

News release

For immediate use

Welcome improvements made at ethical standards body, but significant challenges remain

The body that investigates complaints about MSPs and councillors has made improvements to address serious failings at the organisation. However there remain significant challenges.

The Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner's Office) assesses complaints about the conduct of MSPs, local authority councillors, lobbyists and members of public bodies, before determining which to investigate.

In late 2021, the Auditor General for Scotland raised concerns about a number of serious failings. Over the past 12 months, the Commissioner's Office has worked hard to re-establish the fundamentals that every public body needs to operate effectively such as an internal audit function, business plans and a risk register.

Significant challenges however remain. Alongside completing remaining recommended actions, the Commissioner's Office must address its growing backlog of cases. The number of outstanding complaints is higher than in 2020/21, and the expected time to conduct an initial assessment of a complaint can be up to nine months.

A previous organisational restructure, which intended to deliver cost savings, has been reversed, and extra funding has since been received to address immediate workload pressures. Building a governance and operational structure that is financially sustainable should now be a high priority.

Stephen Boyle, Auditor General for Scotland said:

"Staff at the Commissioner's office have worked hard to address serious failings and it's clear that improvements have been made. But the dual task of meeting core business demands, alongside addressing all the concerns raised in 2020/21, means pressures on the Commissioner's office will continue.

"It is concerning that the outstanding caseload increased considerably, with a knock-on effect on how quickly claims are assessed. Further funding received for additional staffing will help, but it will take time to hire and train the people needed. It is vital that backlogs are reduced to help restore public confidence.

"Improvement needs to be maintained and further progress made to address outstanding issues. I will continue to monitor this."

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Notes to editors

1. This is a Section 22 report where the Auditor General can directly raise his concerns with Parliament and the public arising from annual audit work.

2. The Commissioner for Ethical Standards in Public Life in Scotland (the Commissioner's Office) is an independent regulator appointed and funded by the Scottish Parliamentary Corporate Body.
3. For complaints against MSPs, the Commissioner's Office reports to the Scottish Parliament. For councillors and members of other public bodies it assesses complaints, decides which to investigate and then reports to the Standards Commission for Scotland which can hold a public hearing and has powers to censure or disqualify for code of conduct breaches.
4. The Standards Commission issued statutory directions for the first time in 2020/21 to establish whether the the Commissioner's Office was complying with legislation.
5. In the [2020/21 section 22 report on the Commissioner for Ethical Standards in Public Life in Scotland](#) the Auditor General for Scotland stated the urgent need to address serious failings. These included:
 - an absence of openness and transparency
 - a breakdown in key relationships with stakeholders and within its own office
 - no effective scrutiny or challenge which might have flagged up issues earlier
6. In October 2022 the Commissioner's Office published its own [annual report](#) prepared by the acting Ethical Standards Commissioner appointed in April 2021.
7. Audit Scotland has prepared this report for the Auditor General for Scotland. All Audit Scotland reports published since 2000 are available at www.audit-scotland.gov.uk
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