

Guidance on how we consider requests for extensions of time

1. Pursuant to s 12(1) of the Ethical Standards in Public Life etc. (Scotland) Act 2000, it is for the Commissioner to decide whether, when and how to carry out any investigation. In the course of our investigations, we may ask for more information from a party related to a complaint. For instance, we may request responses to a complaint or representations on a draft report from a respondent, or we may ask for supplementary information relating to a complaint from the complainer, local authority staff, witnesses, or other parties.
2. We appreciate that responding to us may take time, and as such invite parties to be in touch with us should they require more time to respond to our queries. The purpose of this guidance is to set out the factors that we take account of when considering whether a request for extension of time should be granted.
3. This document is intended as a guide only and, as such, the list of considerations outlined below is not exhaustive. The decisions we make will be made on a case-by-case basis, taking all of the facts into consideration. We will balance our agreement to extended time frames for responses against our aim to ensure that complaints are investigated with reasonable expedition, so that the interests of the public as well as the aims of the ethical standards framework can be protected and upheld.
4. The factors we will take into account when considering whether a request for extension of time should be granted are as follows:
 - When was the time extension request made?
If the request is made early after our request for information/representations, the more likely we are to agree to it. If the request is made nearer or past a deadline, it is less likely that we will agree to it.
 - Is this the first request made by this party?
If this is the first or second request, it is likelier that we will grant it. If this is the third, fourth or fifth request, we are less likely to. Compelling reasons are required for such requests to be considered reasonable.
 - How much time is requested?
The less time that is requested, the more likely it is that we will grant it. If the time requested is disproportionate to the task required of that party, the less likely it is that we will grant it. More compelling reasons would be required for the request to be considered reasonable in such cases.
 - Has a reason been provided for the request?
If yes, it is more likely that we will grant the request. If no, we may ask for a reason to be provided to help us to reach a decision.

- Is the reason legitimate?

Reasons relating to seeking legal advice, medical or health reasons, family/personal matters (including bereavement), high volume of work commitments, pre-planned annual leave, recovery from unforeseen accident etc. are all likely to be considered legitimate. We ask that people provide evidence of the same where reasonable and practicable. For details on the form or content of supporting evidence for some of these reasons, please refer to the Standards Commission for Scotland's policy on hearing adjournment requests [here](#).

- What is the impact of the time request on investigations/reporting process?

The less significant the impact of the time request (i.e. extension of process by a few weeks at most), the more likely we are to grant it. The more significant the impact will be, the less likely we are to agree the request. Compelling reasons would be required for us to consider such requests favourably.

- We will also consider whether, in the circumstances, it would be fair to all the parties to the complaint for requests for extended time frames to be granted.

5. The efficient and timely progress of investigations will usually be in the best interests of all parties concerned, and our office will always need to be assured that the interests of fairness and justice (including fairness to the Standards Commission for Scotland, the complainer, the respondent, and other stakeholders) are best served by granting a request for extension of time to respond to our queries.