



Local Government, Housing and Planning Committee

Tuesday 25 November 2025

Session 6



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LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE **30th Meeting 2025, Session 6**

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

COMMITTEE MEMBERS

*Meghan Gallacher (Central Scotland) (Con)

Mark Griffin (Central Scotland) (Lab)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

Evelyn Tweed (Stirling) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ian Bruce (Commissioner for Ethical Standards in Public Life in Scotland)

Lorna Johnston (Standards Commission for Scotland)

Suzanne Vestri (Standards Commission for Scotland)

CLERK TO THE COMMITTEE

Jenny Mounier

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 25 November 2025

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Ariane Burgess): Good morning, and welcome to the 30th meeting in 2025 of the Local Government, Housing and Planning Committee. I remind all members and witnesses to ensure that their devices are on silent. Evelyn Tweed MSP, Willie Coffey MSP and Mark Griffin MSP have all given their apologies.

The first agenda item is to decide whether to take items 3 and 4 in private. Do members agree to take those items in private?

Members indicated agreement.

Annual Reports of the Ethical Standards Commissioner and the Standards Commission for Scotland 2024-25

09:30

The Convener: The next agenda item is to take evidence on the 2024-25 annual reports of the Ethical Standards Commissioner and the Standards Commission for Scotland. We are going to hear from two panels. We are joined first by Ian Bruce, who is the Ethical Standards Commissioner. I welcome Mr Bruce to the meeting. There is no need for you to operate your microphone; we will do that for you. I invite you to make a brief opening statement.

Ian Bruce (Commissioner for Ethical Standards in Public Life in Scotland): Thank you, convener and members, for the opportunity to provide evidence today. I have prepared a brief opening statement, somewhat unusually, in order to ensure that there is as much time as possible for questions to me on the work of the office.

I would like to start by acknowledging that there have been some recent media articles that have sought to undermine the ethical standards framework in Scotland. I have two observations on those. The first relates to claims that in the preceding five years, only 2 per cent of complaints were ultimately upheld. That is a misleading narrative and I am taking this opportunity to call it out in what I consider to be the appropriate forum.

The reality is that when the occasional super-complaint, which I will come back to, is discounted, a great many complaints—roughly two thirds, overall—relate to how well councillors perform their role or to council decisions, and they do not relate in any way to ethical conduct of councillors.

As you will have seen in my last annual report and accounts, the super-complaint related to a council decision on a planning matter. Although I empathise with the members of the public affected by such decisions, the code simply was not engaged. The councillors were just doing their job and cannot be found to be in breach of the code simply because the decision that they took was unpopular.

It is for that and similar reasons that many complaints are not considered admissible. As the committee will be aware, complaint numbers can provide an indication of the depth of feeling that the public may have about issues, but my office also provides statistical information on cases. All similar complaints are grouped into cases, as was done for the super-complaint, and case numbers

therefore provide a more accurate reflection of the number accepted for investigation and, of those, the number that result in a breach finding. Since I took over as commissioner, I have consistently accepted a third or more of all complaints for investigation, returning to the same level of acceptance that was in place prior to my predecessor's time in post. Of the legitimate complaints that are accepted, because they could represent a breach of the code, the average percentage of breach findings in the prior four years was just under 23 per cent. I refer members to exhibit A in the annual report and accounts, which gives a true picture of admissibility figures.

In the first two quarters of this financial year, just under 26 per cent of admissible cases resulted in breach reports. I can also report that, in the first two quarters of this year, there has been a 68 per cent rise in the number of cases in respect of councillors, in comparison with the first two quarters in the previous financial year. Despite those increases, we are still meeting our key performance indicators for time taken for reaching decisions on admissibility and for investigations.

The committee will be aware that a proportion of the no-breach findings in those cases will be due to the enhanced right to freedom of expression that councillors are entitled to under the European convention on human rights. In other words, they may have acted with courtesy and respect, but in my view a restriction on their rights could not be justified.

I have a second observation for the committee. It is simply to note that a number of individuals who are quoted in those media articles have a personal and vested interest in undermining the ethical standards framework. My view is that the system that the Scottish Parliament has put in place to maintain good conduct in public life is more important than the vested interests of a handful of people who wish to publicly undermine the system.

I am now happy to take any questions that the committee may have for me.

The Convener: Thank you for putting those two observations on the record. It is quite concerning that there are people who are keen to undermine the system. Would you be willing to say a bit more about vested interests? Is that appropriate?

Ian Bruce: Because we are talking about live cases, it would not be appropriate for me to speak. Whether it is appropriate for those who are subject to live cases to speak publicly about them is perhaps a matter for the committee to take a view on.

The Convener: Thanks for that. We will have some questions that will touch on some of the other things that you have said.

I have a few questions, and I will start with a general one. I would like to explore the complaint level. The trend seems to be that the number of complaints has gone up. Of course, the super-complaint makes it look like numbers are extremely high. I would like to get a sense from you about that level and the trend so far in 2025-26.

Ian Bruce: There has definitely been an increase—a 68 per cent increase in the first two quarters of this year, in comparison with the first two quarters of the previous financial year. That is significant. Again, complaints about courtesy and respect are driving those numbers up.

The Convener: Courtesy and respect by councillors to each other or to others?

Ian Bruce: To each other and to members of the public and, in some cases, to officers.

The Convener: We will probably dig into that a bit more as we go on.

The last time that you were here, you talked about the need to improve productivity in your office. I would be interested to understand how that has progressed. Has improved productivity been part of the reason for the numbers going up? Are those things connected?

Ian Bruce: Possibly, but only in a vague sense. My view is that part of the reason why complaint numbers are going up is that there is more trust in the system now than there may have been previously. The system, for what it is worth, is operating precisely as it should be at this point in time. There is more public visibility. There are media reports saying that the system is not working well, but there are others saying that there is more visibility and that people feel more able to complain as a consequence. Equally, I think that the nature of debate, which, depending on the matter that is under discussion, can sometimes be quite toxic, is certainly driving complaint numbers up as well.

In terms of productivity, we have no control whatsoever about the type of complaints and number of complaints that are submitted to us, but it is incumbent on us to get through those complaints as quickly as we can, as that is better for the system. People are not waiting for a long time to hear about the outcome of their initial complaint. Equally, people who are subject to investigation should not have to wait for a long time for that investigation to be completed.

You will have seen from the annual report numbers that greater productivity has improved waiting times and investigation times. We now have a live page on our website that is updated quarterly, so that the public can see exactly how long they have to wait for us to get through

complaints. In the second quarter of this financial year, the time taken for the decision on admissibility for the initial investigation—stage 1—is sitting at 45 days, so that is a big improvement. The time taken for stage 2 decisions is sitting at 4.7 months on average, so there have been major improvements in productivity. Those improvements are due to quite a number of measures that we introduced in order to get through those complaints more quickly, but without any diminution in quality.

The Convener: Can you tell us a little bit about those measures?

Ian Bruce: Yes, of course. We introduced a duty investigating officer role. Each week, one of our investigating officers is assigned to that particular role and task. Primarily, it is about triaging complaints from the prior week. In effect, what we are doing is looking at complaints live, as opposed to in previous years, when we had a bit of a backlog. That backlog has all gone, so we are looking at complaints live. The triage system is to determine whether or not there has been a breach of the code. If there has not, that complaint can be dismissed very quickly.

The other role that those officers fulfil relates to the fact that, frequently, we receive complaints that are unclear, that make vague allegations and that are not specific about the conduct that is of concern to the complainant. The triage system means that we have an opportunity to get back to that complainant as quickly as we possibly can, while the concern is still fresh in their minds, for additional information, in order to create what we call a statement of complaint. That has happened.

In tandem with that, we introduced what is known as our complaint allocation plan. We classify admissible complaints with a red-amber-green rating, depending on issues such as complexity and the number of witnesses that may have to be interviewed. We use that complaint allocation plan to assign cases to the different investigating officers, so that they have a good case mix.

Over and above that, we have made it very clear to the entire team that the KPIs that we have as an office are very important to us and to our stakeholders. We have systems in place whereby members of the team can track how they are doing against those KPIs in relation to admissibility and the different stages of the investigations that they undertake.

We have also introduced quite a few other measures to improve productivity. We have enhanced our complaint management system by leveraging the technology that is available to us, in order to do things better, and we have automated a number of systems.

We are moving to a 35-hour working week next year, because the Scottish Parliamentary Corporate Body, in effect, sets our terms and conditions for the staff. For the past year, all staff have been engaged in quarterly meetings to discuss that. It is my firm view that the staff in any team—the people who are doing the work day to day—recognise how to improve on what they do and how to realise efficiencies. That has been a focus of our work over the past year. We are confident that we can move across to that 35-hour working week without it impacting on KPIs or the quality of our work.

The Convener: How many hours is it currently?

Ian Bruce: Thirty-seven.

The Convener: That sounds great. Clearly, you have some really good systems in place. I like the idea of the duty investigating officer role, which is rotating—it is not one person doing that all the time. People get to see that part of the workflow, but they also go deeper into cases. There is also the allocation bit, where you are thinking clearly about a good balance of casework.

After your evidence session last year, we recommended that you gather data relating to the sex and gender of complainants and respondents. Can you give us an update on how that is going?

Ian Bruce: Yes, by all means. It is part of a wider picture of measures. I and the Standards Commission for Scotland have joined a number of stakeholder organisations, including the Jo Cox Foundation and Police Scotland, on something called the round table on civility in public life. It has held two meetings thus far and is in the process of developing a more detailed action plan. We have already agreed some actions, some of which need to be more fully formed and become a bit smarter, and some of which are potentially for my office.

When I wrote to the committee, I said that I would need to consult the Convention of Scottish Local Authorities on a measure such as the one that you are asking about, because it would be quite difficult to implement without agreement from councils. A firm proposal on that is going before COSLA leaders. In the event that they agree to it, I will introduce that measure from the start of the next financial year. We will gather that data—where people are willing to give it to us, of course.

The Convener: What wider measures are you considering?

Ian Bruce: More public discourse. I tend not to use social media, and nor do the staff, simply because some platforms generate an awful lot of complaints in and of themselves with the nature of the debate going on in them. I do use LinkedIn, and I have spoken quite publicly using that particular platform, which is a professional one

and well moderated. I have made a range of public statements about the damage that incivility in public life is doing to our democracy. There is Police Scotland's work on safeguarding councillors, which is included in the action plan, and there is a range of activities for different organisations that have agreed to join up with the round table. The Standards Commission continues to produce and update its guidance, for example, intended to assist councillors to fulfil their roles in an appropriate way. The Improvement Service is a partner on the round table and, as I understand it, Audit Scotland is going to be asked to join. I have a couple of meetings lined up with Audit Scotland to talk about that very subject. Alongside the Standards Commission, we now have relatively regular meetings with the Improvement Service and Audit Scotland to identify hot-spot areas where incivility may be having an impact on good governance. There is quite a range of measures, and there are more to be adopted.

09:45

The Convener: That is great. More cross-body communication would seem to be very constructive.

I will bring in Meghan Gallacher with a number of questions.

Meghan Gallacher (Central Scotland) (Con): Good morning. First, I understand that 142 complaints have been fully investigated by the ESC in 2024-25. I can probably anticipate what you are going to say, but could you give us more information on the reason for that number of complaints, which has doubled? Could you also give us a bit more detail on the impact on your resource?

Ian Bruce: It is important to draw a distinction between complaints and cases; I think that you are talking about the number of cases that we managed to get through in that year. The number of complaints was a bit lower last year in comparison with those in the prior financial year, but fundamentally, we managed to get through that higher number of cases because of the improvements that we had managed.

It is a bit of a balancing act. We have two stages—one is admissibility and the other is investigation. The fewer complaints that we get in, the easier it is for us to get through admissibility decisions, and the more resource we can dedicate to complaint handling. Alongside the other measures that I have explained, that was how we managed to get through so many cases in that financial year.

Meghan Gallacher: Thank you very much for that. What is the reason for the number of complaints doubling? Does that go back to the

public discourse that you have mentioned? I think that you might have had some councillor-on-councillor spats—we will go into more questions on that later—but could that be another factor?

Ian Bruce: Yes, the public is complaining quite a lot. In this financial year, the level of public complaints is sitting at about 83 per cent. It was about 80 per cent last year, so it tends to be relatively steady around that level. There was an increase in councillor-on-councillor complaints last year, but the number has gone down a bit this year and they are sitting at around 13 per cent of complaints at the moment. Officer complaints are relatively rare in comparison with other complaints; I think that they are currently sitting at around 4 per cent.

All sorts of things drive numbers up; international events, such as the conflict in the middle east, drive up complaint numbers. Closer to home, there is the debate between those who are in favour of gender self-identity as opposed to those who hold gender-critical views. In the aftermath of the United Kingdom Supreme Court judgment, people were saying things about each other online, and that drove up complaint numbers. It is a real mix.

When it comes to courtesy and disrespect, quite a lot of it is generated online, but equally there are microaggressions during committee meetings, surgeries—you name it, really. Two thirds of the complaints that we receive are dismissed. Quite a lot of it happens simply because someone is disgruntled because, as a constituent, they feel that they are not getting what they want out of their councillor—the ballot box is where people can really express those concerns. Some issues have nothing to do with councillors acting inappropriately; it is simply that they are not doing precisely what their constituent wants. As I said, it is a mix.

Meghan Gallacher: That is really helpful. Thank you very much.

My final question is on the ESC's expenditure, which has increased by roughly 60 per cent in real terms over the past 10 years. I would like to have a little more of an insight on the reasons for that. Does the current spend represent good value for public money?

Ian Bruce: I think that, in response to your last question, you would be the judge of that, as would be the public. What I can say is that I think that the system is now working precisely as it should, and as the Parliament intended. Roughly 80 per cent of my overall budget goes on staff. The staff are all working incredibly hard to do the best that they possibly can for the full range of stakeholders that we have.

In terms of increases, as the committee will be aware—I have seen this in today's briefing papers—historically, the office had some issues and there was a section 22 report. All of that is in the past. Every recommendation that we had, from both external and internal auditors, has been met and fulfilled. From my perspective, we are doing well as an office. However, in order to do as well as we are doing, we needed to increase our staff complement, which was one of the first recommendations that our auditor made.

On the more recent increase, in effect, I had to replace the entire investigations team, because of what had happened historically and that means that we still have a relatively new team in place. They go up their pay scale every year because they are on SPCB staff terms and conditions. Our staff also get the incremental increase that all staff get every year. Over and above that, national insurance contributions went up, so that accounts more or less for the entire increase.

We have very little extraneous spend. We spend next to nothing on legal advice, for example. We try to do by far the majority of the work that we are required to do in-house.

Meghan Gallacher: That is great. Thank you very much for your time.

The Convener: I will now move online and bring in Fulton MacGregor.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Thank you, convener. Good morning, Ian. My first question is about the super-complaint that you referenced in the annual report and in your opening statement. Obviously, you cannot give any personal information about it, but can you tell us a bit more about the super-complaint? What was the nature of it and what issues were involved?

Ian Bruce: The reason I mentioned it was because I am concerned that there is a narrative out there that lots of complaints are not upheld and that very few get investigated. That is not the truth. It is because things like super-complaints inflate the figures.

A great many complaints came in about a council's decision on a planning application. Anyone can complain to me at any point in time if they have concerns about people's conduct but the reality in that case was that lots of members of a local community each wanted their complaint lodged—although they complained collectively—about the members of a council who had voted in a particular way on a planning decision. There was no conflict of interest. In effect, no part of the code was engaged. Members of the public were simply unhappy with a council decision on a planning application.

It did not mean all that much work for us, because we took them all in as a single case. They were all dismissed as a single case. However, it inflates the numbers, because, in effect, they were not complaining about ethical conduct.

Fulton MacGregor: That brings me to my next question on the super-complaint, which is about the resource implications for your office. Are you saying that the resource implications for that particular super-complaint were not overly onerous?

Ian Bruce: That is correct. We use information technology and the systems available to us to do what we need to do as quickly as we can. In a case like that, we would set up an interim database, and we can use a mail merge function to ensure that everyone who has complained gets an individualised letter responding to the complaint. It does not mean that someone is sitting down and typing 1,000 letters. We use technology to get through these things as quickly as we can.

Fulton MacGregor: What else would count as a super-complaint? That was a pretty good example, and I can see how it would come about. Should a flurry of complaints about, say, an individual councillor count, or would they be treated individually?

Ian Bruce: It would depend. If it were all about the same conduct, those complaints would all be treated as a single case. I would not categorise that as a super-complaint.

A super-complaint would be once you get beyond 100 complaints, although it would depend on their nature and complexity. However, we have only ever recorded two super-complaints in my time. One was in relation to members of the Parliament, as opposed to councillors.

We have an extensive investigations manual, which I have not mentioned. It is quite a dry read, but it is extensive. It covers everything that we do in relation to complaint handling, and it even has a section on how we handle super-complaints so that when those arise all staff know what to do in order to deal with them appropriately.

Fulton MacGregor: You have already said that the majority of complaints received in 2024-25 were from members of the public. How many of those were admissible? Do you feel that there is perhaps a lack of knowledge or understanding among the public about the role and scope of the code?

Ian Bruce: Yes, it is an issue. In the first two quarters of this year, complaints were sitting at roughly 36 per cent admissible. You are right that members of the public complain about things that

fundamentally do not fall within our purview and do not engage the code.

When I was here previously, I said that we were setting up an accessibility working group from the different teams in the office. That is now well established and is working well. In January of this year, we wrote and published three guides in easy read format for members of the public that explain, in the simplest possible terms, what they can and cannot complain about—what engages the code and what does not.

Over and above that, the Standards Commission for Scotland continuously updates its own guidance for members of the public. There is a card that councillors can give to members of the public. There are explanatory videos and a separate page for members of the public. Notwithstanding all that, the reality is that people sometimes just get angry, and all sorts of things can make them angry.

To give another simple example, if someone's individual planning application is refused, they might seek to engage the code and say things like, "These individuals who made that decision on my planning application failed to show leadership and honesty", and they might indulge in a bit of hyperbole, when in fact the individuals have acted perfectly ethically in reaching that planning decision. Sometimes people try to use the principles in the code to construct a complaint that, in effect, does not have any merit. That is because they feel that they have nowhere else to go. I think that is why they come to our office: they feel that if they say enough, and say it in such a way, we might be inclined to investigate.

One thing that I should mention is that we have seen a rise in the use of artificial intelligence for complaint generation, with hundreds of pages being generated by AI. It is not always that easy to tell, but sometimes it is. We cannot just dismiss that stuff. We need to go through it all to determine whether a complaint has merit. That is increasing our workload a bit as well.

Fulton MacGregor: I agree with you on that. I probably speak for my colleagues when I say that we are beginning to get a lot more constituent queries that are AI generated. As you said, they are just as relevant as if they had not been done with AI, because they are still constituents' queries.

I have another quick question, which relates to one of the convener's earlier ones. The convener asked about the committee's request last year about gathering information relating to the sex or gender of complainants. I want to ask a wee bit more about that.

When you are looking at complaints—say, for example, there is one about councillor-on-

councillor conduct—are you looking at whether patterns are emerging? For example, would you look at whether a councillor who is male is targeting female councillors in particular? Members of the Scottish Parliament know—and I am sure that you are aware, too—that politics is a difficult place for women. From having spoken to councillors in the past, I know that they feel that it can be a difficult environment. Do you and your team consider that when complaints come in and do you make assessments? Do you take quite a strict X, Y and Z approach or is that issue in your mind?

10:00

Ian Bruce: Absolutely, it is. It is not the only reason that I joined the COSLA round-table meeting, but it is one of the reasons for that. We have also been conducting our own research. I have limited resources and clearly when complaint numbers are high, we need to dedicate them to investigations, but equally our hearings and investigations officer, who is a senior officer within the office, conducts research and interrogates our own data. She has had an in-depth look at what was going on over 2024-25.

Disrespectful conduct presents a very mixed picture, and we are not in a position to reach any conclusions yet. However, we know for a fact—anecdotally, because people get in touch with us and tell us how upset they are that they have been complained about or they tell us about the type of conduct to which they have been subjected—that there is an issue there. Part of the duty IO role involves horizon scanning and they look to see whether new complaints that are coming in can be linked to something else that is going on, perhaps in a local authority. We can see that when things are not going particularly well in a local authority, we get a lot of tit-for-tat complaints.

The only other point to mention is on gathering demographic data. I do not believe that there is a hierarchy. We will gather all demographic data from people where they want to provide it. If they are willing to provide it—and we hope that they will, and we will certainly make a good case for that as and when we set it up, subject to COSLA's agreement—we will be able to form a better view on precisely what is happening. I like to base my decisions on evidence, and at the moment a lot of that is more qualitative than it is quantitative.

Fulton MacGregor: Thanks, convener.

The Convener: Thank you, Fulton. I will now bring in Alexander Stewart.

Alexander Stewart (Mid Scotland and Fife) (Con): Thank you, convener. Good morning, Ian—it is good to see you.

The code of conduct is probably now embedded in how councils, councillors and officials operate. In your report this year, about 40 complaints come from either councillors or council officers, and about 44 complaints are about disrespect or courtesy during a council meeting or a board meeting. Individuals are aware of the working parameters and so are officials or officers, but there is a role for the local authority monitoring officer in the process, and it would be good to get a feeling from you of what you think about that role.

We now have a standard of way of working. There are parameters that officials and councillors need to work within, and the monitoring officer is there to ensure that they do that. You have said that some councils are a bit more toxic and more challenging, depending on their make-up and the way they operate as a council, and that not all councils are doing the same thing. It would be good to get a flavour of what you think the role of the monitoring officer is and how it helps—or maybe does not help. Maybe the role creates some issues within a council.

Ian Bruce: I think that monitoring officers are vitally important, and we engage with them regularly. The Standards Commission for Scotland has an annual workshop with monitoring officers that we attend, and it provides officers with an opportunity to discuss their role. We also have regular meetings together with SOLAR—the Society of Local Authority Lawyers and Administrators in Scotland—which is, in effect, the society of the monitoring officers.

Monitoring officers play an incredibly important role in respect of legal compliance more generally. Councils have all sorts of legal obligations, and the code of conduct sits within the wider framework of obligations that councils have. Monitoring officers are there to provide advice both to officers and to councillors, regardless of party, about how they ought to conduct themselves. Things become problematic when either that advice is not heeded or it is not sought at all—that tends to be when issues arise.

The situation is similar to that for training on the code. The people who are keen on the code and compliance with it will come to the training; those who are not will not. Similarly, if the opportunity arises to seek advice from the proper officer—the monitoring officer—people who are keen to ensure that they operate within the parameters of the code will go and seek it, and those who are not keen will not.

Clearly, it tends to be those councillors whose behaviours are problematic who fall foul of the code, and they will not have followed monitoring officer advice or sought it at all.

Alexander Stewart: There is still a relatively small number of complaints by council officers about councillors, but we have seen a slight increase in the number.

Ian Bruce: Yes.

Alexander Stewart: It might appear that, when councillors put some pressure on council officers or when there is a bit of tension, the officers feel that they need to rein in the councillors in some way and the code of conduct is a way of doing that.

I think back even to my time as a councillor, although I have been out of it now for 10 years. The code of conduct was used against me occasionally to say, “You know, if you do that, then we might have to go down that route”. When a councillor is trying to find out information about specifics, there has to be trust between them and the official, and if that trust breaks down in any way, the code could be used as a weapon.

Do you think that is the case? Is the code being used in some ways to stymie, stop or manage some actions or behaviours? Or is it just something for the official who thinks, “I am the professional in this process and you have a justification to inquire, but if you overstretch the mark, then my professionalism could be compromised”?

It would be good to know because the complaints are increasing. There is a tension between councillors and officials, with the councillor wanting or seeking information and the official feeling, “I can give you so much” or “I have to adhere to some levels”. The tension is obviously still there and, if there is a problem and an increasing number of complaints, there must be some kind of structure behind it.

Ian Bruce: As things stand this year, roughly 4 per cent of complaints are coming from officers. They are not coming from monitoring officers; they tend to be from officers who feel that they have been disrespected or treated discourteously. That is a very small proportion of what comes to me.

Notwithstanding what you have said, it tends to be that, when an officer complains, they feel that they are in extremis. What I hear from officers is that if they complain about a councillor, particularly a senior councillor, it can be a career-ending event for the officer.

We need to interrogate our data going back further years, but my view is that officers were probably very reticent about complaining when the office was not operating in the way that it should, because they might have had to wait two years to get a decision. I cannot imagine what it must feel like for an officer in that position—waiting for the outcome of what you feel to be a legitimate

complaint, while still having to work every day, every week and every year with a councillor who, in your view, has behaved disgracefully towards you. I am certainly not seeing evidence of the code being weaponised in the way that you are suggesting.

There is an education piece, and this is where it is important that the Standards Commission comes in, because that is statutorily part of its remit. However, there are plenty of ways in which councillors can legitimately criticise the work of officers without making personal, gratuitous comments about them. It is fine to criticise the work; it is when councillors stray into criticism of the individuals that they can be in breach of the code. On those occasions, I would expect monitoring officers to ask a councillor to understand the difference and consider the appropriate way to go about criticising the council, the administration or the work of officers without straying into personal and gratuitous commentary.

Alexander Stewart: From time to time, members of a council administration and members of a council opposition are not given the same information. A councillor may be seconded with an official who is there to support them but, in some cases, that is not available—opposition councillors are sometimes disadvantaged when trying to understand or be given information, and they have to find their own way through that process. That can be frustrating, and it can lead to a bit of distrust between the councillors and the officials.

There can also be conflict in a joint board involving people from both health boards and the council, with councillors trying to manage both. Officials from the health board and officials from the council do not always see eye-to-eye about what they want out of the process, and the councillor has to walk a tightrope between them and sort out the problems. I can, therefore, see that there might be opportunities for difficulties on other occasions within boards and in other locations. However, it has been good to have you explain where you are in that process, because I think that is the way forward.

My last question is about the reopening of previously closed cases. A number of cases have been reopened, as you touch on in your annual report. Could you provide some more information about why that has happened and what merits the reopening of a previously closed case?

Ian Bruce: Sure. I read the annual report again before today, and I think that I know the footnote that you are referring to—although only one case was reopened.

When I submit a report to the Standards Commission, it has three options: it can take no action, it can direct for further investigation, or it

can decide to hold a hearing. During the financial year in question, I was directed for further investigation in one case, which is why it was reopened. It was closed in our system when we submitted the report but, when I was directed for further investigation, we reopened it.

There are other grounds that might lead me to reopen a complaint, but they are really narrow. A good example would be some substantive fresh evidence coming to light that had not been provided to me previously. That would lead me to reopen an investigation.

Alexander Stewart: Okay—thank you.

The Convener: That concludes our questions. Thank you very much for joining us this morning and for your evidence. It has been very helpful to get a bit of detail on the annual report and all your other surrounding activities.

Ian Bruce: Thank you very much for the opportunity.

The Convener: I will now briefly suspend the meeting to allow for a changeover of witnesses.

10:12

Meeting suspended.

10:16

On resuming—

The Convener: For our second panel, we are joined from the Standards Commission for Scotland by Lorna Johnston, the executive director, and Suzanne Vestri, the convener. I welcome you both to the meeting. There is no need for you to turn on your microphones, as we will do that for you. I invite Suzanne Vestri to make a brief opening statement.

Suzanne Vestri (Standards Commission for Scotland): Thank you, convener and members of the committee, for allowing us to make a short opening statement and to answer any questions that you might have on our most recent annual report.

The Standards Commission for Scotland has two full-time and two part-time members of staff, which makes up a 3.1 full-time equivalent complement. During the period covered by this report, Lorna Johnston was the only full-time staff member, and, as the executive director, she is the accountable officer. The commission has five part-time members, who are appointed by the Scottish Parliamentary Corporate Body with the agreement of the Parliament. As convener, I am contracted to work the equivalent of three days per month, while the remaining members each work two days a

month. Members also sit on hearings panels as and when required.

I would like to highlight three main aspects of our work arising in the year 2024-25. The first of those is trends in casework. The Standards Commission received 69 referrals from the Ethical Standards Commissioner during that period, which was an increase of 19 cases—or 27 per cent—on the previous year, and we held hearings in respect of 15 of them. At those 15 hearings, a breach of the applicable code was found in 11 cases, with eight full or partial suspensions being applied. Although our remit covers both councillors and board members, all but one of the hearings concerned councillors.

Nine of those 15 hearings were held online and were live streamed on our website in accordance with our practice of doing that when there is little dispute between parties and there are few witnesses. The remainder of our hearings were held in person at the headquarters of the respondent's council or public body, so that the local press and the public could attend. Of those 15 hearings, eight concerned alleged breaches of the courtesy and respect or bullying and harassment provisions of the code.

As a supplementary point, and to confirm the trend that we highlighted last year, I note that the majority of the hearings held or scheduled so far until the end of February and in the current reporting year again concern respect-type behaviours.

Over the past two years, we have also seen an increase in challenging behaviour from respondents and other service users. As this is both disruptive and detrimental, it has had a significant impact on our small staff team and has led, in part, to our providing resilience training to staff and members.

We understand that there has been media coverage suggesting that the code is preventing effective scrutiny. We refute that entirely and note that it is entirely possible for councillors to scrutinise effectively without falling foul of the provisions in the code that concern courtesy, respect, bullying, harassment and relations with officers.

My next two points will be shorter, and the second is about delivery. In terms of our finances, we finished the year in this annual report slightly under budget, for which great credit is due to the staff team. We have received positive reports from our internal and external auditors on our financial and governance arrangements, and we continue to perform well against a range of challenging key performance indicators. We regularly review our risk profile and take steps to manage and mitigate against identified risks.

Member and staff costs continue to comprise over 87 per cent of the overall budget, meaning that we are limited in terms of our ability to identify new development areas, workstreams and savings. We have, nevertheless, continued to fulfil our statutory role, meet our objectives and agree to all requests to provide and run training events.

That brings me to education. When we appeared before you last year, we were asked about the training that we are able to provide. In the past year, we have provided training sessions for four local authorities and four public bodies, and we have conducted with the Improvement Service three webinars—which were open to all councillors—on confidentiality, on identifying and managing conflicts of interest, and on quasi-judicial and regulatory decision making.

During this reporting period, we were able to publish revised guidance on the code and a new advice note on quasi-judicial decision making, as well as six revised sets of advice notes, a new information card for members of the public, which Ian Bruce mentioned, and a new e-learning course on confidentiality.

Finally, I am looking forward to working with my colleagues to continue our work to promote adherence to the codes and take action when they have been breached, in order to ensure public confidence in those in public life and the organisations they represent. We will be conducting surveys of councillors, council monitoring officers, members of devolved public bodies and their standards officers to learn more about their experiences in complying with the codes.

We will continue to work with partner organisations such as the Improvement Service to further develop our education and training materials. We also intend to continue to focus on educating the public on the framework, both so that the public are aware of the standards they can expect of those in public life and in order to manage their expectations about what councillors and members may be able to achieve.

In summary, despite our limited size and resources, I believe that we continue to achieve a great deal. Standards in public life and freedom of expression within the code matter more now than ever. I hope that this has been a helpful introduction to, and summary of, our work.

The Convener: Thank you very much, Suzanne. It has been very helpful of you to give us that overview and to highlight those three main points.

I will start with the education piece. It is great to hear about the revision of the guidance, the advice notes and the easy-read for the public. Lorna, maybe it is early days, but I would like to get a

sense of what you think about the training. Are you seeing any changes because of it?

Lorna Johnston (Standards Commission for Scotland): As Ian Bruce mentioned earlier, the people who attend the training are the ones who want to abide by the code. So, as I think I talked about last year, we are seeing fewer inadvertent breaches such as the failure to register interests, the failure to declare interests, and the quasi-judicial and regulatory decision-making types of breaches. I think that the fact that we are seeing fewer of them is a result of the training and the educational material. Unfortunately, the types of breaches that are maybe more spontaneous and unplanned, such as poor behaviours, are continuing.

The Convener: Last time around, we discussed making the code of conduct training mandatory, and we have heard back about that from local authorities. I would be interested to hear your thoughts on that.

Lorna Johnston: When we wrote to all the local authorities, the vast majority said that, although they could not make the training mandatory or force councillors to attend, they always provided it and the majority did go along.

As the committee noted the last time, it would take us a long time to get around all 32 councils if we are training only four a year, for example, so we have recently been trying to focus on doing that work with the Improvement Service. We have two webinars coming up in January: one is on helping councillors to distinguish between operational and strategic matters, which I think is quite an important one in the context of relationships with officers, and the other is on gifts and hospitality. They are open to all councillors and they are recorded so that, even if councillors cannot come along on the day, they can watch them back.

We were recently invited by the Conservative Councillors Association to do an open training session for all its councillors, which was great. There was really good involvement, discussion and interaction. We hope that other political parties will do the same, because some poor behaviours could be improved if there was internal policing within the party groups.

The Convener: How are you hoping that will happen? Are you going to engage with the parties?

Lorna Johnston: Yes. We engaged with all the political parties before the last election, to see whether we could run similar events, but we did not get much interest at the time. Maybe the timing was not great on our part, because it was just before an election, when I am sure the parties were more interested in their campaigning

activities. We will be doing that training again, though, and we will offer it to all the parties.

The Convener: Thank you for that update. I would be interested in hearing your thoughts on the 2021 code of conduct. Has it improved standards and behaviour? How is that being measured, if at all, and what sense do you have of any improvement in outcomes?

Lorna Johnston: The changes that were made to the code in 2020 and late 2021 clarified the provisions. My own view is that the previous version of the code was quite difficult to understand. I was sitting down with the code every day, and I was still having to re-read parts of it, especially the sections on declarations of interest—I had to re-read those a lot. The changes have definitely helped to improve some of the behaviours that I mentioned, such as the failure to declare or to register. There is much greater awareness now of what would amount to a declarable interest, for example. The code also makes very clear what is expected of councillors when they are making quasi-judicial and regulatory decisions, such as licensing and planning-type decisions, which has really helped.

As Suzanne Vestri mentioned, we will be doing some surveys of councillors, monitoring officers, public body board members and standards officers next year. We will issue those surveys at the start of the next financial year. We did similar surveys five years ago, so we should be able to compare results. We have not done much work on the questions yet, but we will think about the types of questions that we want to ask, in order to get the most valuable information from the surveys. The questions will be about the types of behaviours that they experience and witness, but there will also be questions about whether they find the code easy to understand, how they find training material and what more can we do.

The Convener: Okay. That is great.

Suzanne, in your opening remarks it was great to get the breakdown of the staffing and all that you accomplish with such a small team. The expenditure of the Ethical Standards Commissioner and the Standards Commission was over £2 million in 2024-25. How do I put this? Are you providing value for money? In what ways are we getting value for money for the public purse?

Suzanne Vestri: I think that you are getting value for money. As I mentioned, standards in public life are incredibly important, especially at the moment. The public has a right to expect that councillors and members of public bodies will act ethically and in their best interests and that, if they do not, action will be taken. In England, they are going to reintroduce a more centralised system,

because they realise from our experience and the experiences in Wales and Northern Ireland that it is essential for public confidence to have that. We also think that codes help to protect councillors and members; they are not just tools with which to attack them. They help them to demonstrate that they are acting ethically, so that there is not a 1970s sort of feeling that backhanders in envelopes are being handed out—that kind of thing.

Sorry—that was a long-winded way of saying that, yes, I think you are getting value for money.

10:30

The Convener: It is good to get more detail.

It is interesting that you say that the work has helped to shift the perception away from the 1970s backhanders, but I think there are pockets of people across the country who still have that mistrust—I come across that in my work. Maybe I am just confirming that the work that you do is essential.

Lorna Johnston: Some of the mistrust may arise from actual behaviours—the more respect-type behaviours. If councillors are throwing around unfounded accusations against each other, it does not help public confidence. The perception therefore ties into the breaches of the code that relate more to respect, bullying and harassment.

We are not seeing the behaviours you referred to: we are not seeing many complaints about accepting gifts or hospitality that should not have been accepted. Even breaches of the code that relate to declarations of interest tend to be, in our opinion, based on misunderstanding. They tend to be inadvertent rather than someone deliberately trying to conceal an interest, for example. However, as I said, the failure to behave respectfully towards each other does not help public perception.

The Convener: Thank you. I will bring in Fulton MacGregor, who is joining us online.

Fulton MacGregor: Thank you, convener, and good morning to the witnesses.

Thank you very much for the evidence so far. I want to ask for your views on the public awareness of the code. Do you think that there is a good public awareness, or do you feel that the large number of complaints that are deemed inadmissible suggests that there is not great awareness? What are your thoughts on that?

Lorna Johnston: To be honest, I think that levels of awareness are mixed. We have focused on educating the public for the past two years, and we are continuing to focus on it.

As Ian Bruce mentioned, we have created a video for members of the public and an advice note explaining what the code does and does not cover. We have also created a little card that councillors can take to their constituency surgeries. They can laminate it and put it up in their surgeries. It explains what they can and cannot do, to help constituents understand, for example, that they cannot overturn a decision that has been made—that going to their councillor does not mean they will be able to have a planning decision overturned. The card explains what councillors they are allowed to do under the code and is intended to help manage expectations.

We are also doing quite a lot of work with the media. We try to publicise our hearings, and we publish all our decisions—even the no-action decisions—on the website to try to educate the public, as well as respondents, councillors and members of public bodies, about what is required by the code.

We are focusing on awareness. Members of the public attend the hearings that we hold in person; we livestream hearings that we hold online and a lot of people watch those hearings. It is hard to know exactly who they are—whether they are officers, members of the public or the media—but we have certainly seen an increase in media reporting on our decisions and our work.

Fulton MacGregor: One difficulty that we have is that many members of the general public may not be aware of the code or how to make a complaint until they feel that they need to—and that could happen quite suddenly. That might be part of the issue as well.

Suzanne, in your opening remarks, you mentioned an issue about scrutinising decisions that I thought was very interesting. I know that there was some media coverage about councillors feeling that they could not scrutinise officers because of the code. Could we talk a bit more about that? Where do you think the line is between scrutinising officer decisions robustly and that becoming criticism? I have been a councillor, and now that I am an MSP I am in same situation in the context of scrutinising the Government. Sometimes it can be a fine line. Do you have thoughts on that? What advice has been given to councillors?

In some situations, it is obvious that a councillor is just being critical and is crossing a line, or it might be obvious that they are just doing their job of scrutinising. However, is there sometimes a grey area where it is down to people's perceptions on whether they are being criticised and somebody is being too critical? Does that make sense?

Suzanne Vestri: Yes—this is similar to the questions that Mr Stewart was asking earlier, in that it is possible for several things to be true at the same time.

First, councillors should differentiate between criticising the administration and its decisions and criticising the actions or—what is the word?—nature of officers. There is a very big difference between criticising actions or decisions taken by an administration and criticising in public the work of individual, identifiable members of council staff. I think that there is a big enough gap between those two things for a councillor to be able to perform highly effectively and carry out their scrutiny function.

It is another question whether councillors always understand that in the heat of the moment and whether we are moving towards an increased commonality of narrative in which people think it is okay to be more personally critical. I think that there is something of that in the environment that councillors increasingly find themselves in, but I will hand over to Lorna Johnston, too.

Lorna Johnston: In our training—the standard presentations we go out with—and in our advice notes, we give examples of what might be acceptable to say in challenging or robustly scrutinising something, and the difference between that and making a personal comment about the conduct or capability of an officer.

We have had two cases so far this year in which we found a breach of the respect provision in relation to behaviours towards officers, and they were both clear. In one, a councillor called for an officer to be suspended and threatened them with going to the police about a delay in implementing something to do with a planning decision. The other case involved a comment on social media, criticising an individual officer's capability to do their job—a junior officer, who had taken over the job from the councillor's husband. They were clear examples of where the line had been crossed and there was a breach of the code.

It is up to us to publicise more the information about what is okay and what is not okay, and we will continue to work on that.

Alexander Stewart: You have already touched on negative press about the code, and you have talked about the work of the code and surveying it. Authorities provide training for councillors, through the monitoring officer, and political groups also try to give them guidance—a group leader or deputy leader will try to support their council colleagues if they need it. There may well even be an internal appraisal system within the council group as to how councillors are performing or behaving, to manage the behaviour or ability to progress of anyone who may need more training.

You have talked about the surveys you have done in the past and the one you are planning to do in the future. It would be good to get a flavour of what you see the survey attempting to do. Will it try to ascertain whether there is a knowledge gap, or will it try to find out whether there are areas for improvement that need to be re-examined to ensure that there is a transparency when it comes to understanding the code?

Lorna Johnston: It is both. First, the survey is to see whether there are any areas in the code that could be amended to make it clearer. Any amendments would have to go through ministers, but we could suggest amendments to the code and also within the ethical standards framework in the legislation.

The survey will also cover what we can do to help improve things. Are there different ways to deliver training? What is the take-up? How many people read our advice notes? Do they find them useful? What parts of our notes do people find useful?

The last time we did the surveys, we worked on our advice and guidance to put in more examples so that councillors could understand the code in practical terms. They could apply the code to scenarios they might find themselves in, rather than just reading black and white. We are trying to do lots more things like e-learning and to make more videos. We will be working with the Improvement Service and the Open University to do some more online training for councillors. We are trying to establish how we can add more value within the parameters of our resources.

Alexander Stewart: How damaging is the negative publicity about the code? Does it have a reputational impact?

Lorna Johnston: I am not sure yet, to be honest. We obviously try to be as transparent as possible with our decisions. We always do a press release after a hearing and, as I said, we publish all our decisions on the website. I like to think that people can read the decisions and understand more. Even when, as Ian Bruce said, somebody has a vested interest and is trying to push a certain narrative, people can look at the press releases and say, "Okay, that was a bit of a spin and, in reality, the complaint was not about that at all." They can see that the complaint was about something else and the press release explains what has been found.

As our resources are limited, it is not as if every time there is something about us in the newspaper that I have the resources to go out and say, "Can you interview me? Can we do a correction? Can Suzanne Vestri or I appear on the radio show?". It is tricky to push back against negative publicity,

but I hope that the quality of our decisions will speak for itself.

Alexander Stewart: I touched on the role of the monitoring officer when I spoke to Ian Bruce earlier. There needs to be parity of compliance and awareness. Do you find that it is the case across the 32 local authorities that the monitoring officer is aware of the issues around compliance and is supportive when it comes to people's awareness of what is required? My political party had the opportunity to meet you recently—I am quite pleased that I instigated that meeting in some way. It is good for us to do that sort of thing but there is also a role for the compliance and monitoring officer in a council to do something similar.

Lorna Johnston: I think that there is parity. We have almost full attendance by monitoring officers at our annual workshops, and those who cannot attend send their deputies. We discuss those issues with them, and all monitoring officers are aware that they can come to us and ask for assistance with training. That might not necessarily mean that we go out and do that training in person, but we can give them slides, case examples and so on.

Sometimes, if somebody is subject to an ongoing hearing, it might be felt that that is not quite the right time to hold a training event. It can also depend on whether it is felt that there will be sufficient attendance: sometimes, people are reluctant to ask us to provide a training event, knowing the resources that that takes from us, if they think that only a certain number of councillors will attend. That is an example of why, as I said earlier, we are trying to push different ways of delivering that training, such as through our webinars.

We have a video on our website of us doing a standard presentation on the code, and we can probably do a bit more work to publicise that and perhaps break it down into parts, so people do not have to watch the whole hour-long presentation.

Alexander Stewart: One thing that has an impact on training is the time that is taken up by the process of dealing with, for example, a breach of the code, as people know that it could be some time before there is a resolution. People might be put off if they think that it will take two or three years for the case to come to a resolution, so there is no point in engaging in training, as things will have moved on. Alternatively, they might still feel that they want some kind of action at the end of that process. How do you address that?

10:45

Lorna Johnston: A few years ago, there was a backlog on the investigation side, but that has now

cleared, and the referrals that are coming through to us are really quite up to date now. If we are going to hold a hearing, we do it within six to 12 weeks. The reason why we leave at least six weeks is to allow the parties time to prepare—we think that that is fair.

Essentially, complaints are now being resolved quite quickly. We can probably provide a bit more information and do a bit more work to publicise that. In the past, there might have been some reluctance to complain, especially on the part of officers, because of the reasons that Ian Bruce was talking about earlier relating to the fact that the process could take a long time. That was having a detrimental effect on our hearings as well, because memories fade with time, and emotions fade, too: sometimes, even if there was a sense that the behaviour was really bad, a witness might say something that was completely different from what they had said in their original complaint form, watering it down a bit. The improvement in the timescales is significant and I hope that that has addressed those issues. However, as I said, we could probably do a bit more to publicise that.

I do not want to create work for Ian Bruce by causing extra complaints to come in but, on the other hand, it is really important that potential breaches are looked at.

Meghan Gallacher: Good morning. I will start by talking about the commission's decision to limit the number of online hearings. Will you explain your reasons for that decision and say whether there have been any positive or adverse consequences?

Lorna Johnston: Perhaps I did not word that part very well in the annual report. We did not limit online hearings; we just reviewed the circumstances in which we would hold one. As Suzanne Vestri said, we hold them in circumstances in which there is very little dispute about the factual basis of the complaint, such as a situation in which there is a complaint about a social media post that it is agreed that someone had posted, and the debate is just around whether the content amounts to a breach of the code.

There are a few reasons why we have limited our online hearings to those kinds of cases. One is that, although we have not experienced too many technical difficulties, there is always the chance that someone's wi-fi will cut out in the middle of the hearing. We also find it a bit more difficult for members of the panel to communicate with each other during an online hearing, and it is quite difficult for the chair to take notes about what someone is saying while also keeping an eye on the other panel members to see whether they have questions. We did a bit of research and found that people find that kind of online hearing

quite draining and more tiring than an in-person hearing. Also, it removes the opportunity to speak to the parties before the hearing in order to iron out issues and answer any questions that they might have. We were also slightly concerned by the fact that holding the proceedings online takes a little bit of gravitas away from the hearing, as people might be a bit more informal online. Finally, there is value in giving the local press and members of the public a chance to come and sit in the room to watch the proceedings.

Those are the reasons why we are still trying to hold the majority of hearings in person. It is cheaper for us to do them online—there is no question about that, because in-person hearings incur travel costs—but we think that it is quite important to hold hearings in person when we can.

Meghan Gallacher: That is helpful. Thank you for clarifying the reasons behind the decision.

There have been two cases where the respondent's conduct amounted to a breach of the code, but there seemed to be a conflict between the breach of the code and article 10 of the European convention on human rights. What happens in that scenario? Do you anticipate that there could be an increase in the number of such scenarios?

Lorna Johnston: There are cases in which the panel finds that the code has been breached, or thinks the behaviour is quite disrespectful, but cannot make a formal finding to that effect and impose a sanction because we have to take into account the enhanced protection of their freedom of expression that is enjoyed by most politicians who are acting in a political context.

We have guidance for councillors and members of public bodies on how we apply article 10. The situation is difficult because we would prefer that everybody behaved respectfully so that we did not need to worry about article 10 considerations, but the fact is that under the law, we do.

We will carry on trying to promote the code and promote respectful behaviour and, if it is the case that someone does not behave respectfully, we will have to take into account their right to freedom of expression before we make a final decision on whether we can make that formal finding.

Meghan Gallacher: There is the issue of how you measure the impact of the behaviour, of course, as things can have a different meaning to different people at different times. It is important to bear in mind that, as you outlined in your opening remarks and your answers to members of the committee, although councillors should behave respectfully towards each other, there can be scenarios where tensions are heightened and there could be certain behaviours that are not necessarily representative of the on-going

behaviour of the individual and could just be a spur of the moment thing or a one-off instance.

My final question is about what happened last year, when the Standards Commission wrote to the Scottish Government asking for a change in the legislation. Has there been any progress on that or dialogue with the Scottish Government? Do you have further information to share about the change in legislation that you were calling for?

Lorna Johnston: We have been advised that there is no legislative vehicle for that change in this parliamentary session, but that the Scottish Government hopes to consider that in the next session. In the meantime, we have had correspondence with Government officers who have asked for clarification of the proposal, so there is on-going dialogue.

Meghan Gallacher: That is helpful, thank you. I think that Parliament will be busy next session, convener.

The Convener: We are definitely getting a lot of things lined up.

That concludes our questions. Thank you, Lorna and Suzanne, for your evidence this morning.

We previously agreed to take the next items on our agenda in private, so that concludes the public part of the meeting.

10:52

Meeting continued in private until 11:05.

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