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Pàrlamaid na h-Alba

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Standards, Procedures and Public Appointments Committee Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd Poblach

Complaint against Sarah Boyack MSP



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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;
- (ab) a proposal for a Bill relating to the arrangements for financial assistance to non-Government political parties represented in the Parliament;
- (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;
- (e) matters relating to the regulation of lobbying; and
- (f) matters relating to Scottish general elections falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations.



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



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Introduction

1. The Committee met on 10 September, 17 September and 24 September 2020 to consider a complaint from Finlay McFarlane about Sarah Boyack MSP.
2. The Commissioner for Ethical Standards in Public Life in Scotland has reported to the Committee on the complaint.
3. Annexe B to this report contains the Commissioner's full report and appendices. This annexe also includes an exchange of correspondence with the Commissioner in which the Committee sought clarification about certain aspects of the report.

The complaint

4. There are two parts to the complaint.
 - First, that Sarah Boyack did not include remuneration from her previous employment as the Head of Public Affairs at Scottish Federation of Housing Associations (SFHA) in her Register of Interests.
 - Second, that she did not declare this remuneration as an interest at a meeting of the Local Government and Communities Committee on 11 September 2019.
5. The Committee received representations in writing from Sarah Boyack (see annexe B) as well as hearing from her in person at a meeting of the Committee on 17 September 2020.

Decisions of the Committee

6. The Committee is unanimous in the decisions reached on the complaint. The Committee agrees with the Commissioner's findings in fact. The Committee also agrees with the Commissioner's conclusions—
 - That the conduct set out in the first part of the complaint was a breach of the Code of Conduct and the Members Interest Act 2006; and
 - That the conduct set out in the second part of the complaint was not a breach of the Code or the Act.
7. However, the Committee wishes to raise one point about the Commissioner's reasoning behind her conclusion on the second part of the complaint.
8. The Commissioner concluded that Sarah Boyack did not need to declare the remuneration from SFHA because the subject matter of the committee meeting on 11 September 2019 did not relate to the work of the SFHA.
9. However the Commissioner's report did not mention the fact that even if the subject matter had been relevant, Sarah Boyack would not have been required to declare an interest. This is because Members are only required to declare interests that actually appear in their Register of Interests. On the date of the meeting in question (11 September 2019), Sarah Boyack had not yet published her Register of Interests following her return to Parliament.
10. The Committee believes that this point is relevant to the explanation of why a breach had not occurred and it would have been helpful for the report to have referred to it.

Conclusion

11. The Committee has considered carefully the circumstances of the breach of the Code and the Act identified in the Commissioner's report in relation to the first element of the complaint.
12. The Committee notes that this was a minor and inadvertent breach. The complaint against Sarah Boyack was not related to a matter from which she could have gained any financial benefit and there was no attempt to conceal the information which Ms Boyack made available on the Parliament's website. Furthermore, she took steps to update her register when the Commissioner informed her that she had concluded a breach had occurred.
13. In addition, there are not many examples of Members having registered remuneration received prior to their return as an MSP. This meant there was limited precedent to draw on which might have informed how the relevant rules should be applied in practice.
14. Taking into account these considerations, the Committee has decided not to recommend a sanction on this occasion.
15. However, the Committee would like to remind Members that the Committee will always treat seriously any failure by a Member to register interests in accordance with the Code of Conduct and the Members' Interests Act. It is the responsibility of each Member to ensure that they understand the requirements of the Code and the Act and comply with them. This is particularly important when Members complete the written statement of interests for the first time following their return as an MSP.

Annexe A - Extracts from Minutes

14th Meeting, 2020 (Session 5), Thursday 10 September 2020

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

15th Meeting, 2020 (Session 5), Thursday 17 September 2020

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

16th Meeting, 2020 (Session 5), Thursday 24 September 2020

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 and other relevant correspondence

[Link to the Report from the Commissioner for Ethical Standards in Public Life in Scotland and other relevant correspondence \(1.9MB pdf\)](#)

