

Cross-Party Groups Best Practice Guidance

Question: How do I establish a Cross-Party Group (CPG)?

Advice: The first step is for an MSP to agree to seek to establish a proposed CPG.

Once an MSP has agreed, the next step is to determine whether there is sufficient interest among other MSPs and, if so, to hold an initial meeting, usually including the election of office bearers. This initial meeting should conform to the Rules for Cross-Party Group meetings, such as the requirement that it should be notified to the Standards clerks at least 10 calendar days in advance and that there should be at least 2 MSP members of the Group present. Minutes of this meeting must be produced and sent to standards clerks.

The initial meeting should be used to confirm the purpose of the Group, the MSP membership and the Group's office bearers. Groups may wish to be aware of Section 6, paragraph 8 of the Code of Conduct (the Code) which requires that each Group has at least 5 MSP members, with at least one MSP member from each of the parties or groups represented on the Parliamentary Bureau. The Standards, Procedures and Public Appointments Committee has agreed a waiver to this rule for Session 5 and all Groups are required to have at least 5 MSP members, with at least one MSP member from the majority of the parties or groups represented on the Parliamentary Bureau.

Within 30 days of its initial meeting, a Cross-Party Group is required to submit a Registration Form, setting out details of the Group's purpose, membership, office bearers and any financial benefits received by the Groups, and confirming that the Group will operate within the Rules laid out in Section 6 of the Code of Conduct for MSPs.

Copies of both these documents will be sent to the MSP contact once the Standards clerks receive notification of a Group's initial meeting.

Please note that the date the Group is established is the date of the initial meeting of the Group and not the date the Group was accorded recognition by the Standards, Procedures and Public Appointments Committee. AGMs should take place within 11-13 months of this date.

Question: Who can be members of a CPG?

Advice: CPGs can have both MSP and non-MSP members and any MSP can be a member of a Group. However, the membership or involvement of non-MSPs is a matter for the members of each CPG to determine.

Question: How can the Membership of a CPG be updated?

Advice: The MSP membership can be updated by the Convener of the Group or a member of staff of the Convener who has been formally delegated authority (staff members who are able to send PQs and Motions on behalf of the Member are recognised as formally delegated). The Non-MSP membership of a Group can be updated by the secretariat to the Group or a member of staff of the Convener who has been formally delegated authority. Any membership changes should be notified, by email, to the Cross-Party Group mailbox: CrossPartyGroup@parliament.scot

Question: What information must a CPG provide?

Advice: A CPG must provide the following—

- Registration forms – within 30 calendar days of the initial meeting the groups holds to establish the name and purpose of the group and the office bearers;
- meeting notifications – which should be provide at least 10 calendar days prior to the meeting. The notification must include the meeting date, time and room number;
- minutes of all meetings (including initial meetings and AGMs). Although the Code does not state when minutes should be provided, Groups should be mindful that the minutes are required to keep people informed of the work of the Group. Draft minutes can be published on the webpage so these should be provided as soon as practicably possible after the meeting. Approved minutes should be provided as soon as they have been approved by the Group at its next meeting. Minutes must include an attendance list and this must make clear which attendees are members of the Group and which are invited attendees; and
- annual return forms – which must be provided no later than 30 calendar days after the AGM.

Question: When should financial and material support be disclosed, for example secretariat support?

Advice: The Committee would encourage groups to include as much detail as possible in registration and annual return forms on financial and material support to ensure their operation is as transparent as possible.

The registration form sets out the information that a proposed Group must provide and section 6, paragraph 41 of the Code sets out when Groups should provide details on financial benefits:

41. If a Group receives secretariat support from an employee of an external organisation, the value of any time that employee spends on supporting CPG activities should be calculated and, if over £500 per year, registered. The only exception to this is where the secretariat is provided by an individual in their own time; in these circumstances it is not considered that any financial benefit is received by the Group.

The rules provide for an individual to provide secretariat to a group either as an individual in a voluntary capacity or as an employee of an organisation. They do not allow for an individual to volunteer their time on behalf of an organisation.

The only circumstances where an individual can volunteer their time is if they are listed as a member of the group in an individual capacity.

Under no circumstances is attributing a financial value to secretariat support intended to discourage an organisation from providing support or imply any impropriety; it is simply intended to ensure that there is transparency about where a Group's support comes from.

The Committee appreciates that a number of people providing secretarial support will have distinct sets of circumstances. As ever, if secretaries supporting groups or group conveners are in any doubt as to what information to detail, for example in annual returns, they should contact the Standards clerks for advice on 0131 348 6924 or at CrossPartyGroups@parliament.scot.

Question: How often should a CPG meet?

Advice: CPGs must meet at least twice a year; one of these meetings must be an AGM which must include the election of office bearers

Question: How will the Standards, Procedures and Public Appointments Committee monitor CPGs?

Advice: The Clerks to the Standards, Procedures and Public Appointments Committee will produce an annual report for the Committee, this will inform the Committee of the activities of all Groups for the previous 12 months and draw the attention of the Committee to any Groups which have not complied with the rules.

Question: When should an AGM be held?

Advice: Groups are required to hold their AGM 11-13 months of the date the Group was established (the date of establishment is the date that the Group held its initial meeting, where the office bearers were elected and not the date that the Group was accorded recognition) and each 11-13 months thereafter. As stated above, the AGM must include the election of office bearers. The AGM notification should be sent to the Cross-Party Group mailbox 10 calendar days prior to the meeting and minutes should be produced as per the procedure for a standard meeting. The annual return should be sent to the Cross-Party Group mailbox, no later than, 30 calendar days after the AGM.

Question: What happens if the CPG does not comply with the Code of Conduct?

Advice: Any CPGs that are not adhering to the Code of Conduct will be notified to the Standards, Procedures and Public Appointments Committee, the Committee will then decide what action should be taken against CPGs, the Convener of the Group will most likely be invited to a formal committee meeting to discuss why the Code of Conduct is not being adhered to.

Question: What information can a CPG put on its webpage?

Advice: In addition to the information on the CPG Registration Form, advance notification of meeting details (which should be posted at least 10 calendar days in advance of the meeting) minutes and the annual return form, which must be provided, we can post agendas and links to external websites (on receipt of the appropriate paperwork). You may wish to note that you are required to seek permission from the Convener of the Group should you wish to add a link to an external website.

Question: Who can make updates or changes to the information on CPGs?

Advice: As the Convener of the Group is an MSP, we can accept the following changes/documentation to the CPG information from a member of staff of the Convener who has been formally delegated authority (formal delegation is recognised as staff members who are able to send PQs and Motions on behalf of the Member)—

- Registration form;
- update to MSP membership;
- update to office bearers;
- Annual return form
- Changes to the Non-MSP membership of the Group;
- Agendas;
- Meeting notifications
- Draft minutes; and
- Final minutes.

The following changes/information can be provided by the secretariat of the Group or a member of staff of the Convener who has been formally delegated authority—

- Changes to the Non-MSP membership of the Group;
- Agendas;
- Meeting notifications
- Draft minutes; and
- Final minutes.

Question: What services do the Standards Clerks provide to support CPG activities?

Advice: The Standards Clerks provide the following services in relation to CPG activities—

- Guidance on general issues relating to the regulation of CPGs under the Code of Conduct;
- maintaining and updating individual CPG webpages;
- Clerks will contact Groups to remind them of their responsibilities to adhere to the Code of Conduct if Clerks are made aware that Groups are not complying to the Rules i.e. if Groups meet but have not sent a meeting notification, if Groups do not send minutes/annual return forms etc.; and
- Reporting all Groups activities to the Standards, Procedures and Public Appointments Committee twice yearly.

Question: Does a CPG have to hold a meeting in order to carry out the election of office bearers?

Advice: Groups must hold an AGM annually to re-elect officer bearers. If a Group requires to hold an election of office bearers outwith the normal AGM, for example because an existing office bearer has to step down, this election is not required to be held at a meeting and can be carried out electronically. Guidance on the Code section 6, paragraphs 10-14 has further information on this process. The exact manner in which such elections are conducted is for each CPG to determine in light of the guidance.