



30 October 2023

MEDIA RELEASE

ABERDEENSHIRE COUNCILLOR FOUND TO HAVE BREACHED COUNCILLORS' CODE

Aberdeenshire Councillor Fatima Joji was censured by the Standards Commission at a Hearing, after she was found to have behaved disrespectfully towards a member of the public in respect social media comments made in July 2022.

Anne-Marie O'Hara, Standards Commission Member and Chair of the Hearing Panel, said: "In this case, the Panel considered some of the comments Cllr Joji had directed towards a member of the public on social media, to be personally offensive and gratuitous."

At the Hearing, held online on 30 October 2023, the Standards Commission's Hearing Panel heard that it was not in dispute that Cllr Joji had accused the Complainer of "harassing and hounding" others, and referred to him as being "scum", "toxic" and that he could "absolutely gtf".

The Panel noted that the Councillors' Code of Conduct requires councillors to treat their colleagues, council officers and members of the public with courtesy and respect.

In respect of her accusation that the Complainer had been "harassing and hounding" others, the Panel accepted that it was Cllr Joji's belief that the Complainer had been doing so and, as such, that she was expressing a value judgement. In the circumstances, the Panel did not consider a restriction on Cllr Joji's right to freedom of expression under Article 10 of the European Convention on Human Rights could be justified.

The Panel considered, however, that Cllr Joji's characterisation of the Complainer as "scum and "toxic" amounted to a gratuitous personal attack. The Panel considered that even if this was a genuinely held belief, it did not mean that Cllr Joji was entitled to direct such egregious, derogatory terms towards him in a public forum. The Panel considered that the use of such terms, in an open forum, about a member of the public, by someone who is, as a councillor, in a position of authority and responsibility, was disrespectful and had the potential to lower the standards of public debate. The Panel considered, therefore, that a restriction on Cllr Joji's right to freedom of expression could be justified in respect of these comments.

As such, the Panel concluded that Cllr Joji had contravened the requirement under the Code for councillors to treat everyone (including members of the public) with courtesy and respect.

The Panel noted that Cllr Joji had accepted that her conduct amounted to a breach of the respect provisions of the Code. The Panel also noted Cllr Joji had been the subject of abuse herself, and was satisfied that while her comments had been entirely inappropriate, it was apparent that she had been attempting to stand against what she perceived to be bullying and harassment of individuals from ethnic minorities in politics. In the circumstances, therefore, the Panel concluded that a censure, being the least restrictive option available to it, was the appropriate sanction.

Ms O'Hara, stated: "The Standards Commission considers that councillors should be able to express their views and opinions without resorting to personal abuse."

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 7 days.

ENDS

NOTES FOR EDITORS

1. Complaints about councillors are made to the Ethical Standards Commissioner (ESC). The Standards Commission and ESC are separate and independent, each with distinct functions. The ESC is responsible for investigating complaints. Following investigation, the ESC will refer its report to the Standards Commission for Scotland for adjudication. Email: info@ethicalstandards.org.uk, <https://www.ethicalstandards.org.uk/> Tel: 0300 011 0550
2. The [Standards Commission for Scotland](#) is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies including in education, environment, health, culture, transport, and justice. The role of the Standards Commission is to encourage high ethical standards in public life; promote and enforce the Codes of Conduct; issue guidance to councils and devolved public bodies and adjudicate on alleged breaches of the Codes of Conduct, applying sanctions where a breach is found.
3. The [Codes of Conduct](#) outline the standards of conduct expected of councillors and members of devolved public bodies. In local authorities, there is one Code of Conduct, approved by Scottish Parliament, which applies to all 1227 councillors elected to Scotland's 32 Local Authorities.