

Councillor and board member complaints

Factsheet – Information or Interview Request

Why have you sent me this factsheet?

We are investigating a complaint about the conduct of a councillor or board member. We have sent you this factsheet because we are asking you to provide evidence or information to help us.

The information you provide will help us understand what happened and decide whether the councillor/board member was in breach of the rules they need to follow.

How do you collect information?

On the phone, by email or letter, or in an interview (which could be in person, remote meeting, or by telephone). We decide how best to obtain evidence on a case-by-case basis.

If we ask you to interview, you will be interviewed by one of our team. We recognise that some people may be vulnerable due their individual circumstances. We will be as flexible as we can to help accommodate vulnerable interviewees. If you require any special arrangements or reasonable adjustments, please let us know in advance.

You may bring someone to attend an interview with you, including an interpreter if you need one. However, they should not be connected to the complaint (the complainer, the councillor/board member or a witness) and should not discuss what is said with anyone else.

Can I discuss the investigation or interview with others?

We must conduct our investigations confidentially. Please do not discuss what is said at interview, or anything about our investigations in public or with anyone else. However, you may seek legal advice or support from a trusted advisor.

What happens after I provide information?

We will consider the information to help with our investigation.

If we interview you, we will take notes and record it. Afterwards we may send you a record of the interview so you can review it and check it is accurate.

Once we have gathered and considered all the evidence, we will write a report. The report will say whether we think there was a breach of the rules the councillor/board member must follow.

We will then send the final report to the complainer, the council/public body, the councillor/board member and the Standards Commission for Scotland (SCS).

The SCS will consider our report and decide whether to hold a public hearing on the complaint.

What if I don't want to participate?

The [legislation states](#) that we can require people to give evidence or provide documents, if they are able to do so. If anyone refuses or fails to provide information we request, we can refer them to the Court of Session, and they may be found guilty of contempt of court.

Will my information be made public?

Information you give us could be included in the report. If so, it will be anonymised as far as possible. We will generally not name you in the report unless you are a councillor or senior official. If you are the complainer, we have a legal obligation to name you. However, there is always a chance that people reading the report will be able to identify the person who provided particular information. As such, we are unable to *guarantee* anonymity.

If the SCS holds a hearing, you may be called as a witness. The SCS may ask for your name and contact details to inform you about the hearing. We will not share your contact details with anyone other than the SCS. Unless agreed separately with the SCS, hearings are public. Therefore, the information and evidence you provide may be made public at this stage. For more information, you can view our information sharing agreement with the SCS [here](#).

How do you keep a record of my information?

All information is collected, stored and used in accordance with data protection laws. Information includes any documents, photos, screenshots, and copies of correspondence, emails or text messages you provide.

If you provide information to us over the phone, in written form, or through an interview, we will keep a written record of it.

Generally, we keep information we collect during investigations for 5 years. You can find more information on how we keep records on our [website](#).

We are subject to [legislation](#) giving people the right to access information we hold. As such, we may receive requests for information relating to this case. We would **not** normally share the evidence or information you provide, or any of our notes unless the legislation requires us to.