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Pàrlamaid na h-Alba

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# Standards, Procedures and Public Appointments Committee

## Complaint against Adam Tomkins



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# Standards, Procedures and Public Appointments Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (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;
- (d) matters relating to public appointments in Scotland; and
- (e) matters relating to the regulation of lobbying.
- (f) matters relating to local government elections, Scottish general elections, implementation of the Referendums (Scotland Act) 2020 and Freedom of Information and open government falling within the responsibility of the Minister for Parliamentary Business.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.



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# Committee Membership



**Convener**  
**Martin Whitfield**  
Scottish Labour



**Deputy Convener**  
**Bob Doris**  
Scottish National Party



**Edward Mountain**  
Scottish Conservative  
and Unionist Party



**Tess White**  
Scottish Conservative  
and Unionist Party



**Elena Whitham**  
Scottish National Party

# Introduction

1. The Committee met on 4 November and 9 and 16 December 2021 to consider a complaint from Fiona Johnston and Elizabeth Tennet about Adam Tomkins.
2. The Acting 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 Acting Commissioner's full report and appendices. This annexe also includes Adam Tomkins' representations to the Committee and an exchange of correspondence with the Commissioner in which the Committee sought clarification about certain aspects of the report.

# The Complaint

4. The Committee considered a complaint report from the Acting Ethical Standards Commissioner that a tweet posted by Adam Tomkins on 1 March 2021 was disrespectful towards another MSP. The Commissioner concluded that the respondent had breached the Code of Conduct's provisions in relation to courtesy and respect.
5. The Committee received representations in writing from Adam Tomkins (these are contained in Annexe B, following the Commissioner's report).

## The Committee's decisions

6. The Committee is unanimous in the decisions reached on the complaint. It agrees with the Acting Commissioner's findings in fact. The Committee does not agree with the Acting Commissioner's conclusion that a breach of the Code of Conduct has occurred.
7. The Code of Conduct for Members of the Scottish Parliament sets out the standards of conduct for members in relation to their Parliamentary duties as an MSP. It specifically excludes Members' private and family life and Members expressing their political views (in their capacity as a member of a political party or organisation).
8. In considering this complaint, the Committee was mindful of the scope of the Code of Conduct. On balance, the Committee concluded that a link between the tweet in question and the Member's Parliamentary duties was not sufficiently established.



# Conclusion

9. The guidance on the Code of Conduct makes it clear that its provisions in relation to how Members conduct themselves apply in relation to activity on social media, subject to the overall scope of the Code. The Committee recognises, however, that there may be value in reviewing the guidance so that MSPs, as well as the public, have a clearer understanding of the interaction between social media postings and Parliamentary duties and what falls within the scope of the Code. For this reason, the Committee intends to look at whether any clarifications to the Code or its guidance might be helpful.

# Annexe A - Extracts from Minutes

## **6th Meeting, 2021 (Session 6), Thursday 4 November 2021**

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

## **11th Meeting, 2021 (Session 6), Thursday 9 December 2021**

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

## **12th Meeting, 2021 (Session 6), Thursday 16 December 2021**

**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 \(1.3MB pdf\)](#)

