

**Ethical Standards**  
**Commissioner**

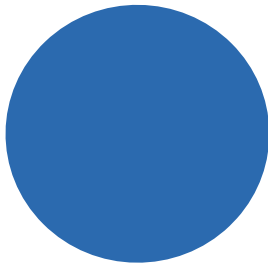
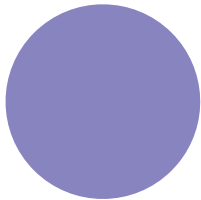
Investigations into  
breaches of  
**The Lobbying  
(Scotland) Act 2016**

2 July 2025

# Introduction to the Commissioner's Office (ESC)

# The Commissioner

- Ethical Standards in Public Life etc. (Scotland) Act 2000
- Scottish Parliamentary Standards Commissioner Act 2002
- Public Appointments and Public Bodies etc. (Scotland) Act 2003
- Lobbying (Scotland) Act 2016



# Investigations Manual

31 March 2023 | Complaint process policies | Complaints

## INVESTIGATIONS MANUAL

Complaint Handling Processes and Procedures  
For complaints about Councilors, Board Members, MSPs, Appointments and Lobbying

April 2025

For the first time in the history of the office the Commissioner has published their Investigations Manual for public reference in line with their commitment to accountability, honesty and transparency. The manual has been created to codify the investigations processes across all aspects of the office's work and was finalised in consultation with our stakeholders.

The Appendices to the Manual can be found [here](#).

**The Manual was first published in March 2023, this is a revised version published in April 2025.**

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# Lobbying (Scotland) Act 2016

The Commissioner has a duty to investigate and report on complaints that a person has or might have:

- failed to comply with section 8(1) of the 2016 Act
- failed to provide accurate and complete information in an application made under section 9 of the 2016 Act
- failed to comply with the duty to submit information returns under section 11 of the 2016 Act, or
- failed to supply accurate and complete information in response to an information notice in accordance with section 17 of the 2016 Act.

# Provisions

- Section 8 = duty to register
- Section 9 = application for registration
- Section 11 = submit information returns
- Section 17 = supply accurate and complete information in response to an information notice

# Admissibility

A Complaint is admissible if (a) it is **relevant** (in that it appears at first sight to be about a person who may be or have been engaged in lobbying and it could be a breach of sections 8(1), 9, 11 or 17 of the 2016 Act

*And*

# Admissibility

*And*

(b) it meets the conditions set out below pursuant to section 23(3) of the 2016 Act:

- a complaint must be made in writing to the Commissioner;
- it is made by an individual and signed by that individual, stating the individual's name and address;
- it names the person to whom the complaint relates;
- it sets out the facts related to the conduct complained about; and
- it is made before the end of the period of one year beginning on the date when the individual who made the complaint could reasonably have become aware of the conduct complained about.



# Admissibility

- If it is **irrelevant** then I will dismiss it, regardless
- If it is **relevant** but doesn't meet all of the conditions then I report to the Standards, Procedures and Public Appointments Committee (SPPAC); I either recommend investigation or dismissal
- If I think a complaint has merit, I will recommend further investigation

# Investigation

- Stage 1\* = Assess for admissibility
- Stage 2\* = conduct investigation
- Investigations at stage 2 always result in a report to the SPPAC
- Before a report is submitted, the Respondent has an opportunity to make representations on my findings

*\*Note = we are statutorily obliged to conduct both stages in private. We ask complainers and respondents to respect this.*

# Ethical Standards Commissioner

## Website:

- Make a complaint
- How we conduct investigations (the Manual)
- Regulating appointments
- Governance and plans

[www.ethicalstandards.org.uk](http://www.ethicalstandards.org.uk)

[investigations@ethicalstandards.org.uk](mailto:investigations@ethicalstandards.org.uk)

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