

Council leader says standards body is not fit for purpose

A council leader has accused the body which investigates elected members of having a 'weak record' in dealing with sexual harassment cases.

Councillor Kelly Parry, who leads Midlothian Council's SNP administration, said the Standards Commission was 'not fit for purpose' and did not take sexual harassment complaints seriously.

Her comments came as the council was updated on the outcome of an investigation into Midlothian Councillor Bryan Pottinger who was cleared of any wrongdoing in relation to allegations he made inappropriate comments to a younger female worker.

The Standards Commission refuted her claims insisting all decisions made at its hearings are based on available evidence.

Speaking as the council received its update, Councillor Parry said that while her comments were 'technically not related to the case' she felt they were worth noting.

She told the meeting: ""In my personal view I think the Standards Commission have a weak record of not taking seriously concerns or complaints relating to sexual harassment specifically either during the process or in their findings or outcomes.

"I do feel the Standards Commission often lacks in how it

demonstrates the principles of its own code.

"It is disappointing to say but, quite frankly, I don't think the Standards Commission is fit for purpose."

Councillor Parry also criticised the length of time taken to deal with a complaint saying it did not benefit "the complainer or the perpetrator" to have it drawn out.

Councillor Parry said she had shared her views with the local authority representative body COSLA and has written to the Standards Commission inviting them to talks over how the process could be improved.

She added: "My final comment on this matter is that councillors sitting in this chamber are good people and it is always disappointing when bad publicity tarnishes us all."

Councillor Pottinger's hearing in front of the Standards Commission was held at the council's Dalkeith headquarters last month.

It had been alleged he made inappropriate comments to the young worker as she stripped coffee pods from a rod about her having a 'good hand action'.

But while the Ethical Standards Commissioner who investigated the complaint referred it to the commission for a hearing, the commission panel ruled his comments were 'small talk'.

Morag Ferguson, Standards Commission Member and Chair of the Hearing Panel, said at the time: "While the panel was satisfied that the council employee had understood Cllr Pottinger to have intentionally made an inappropriate remark towards her, that left her feeling uncomfortable and distressed, the panel considered Cllr Pottinger to be a credible and reliable witness.

"The panel accepted his evidence that he had not intended any comment as a sexual reference and, instead, was simply making

small talk.”

It was the second time the veteran Labour councillor Pottinger appeared before the hearing with another allegation in 2022 that he made inappropriate comments about an opposition councillor’s bra. That case was also dismissed.

A spokesperson for the Standards Commission said: “The Standards Commission refutes entirely the allegation that it does not take complaints of sexual harassment seriously.

“As with all complaints, the Standards Commission bases its decisions at hearings on the available evidence.”

The spokesperson added complaints were initially made to the independent Ethical Standards Commissioner and it was only referred to the commission once his investigation had been carried out.

They said: “In the case of the complaint mentioned above, the matter was referred to the Standards Commission by the ESC on 22 October 2024, the decision to hold a hearing was made on 24 October 2024 and the hearing was held on 15 January 2025.

“The Standards Commission’s Hearing Rules provide that hearings will be held within six to 12 weeks of any decision on the referral. This gives the parties to the hearing time to prepare, which would include calling witnesses if appropriate.

“As the hearing in this case was held 12 weeks after the decision on the referral was made, the Standards Commission disputes that there was any substantive delay on its part in dealing with the matter.”

Councillor Pottinger attended the meeting remotely but did not comment.

By Marie Sharp Local Democracy Reporter