



The Scottish Parliament
Pàrlamaid na h-Alba

Published 31 May 2018
SP Paper 339
3rd Report, 2018 (Session 5)

Standards, Procedures and Public Appointments Committee

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

Complaint against Liz Smith MSP



Published in Scotland by the Scottish Parliamentary Corporate Body.

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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>



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Scottish Conservative
and Unionist Party



Elaine Smith
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Introduction

1. The Committee met on 24 and 31 May 2018 to consider a complaint from complainers, whose identity has not been disclosed at their own request, about Liz Smith MSP. The complaint centres on Liz Smith's disclosure of information which was sent to her on a confidential basis by the complainers.
2. The Commissioner for Ethical Standards in Public Life in Scotland investigated the complaint and found that Liz Smith had not breached the Code of Conduct for MSPs.
3. Annexe B to this report containing the Commissioner's full report and appendices is incorporated in and forms part of this report.

Decisions of the Committee

4. The Committee is unanimous in the decisions it has reached on the complaint. It agrees with the conclusion of the Commissioner that there has not been a breach of the Code of Conduct.
5. The Committee does differ from the Commissioner on one significant finding however. The Commissioner took the view that Liz Smith was not dealing with the correspondence provided by the complainers in her role as an MSP. The Committee takes a different view on this point, since Liz Smith was approached in her capacity as a Committee member. However, the Committee accepts that this does not have a bearing on the Commissioner's final conclusion in relation to the Code of Conduct.
6. While the circumstances surrounding this complaint do not constitute a breach of the Code of Conduct, the complainers did ask that the material they sent to Liz Smith be treated in confidence. Notwithstanding this, Liz Smith forwarded the material to a third party with whom the complainers were in dispute. The Committee believes that Liz Smith should reflect on her decision to forward material which she had received in confidence to a third party with whom she herself has a long-standing professional relationship.

Conclusion

7. It is the Committee's view that members of the public have a right to expect that MSPs will normally respect their wishes with regard to confidentiality. At a later date, the Committee intends to reflect more fully on the provisions in the Code of Conduct relating to confidentiality.
8. Meanwhile, the Committee urges all MSPs to carefully exercise judgement about how they handle information to which they have privileged access in the course of their role as MSPs, particularly where a conflict of interest arises.

Annexe A - Extracts from Minutes

10th Meeting, 2018 (Session 5), Thursday 24 May 2018

Decision on taking business in private: The Committee agreed to take item 4 in private.

Decision on taking business in private: The Committee agreed to take future consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland, and its own draft report on the complaint, in private at future meetings.

Complaint (in private): The Committee considered a report from the Commissioner for Ethical Standards in Public Life in Scotland.

11th Meeting, 2018 (Session 5), Thursday 31 May 2018

Complaint (in private): The Committee continued its consideration of a report from the Commissioner for Ethical Standards in Public Life in Scotland.

Complaint: The Committee announced its decision at Stage 3 on a report from the Commissioner for Ethical Standards in Public Life in Scotland.

Complaint (in private): The Committee agreed its draft report.

Annexe B - Report from the Commissioner for Ethical Standards in Public Life in Scotland

[Link to the Report from the Commissioner for Ethical Standards in Public Life in Scotland](#)
(3.3MB pdf)

