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Standards, Procedures and Public Appointments Committee

**Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd
Poblach**

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Standards, Procedures and Public Appointments Committee

The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

- (a) the practice and procedures of the Parliament in relation to its business;
- (b) whether a member's conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;
- (c) the adoption, amendment and application of any Code of Conduct for members; and
- (d) matters relating to public appointments in Scotland; and
- (e) matters relating to the regulation of lobbying.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/standards-committee.aspx>



SPPA.Committee@parliament.scot



0131 348 6924

Committee Membership



Convener
Clare Haughey
Scottish National Party



Deputy Convener
Patrick Harvie
Scottish Green Party



Tom Arthur
Scottish National Party



Jamie Halcro Johnston
Scottish Conservative
and Unionist Party



Elaine Smith
Scottish Labour



Alexander Stewart
Scottish Conservative
and Unionist Party



David Torrance
Scottish National Party

Introduction

1. This report covers the work of the Standards, Procedures and Public Appointments Committee (the Committee) during the Parliamentary year from 12 May 2017 to 11 May 2018.

Membership changes

2. Previous Members of the Committee during the reporting year:
 - Clare Adamson (SNP) (8 June 2016 – 16 November 2017)
 - Claire Baker (Lab) (28 November 2017 – 9 January 2018)
 - Kate Forbes (SNP) (7 November 2017 – 19 April 2018)
 - Emma Harper (SNP) (30 March 2017 – 7 November 2017)
 - Daniel Johnson (Lab) (8 June 2016 – 28 November 2017)
 - John Scott (Con) (8 June 2016 – 29 June 2017)

Reports

Code of Conduct for MSPs and Written Statement Revisions

3. The Committee redrafted the Code of Conduct for MSPs (the Code) to make it more accessible and user friendly. The purpose of the change was to simplify and streamline the Code, to remove any duplicated, extraneous or ambiguous material and to reword where it was felt that greater clarity or brevity could be achieved. The redraft did not involve the alteration or removal of any of the Code's existing rules.
4. The Committee replaced the four-volume Code with a stand-alone document which contained all the rules that MSPs must abide by. This was accompanied by a guidance document to be used as a companion to the Code.
5. The new format of the Code meant that the determination by which Parliament agreed the format and content of the written statement also needed to be updated. The Committee also took the opportunity to make some minor textual changes to the form so that it reflected more closely the legislation that governs registration of interests. All MSPs were consulted on the revised determination, as required by Standing Orders.
6. The new Code was approved by Parliament on 28 June 2017 and came into force on 30 August 2017.

Commissioner Complaints

7. The Committee has considered three reports from the Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner) in this parliamentary year.
8. The first report was a complaint against Rachael Hamilton MSP and Jackson Carlaw MSP. The complaint alleged that the respondents sought political advantage by making public comments on the Culture, Tourism, Europe and External Relations Committee's 3rd Report of 2017, entitled "EU Migration and EU Citizens' Rights", prior to its formal publication on 6 February 2017, having failed to register any dissent during the meeting when the Report was approved. It was alleged that this amounted to a breach of the Confidentiality Requirements set out in paragraphs 7.4.2., 7.4.7. and 7.4.4 of the Code of Conduct for MSPs (6th Edition). The Code provides that reports, although approved by a committee (and no longer in draft form), should be kept confidential until formal publication, except where the committee has agreed to prior publication and has waived confidentiality.
9. The Committee was unanimous in its decision reached on the complaint. It agreed with the findings in fact and conclusion of the Commissioner that Rachael Hamilton MSP and Jackson Carlaw MSP did not breach the Code of Conduct. The Committee took the opportunity to remind all members of the confidentiality provisions at Section 7 of the Code of Conduct. It is the responsibility of members to ensure that staff supporting them are similarly aware.

10. The Committee also considered two reports in relation to Alexander Burnett MSP. Both complaints were that Alexander Burnett MSP had failed to declare his registered business interests when submitting Written Parliamentary Questions. The first complaint came from Councillor David Aitchison and the second complaint was from Mr Christian Allard.
11. In both complaints the Committee was unanimous in the decisions reached on the complaint. It agreed with the findings in fact and conclusion of the Commissioner. The Commissioner for Ethical Standards in Public Life investigated and found that Mr Burnett was in breach of the requirement in section 13(1) of the 2006 Act and sections 3.18 and 3.19 of the Code of Conduct for MSPs (6th Edition) to make a written declaration of his interests when giving notice of Parliamentary Questions.
12. In relation to the first complaint, from Councillor David Aitchison, the Committee unanimously agreed that the breach did not justify the imposition of a sanction. In reaching the decision on sanctions, the Committee was mindful of the fact that Alexander Burnett MSP's business interests were registered in accordance with the requirements of the Register and that the member took full responsibility for the error, which occurred as a result of a new member of staff having not attended training provided by the Chamber Desk.
13. In relation to the second complaint, from Mr Christian Allard, the Committee unanimously agreed that the breach did justify the imposition of a sanction on Alexander Burnett MSP. The Committee recommended to Parliament that Alexander Burnett MSP should be prohibited from lodging Parliamentary Questions for written answer for a period of two weeks, which should not overlap with any period of recess. Parliament approved this sanction on 4 October 2017.

Budget Process

14. On 22 February 2018 Bruce Crawford MSP, the Convener of the Finance and Constitution Committee wrote to the Committee requesting changes to the Standing Orders to reflect revisions to the Scottish Parliament's budget scrutiny process.
15. The process for budget scrutiny is primarily governed by a Written Agreement between the Finance and Constitution Committee and the Scottish Government. At its meeting on 21 February, the Committee agreed a revised Written Agreement drafted by Scottish Government and Scottish Parliament officials. The Finance and Constitution Committee requested that the Committee consider any necessary changes to the Standing Orders as a consequence of the revised written agreement.
16. At its meeting on 26 April 2018 the Committee approved changes to the Standing Orders. The Standing Order Rule changes were approved by Parliament on 8 May 2018 and came into force on 9 May 2018.

Commission on Parliamentary reform

17. The Committee is responsible for implementing some of the recommendations that were made by the Commission on Parliamentary Reform. The Committee initiated detailed work on the recommendations on Members Bills and Parliamentary Questions in the latter part of the parliamentary year.

Equalities

Sexual harassment and inappropriate conduct inquiry

18. In response to press reports of sexual harassment and misconduct at the Scottish Parliament and elsewhere, the Committee agreed to conduct an inquiry to look into current processes and procedures for dealing with sexual harassment and inappropriate conduct at the Parliament.
19. The remit of the inquiry is-
 - To conduct an examination of the rules, procedures and guidance governing the reporting, investigation and sanctioning of MSPs' conduct with regard to sexual harassment at the Scottish Parliament.
 - To consider the Code of Conduct for MSPs, and the context in which it operates, in order to deliver a reporting regime which inspires confidence in those affected by MSPs' conduct that they will be taken seriously and treated fairly and that appropriate action will be taken if sexual harassment is found to have occurred, including sanctions.
 - To examine political parliamentary parties' approaches to the reporting and investigation of MSPs' conduct with regard to sexual harassment at the Scottish Parliament with a view to making recommendations.
 - To understand workplace cultural and societal factors that may be relevant to MSPs' conduct with regard to sexual harassment and determine whether and what changes could be made to the Code of Conduct to address them.
20. Whilst the Committee is aware that anyone can be a victim of sexual harassment and inappropriate conduct, the Committee also recognises that victims are predominantly women. With that in mind the Committee took evidence from the following organisations-
 - Engender;
 - JustRight Scotland;
 - PCS Union;
 - Scottish Women's Convention;
 - Scottish Women's Rights Centre;
 - Professor Nicole Busby, Professor of Labour Law, University of Strathclyde;
 - White Ribbon Scotland; and
 - Zero Tolerance.

Cross-Party Groups

21. A total of 98 Cross-Party Groups are now active and 10 Groups have been accorded recognition by the Committee in this parliamentary year
22. In November 2017 the Convener of the CPG on Russia took the decision to disband the Group. The Group found it difficult to comply with the rule in the Code of Conduct that requires Groups to hold two meetings per annum. Other than its initial meeting in 2016 the Group had been unable to hold any further quorate meetings.

Meetings

23. The Committee met 22 times during the parliamentary year. Two meetings were held entirely in private, one meeting was held entirely in public and 19 meetings included items in private.
24. The items considered in private included the Committee's work programme, consideration of complaints, draft Committee reports and draft Standing Order rule changes.

