RECEIVED
29 OCT 2021

ETHICAL STANDARDS COMMISSIONER

WISLE HOUSE

91 HARVEST TERRACE

EDINBURGH

EH12 5HE

Lindsey Miller
Deputy Crown Agent Serious Casework
Crown Office and Procurator Fiscal Service
25 Chamber Street
Edinburgh
EH1 1LA

Reference: MSP/3633

31 March 2022

Sent by email to:
[REDACTED]

Dear Ms Miller

Breach Report under reference MSP/3633

As Commissioner, I understand that I have reporting requirements in respect of your office in those circumstances outlined in paragraph 15 of the Directions by the Standards, Procedures and Public Appointments Committee (under the Scottish Parliamentary Standards Commissioner Act 2002 ("the 2002 Act")), dated 27 September 2018.

On this basis, I now wish to refer a matter for your attention under paragraph 15 (b) of these directions. Please note that, to date, I have completed my initial assessment under Stage 1 of the 2002 Act and on this basis am persuaded that the conduct complained of did occur and would, if proved, amount to a criminal offence under the Interests of Members of the Scottish Parliament Act 2006 ("the 2006 Act"). I have hence suspended my investigatory work at the commencement of Stage 2 and have summarised my Stage 1 findings below.

The conduct complained about is as follows:

The MSP concerned did not declare a financial interest prior to the discussion of a public petition (PE1879), under his authority.

Background

The MSP concerned registered an overseas visit from 12 August to 17 August 2018 to Israel and the Palestinian Territories which was paid for by the Israeli embassy. The visit was organised by the Cross Party-Group Building Bridges with Israel and he met with organisations and individuals to hear and discuss issues of concern and areas for possible future engagement. The cost of travel, hospitality and accommodation were estimated to be of the value of £2,200. The MSP's register of interest can be found [here](#).

On 6 October 2021, the MSP concerned was the Convener of the Citizen Participation and Public Petitions Committee. Petition PE1879 was lodged on behalf of Scottish Friends of Palestine and called on the Scottish Government to acknowledge the right of Scotland's pupils to a bias-free education on the topic of Israel and Palestine. The MSP declared that

he was convener in a previous parliamentary session of the Cross-Party Group on Building Bridges with Israel.

Under Section 3 of the Code of Conduct, "Declaration of Interests", Paragraphs 3, 4 and 5 stipulate that a member has a declarable interest in relation to any matter if that member has a registrable financial interest relating to it. It states that before taking part in any proceedings of the Parliament, the member should consider whether they have a 'declarable interest' and that the onus is on the individual member to decide. Lastly, it advises that declarations may be either oral or written. The Interests of Members of the Scottish Parliament Act 2007 (Declaration of Interests) Determination 2007 sets out when oral and written declarations apply. This can be found [here](#).

I have attached a link which will direct you to a report of the meeting dated 6 October 2021: https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-06-10-2021?meeting=13365&iob=121216#orscontributions_M2678E424P760C2350955

As of yet, I have not alerted the MSP concerned of this COPFS referral. Please confirm whether you have any objections to me alerting them of this.

I have also not yet notified the Standards, Procedures and Public Appointments Committee (SPPAC) of this COPFS referral. However, I will do so using the above case reference only, without disclosing the MSP's name. If you require access to historic entries in the Register of Interest for the MSP concerned, you can contact the SPPAC using the following email address: SPPACCommittee@parliament.scot. However, please ensure that you quote this case reference in any correspondence with the clerks.

I look forward to hearing from you under paragraph 16 of the directions concerned in due course.

If I can be of any assistance regarding this matter, please do not hesitate to contact me.

Yours sincerely

[REDACTED]

Ian Bruce
Acting Ethical Standards Commissioner

[REDACTED]

From: Carlaw J (Jackson), MSP [REDACTED]
Sent: 01 November 2022 15:22
To: investigations@ethicalstandards.org.uk
Cc: Carlaw J (Jackson), MSP
Subject: [REDACTED]

Dear [REDACTED]

Thank you for your email and attachments.

I would be grateful if the following narrative could be incorporated at the appropriate place within the decision document;

"I note the conclusions reached by the Commissioner in his investigation of this issue and I am pleased to have the opportunity to respond to his assessment.

On my part, I can only stress that it was never my intention to mislead by not declaring the funded visit to Israel and the Occupied Palestinian Territories at the committee meeting where the particular petition in question was considered and closed. As noted in my previous responses to the investigation, the trip is declared on my public register of interests. In my register, it is stated that the visit was undertaken by the Cross-Party Group (CPG) on Building Bridges with Israel. Given that the visit concerned my participation with the CPG, I believed that declaring my role as Convener at the outset of the committee meeting was both sufficient and appropriate.

I note that paragraph 49 on page 15 of the Commissioner's report makes reference to the improbability that I would intentionally withhold information as I declared my role as Convener of the CPG at the start of proceedings and the visit is also on my publicly accessible MSP register of interests. On top of this, I note that paragraph 50 goes on to state that the guidance on the code of conduct can be open to misinterpretation. Additionally, I would also highlight that this specific issue relating to a declaration of interest was part of a wider complaint made against me with all other aspects dismissed.

Whilst I am ultimately disappointed by the decision reached by the Commissioner, I accept that not also making reference to the summer 2018 visit when declaring my role as Convener of the Cross-Party Group amounts to a technical breach of the code.

In respect of my future participation both as committee chair and in my wider MSP role contributing to various proceedings in parliament, I will consider and reflect upon this ruling when determining the disclosure of interests and what precise items it would be considered essential to declare in future."

I trust this proposal is in order and would appreciate confirmation of same or advice on any alternative mechanism available.

Yours sincerely

Jackson Carlaw

Jackson Carlaw CBE MSP
Member of the Scottish Parliament for Eastwood

F: [@Jackson4Eastwood](#)
T: [@Jackson Carlaw](#)
W: www.jacksoncarlaw.org.uk

The Office of Jackson Carlaw MSP will process (collect, store and use) the information you provide in a manner compatible with the EU's General Data Protection Regulation (GDPR) and the UK Data Protection Act. We will endeavor to keep your information accurate and up to date, and not keep it for longer than is necessary. The office of Jackson Carlaw MSP is required to retain information in accordance with the law, such as information needed for income tax and audit purposes. How long certain kinds of personal data should be kept may also be governed by specific requirements and agreed practices. Personal data may be held in addition to these periods depending on individual needs. For further information on the privacy policy of Jackson Carlaw MSP please refer to <https://www.jacksoncarlaw.org.uk/privacy>.

From: investigations@ethicalstandards.org.uk <investigations@ethicalstandards.org.uk>
Sent: 26 October 2022 12:46
To: Carlaw J (Jackson), MSP [REDACTED]
Subject: [REDACTED]

CAUTION: This e-mail originated from outside of The Scottish Parliament. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Carlaw,

Please see attached correspondence in relation to the above referenced complaint to the Ethical Standards Commissioner.

Kind regards, [REDACTED]

[REDACTED]
Ethical Standards Commissioner
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE
Tel: 0300 011 0550

To find out more about how we treat your personal data please go to: <http://www.ethicalstandards.org.uk/privacy-policy/>



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The Scottish Parliament
Pàrlamaid na h-Alba

Jackson Carlaw CBE MSP
Member of the Scottish Parliament for Eastwood

Martin Whitfield MSP
Convener, Standards Procedures and Public Appointments Committee

30th November 2022

Dear Martin, *Dear Martin*

**Response to Ethical Standards Commissioner's Report
By E-Mail**

Thank you for giving me the opportunity to provide a written response to the Ethical Standards Commissioner's investigation and findings. It goes without saying that I take all matters of probity seriously and am disappointed with the Commissioner's conclusions.

As set out in my detailed response to the Commissioner's report, I would emphasise the following;

- I declared an interest as the former Convenor of the CPG Building Bridges with Israel at the commencement of consideration of the petition in question (the CPG had not yet been reconstituted at this date).
- Having set out the terms of the petition as drafted by the clerks and in the usual way, I recused myself entirely from consideration of the petition and from any determination.
- MSP colleagues then discussed and proposed recommendations. I asked if they were agreed and again cast no vote and subsequently advised the petitioner in the usual way and in terms again drafted by the clerks.
- I discussed my declaration and decision to withdraw from consideration of the petition in advance with both the clerks and fellow MSPs on the committee.

It was never my intention to mislead anyone by not making a specific and further oral declaration of the paid trip to Israel and the Occupied Palestinian Territories three years earlier in 2018. Having at the beginning of proceedings, declared my Convenorship role in the Cross-Party Group on Building Bridges with Israel, in which capacity the visit was made, I believed that this was both appropriate and sufficient.

For avoidance of doubt, the visit in the summer of 2018 is declared on my publicly accessible MSP register of interests and it is also made clear that this was an engagement undertaken by the Cross-Party Group on Building Bridges with Israel. Given this, it did not seem to me, at the time, necessary to make a further specific reference to the visit at the outset of the committee meeting. Page 15 of the report, paragraph 50 includes the Commissioner's assessment that it is improbable I would intentionally withhold information

because I declared my Convenorship at the start of the CPG's proceedings and the details are set out on my register of interests.¹

In the Commissioner's report, paragraph 51 states that the guidance set out in the Code of Conduct can be misinterpreted by members.² Paragraph 4 in Section 3 of the Code of Conduct, which covers Section 13 of the Interests of Members of the Scottish Parliament Act 2006, notes that "*the onus is on individual members to decide*" when it comes to evaluating whether an item should be declared and this is mentioned in paragraph 25 of the report. In my own judgement, a declaration of my Convenorship role was sufficient particularly given the associated trip in 2018 was organised as part of the CPG's activities.

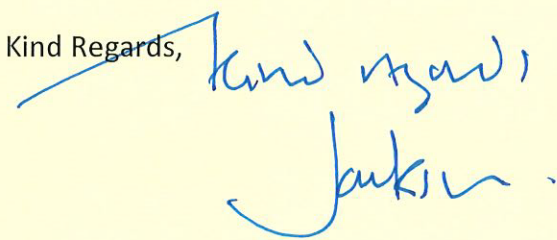
I would also highlight that the specific issue relating to the declaration was included within a far wider ranging complaint made against me with all other elements of the representation dismissed by the Commissioner.

Naturally, I am disappointed by the outcome of the Commissioner's findings and his decision in respect of the completeness of my declaration. However and on careful reflection, I accept that not also making reference to the summer 2018 visit when I declared my role as Convener of the CPG does amount to a technical breach of the code, but set within the circumstances detailed above.

Going forward, I will carefully consider and reflect upon the decision made by the Commissioner when participating in parliamentary business both as Convener of the Citizen Participation and Public Petitions Committee and in various other proceedings at Holyrood when determining the disclosure of interests and the precise scope of matters it would be considered appropriate for me to declare in future.

I hope the content of this statement assists MSP colleagues on the committee. I have indicated a willingness to meet with the committee, should that be helpful, on December 15th and look forward to hearing from you.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Jackson Carlaw', written over the 'Kind Regards,' text.

Jackson Carlaw CBE MSP
Member of the Scottish Parliament for Eastwood

¹ The response to the Commissioner's findings identifies this information as set out in paragraph 49 but it is included in paragraph 50 of the report as noted here.

² The response to the Commissioner's findings identifies this information as set out in paragraph 50 but it is included in paragraph 51 of the report as noted here.