

57855 Ethical Standards Commissioner (ESC) Complaints - Legal Costs

Please provide the information below.

Scope, custodians and record systems

Please search 1 January 2020 to today (05/10/2025) across:

Custodians: Head of Legal/Chief Solicitor, Monitoring Officer (and deputies), Democratic Services, Finance/Procurement lead for Legal/Corporate, and (if applicable) the Insurance/Risk team.

Systems: legal case-management, time-recording/timesheets, finance/procurement ledgers and reporting tools, purchase order/contract registers, insurance claim/advice records, and any spreadsheets used to track ESC-related matters.

Search terms (apply where practicable): "ESC", "Ethical Standards Commissioner", "Standards Commission", "Code of Conduct", "social media", "Twitter", "X", "respect", "courtesy", "disrepute", "hearing", "legal advice", "counsel", "SOLAR", "COSLA", "insurer", "claims", "external advice".

External legal spend – confirmation and detail

- a) For matters relating to ESC complaints about councillors' social-media or other public commentary, provide total external legal spend by financial year (2020/21 to present), supplier names and annual totals (where disclosure is permitted), and the number of distinct matters per year.

The Council Legal Services can confirm there has been no external legal spend in the requested time period related to the requested information subject matter. Therefore, £0 across January 2020 to October 2025.

- b) If there was no external spend in any year, please state £0 explicitly for that year.

£0.00

- c) If the council holds a framework agreement/panel for external legal services, state whether it was used for these matters; if not used, please confirm not used.

The City of Edinburgh Council Legal Services Framework has not been used on the requested subject matter.

Internal legal time and estimated cost

- a) Provide, by financial year (2020/21 to present), the total recorded internal hours spent by Legal/Monitoring Officer/Democratic Services on councillor social-media/ESC matters, and the estimated internal cost if held (for example, standard hourly rates or cost-centre totals).

From January 2020 to October 2025 there is no internal hours or cost recorded pertaining to the subject matter of this information request.

- b) If hours are not time-recorded, provide the number of distinct matters handled and any available management information showing workload (for example, case counts, average handling time).

Noting the response above, Legal Services considers that there is potential that some of work the Investigations team is involved with may have aspects of social media use.

- c) Provide the FTE (headcount and fraction) assigned to Standards/Code/ESC work each year, if recorded.

This is not separately recorded.

Informal/external non-law firm advice routes

- a) Provide counts by financial year (2020/21 to present) of occasions where advice on councillor social media/ESC matters was sought from:
 - o SOLAR (Society of Local Authority Lawyers & Administrators in Scotland)

 - o COSLA

 - o the council's insurer or insurance intermediary

 - o any other public-sector advisory body

The Council's Legal Services can confirm that the service area has not consulted with any of the above-mentioned organisations on the subject matter of this request.

- b) Provide any protocols or standard routes describing when officers should seek advice from the above (documents or a brief description if documents are not held).

The Council has a range of policies which determine how Services approach a range of matters pertaining to the Council. These can be viewed publicly alongside the Committee which agreed it and when this was agreed. Our Policy Register is published on our website at:

<https://www.edinburgh.gov.uk/directory/10239/policy-register>

Council employees also take part in mandatory online training modules which signpost officers to how to report and approach certain matters and issues.

As part of the nature of the work Legal Services is involved with, there are discussions within teams whether it is appropriate to consider outside sources of advice for certain matters. If Legal Services determines it appropriate to seek external legal advice on matters, it will be for the instructing client service to provide approval for this being done.

Training/communications spend linked to councillor social media/Code

- a) Provide annual spend (2020/21 to present) on external providers for training, webinars, or communications products relating to councillors' social-media use and the Councillors' Code/ESC process (for elected members or officers). Include supplier name, amount, date, and title/description.

£0.00

- b) If £0 in any year, please confirm £0.

£0.00

Accounting/identification method

Briefly describe how the above costs/time are identified/coded in your systems (cost centres, project codes, keywords) and provide any data dictionary/field list needed to interpret the dataset. If you hold a standard management report used for these figures, please supply it.

Not applicable, in light of the answers provided above.