GUIDANCE FOR MEMBERS WHO WERE NOT RETURNED FOLLOWING THE 2016 SCOTTISH PARLIAMENTARY ELECTIONS
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Guidance to assist Members who were not returned following the 2016 Scottish Parliamentary Elections

This guidance provides information on the winding up of your parliamentary business, the effect on your salary and pension and issues for consideration in relation to the employment of your staff.

Access to the Parliament

1. What access will I have to the Parliament?

You will be able to continue to access the Parliament to collect any of your personal belongings left at Holyrood prior to the Election and to access those services, such as the Allowances Office and HR, to assist you in winding up your affairs. If you wish to arrange access, please contact the Security Office on 0131 348 6559. Out of hours, you can contact the Security control Room on 0131 348 5333.

2. What will happen to my belongings stored at the Parliament?

You can collect them in person, or alternatively, Facilities Management staff will be happy to make the necessary arrangements for any items stored at Holyrood to be returned to you. You should contact them on 0131 348 5100 within 7 days of the election to make the necessary arrangements.

Security Passes

3. What should I and my staff do with our photographic security passes?

You and your staff should, preferably, hand your security passes to a Security Officer when you last leave the building after the elections. If returning to the Parliament is not convenient the security passes should be sent to the Security Office in Room Q1.05.

4. What will happen to the photographic passes of those I sponsored?

Organisations or individuals who have a photographic pass sponsored by you will be required to send their security passes to the Security Office. It would be helpful if you could advise them to do so. The passes will, in any case, already have been disabled at Dissolution.

5. What will happen to my partner’s pass?

Your partner will also be required to return their security pass to the Security Office. It would be helpful if you could hand over to a Security Officer your partner’s pass at
the same time as your own but if that is not convenient the pass should be sent to the Security Office.

**Expenses**

**6. What Expenses can be claimed/paid after the election?**

Under the Reimbursement of Members’ Expenses Scheme you are entitled to claim expenses in order to finalise your parliamentary affairs. These costs will be met from the Winding Up Provision. This provision is in two parts: a capped provision of up to one third of the Office Cost Provision to meet accommodation, office and associated costs; and a separate provision to meet staff salary costs during the winding up period and staff redundancy costs.

The staff cost provision enables you to retain the services of staff for up to a maximum of 3 months after the election for the purposes of assisting you with the winding up of your office.

Where, under the terms of the employment contract between you and your member of staff, his or her entitlement to a redundancy payment exceeds the employee’s statutory entitlement, the costs of the contractual provision will be met where the SPCB considers the provision to be reasonable. Where it is not considered reasonable the SPCB may restrict the application for contractual redundancy payment to what it considers reasonable in the circumstances.

You should note that the Corporate Body agreed in 2011 that staff redundancy terms should continue to provide for a redundancy payment of up to 4 weeks’ salary for each year of service up to a maximum of 1 year’s salary.

**7. When do I become eligible to claim the Winding Up Provision?**

You are eligible to claim against the Winding Up Provision on the day following the election.

**8. How do I claim the Winding Up Provision?**

Claims against the Winding up Provision for accommodation, office and associated costs should be made using the standard expenses claim forms and should be submitted to the Allowances Office in the normal way. Like all other expenses, claims against the Winding Up Provision require to be supported by the relevant documentation, i.e. receipts, invoices.

The HR Office will liaise with you directly over the process of making redundancy payments to staff from the Winding Up Provision.
9. Is there a cut off date for the submission of claims against this provision?

All claims against this provision should be submitted within six months of ceasing to be a Member.

10. What costs can be claimed/charged against the Winding Up Provision?

There are a number of expenses that may be claimed details of which are as follows:

**Staff Costs**

- Staff salaries together with Employers National Insurance and pension contributions for the period a member of staff is employed to assist in winding up your parliamentary business up to a maximum period of 3 months.

- Statutory and contractual staff redundancy payments that are due. In the case of contractual payments, these must be reasonable. (Performance award payments to staff cannot be charged to the Winding up Provision.)

- Childcare vouchers in respect of staff for the period they are employed to assist you in winding up your parliamentary business.

- Travel costs incurred by a member of staff in the course of assisting his or her Member in winding up his or her parliamentary business. This does **not** include normal commuting costs.

**Office Costs**

- Rental payments due in respect of constituency/regional offices arising as a result of any contractual notice to quit period.

- Business rates in respect of a constituency/regional office due as a result the contractual notice period.

- Utility costs incurred during the notice period.

- Any insurance costs due during the notice period.

- Office running and repair costs you may be contractually obliged to meet during the notice period.

- Stationery, photocopying, postage and business telephone costs you may incur as a result of winding up your parliamentary affairs.
Edinburgh Accommodation

- Rent. If you rented accommodation in Edinburgh, any contractual rental obligations in relation to the notice to quit period required to be served can be claimed. Any deposit paid on rented accommodation that was met from the Edinburgh Accommodation Provision will require to be refunded to the Parliament via the Allowances Office.

- Council Tax, factoring, insurance, gas, electricity, phone charges and maintenance agreement costs will be met for rented accommodation only for the same period as any rent is paid.

Travel Costs

- Any travel costs you may incur as a result of winding up your parliamentary affairs can be met.

Overnight Expenses

- If you were eligible to claim the Edinburgh Accommodation Provision and require to stay overnight in Edinburgh to wind up your parliamentary business, you may claim overnight expenses up to the limit set. You will be required to settle personally any hotel bills on departure and reclaim the costs from the Allowances Office.

- Only those who are eligible to claim for overnight accommodation costs incurred as a result of staying away from home overnight within his or her former constituency/region in order to finalise his or her Parliamentary affairs may claim such costs.

A Winding-Up checklist has been produced and is available at Annex 1 for your ease.

Salaries and Pensions

11. When will my salary end?

You will be paid your salary for the period up to and including polling day (5 May 2016).

12. What pension am I entitled to?

The Scottish Public Pensions Agency will write to you with details of your pension entitlement and options.
13. Will I be entitled to a Resettlement Grant and, if yes, when will it be paid?

Under Schedule 2 of the Scottish Parliamentary Pensions Act 2009, a Member of the Scottish Parliament is entitled to receive payment of a resettlement grant subject to the person being a Member immediately before the Parliament’s dissolution and at the subsequent election stands and is not elected.

The amount of resettlement grant payable is the greater of:

- 50% of the annual salary in payment at the time of ceasing to be an Member;
- one month’s salary for each complete continuous year of service as a Member, subject to a maximum period of 12 years’ service.

The provision for payment of resettlement grants under the Act applies from the date of the election. Resettlement grants will therefore be paid in the next available pay run after the election (ie 31 May 2016).

14. What support will I receive going forward?

You will be contacted by Right Management, the Parliament’s contracted outplacement service provider, as soon as possible after the election. Outplacement services typically consists of a blend of one to one, telephone and online support from professional career consultants who will seek to advise and guide you as you plan your next steps. In order to benefit from this service you must access it not later than 6 months from the date of the election (i.e. by 5 November).

If you do not wish Right Management to contact you with this service, please let the HR Office or Clerk/chief Executive’s Office know as soon as possible.

My Staff

15. What do I need to do in terms of my staff?

Your designated HR contact will make contact with you to assist you with your staffing issues. You will require to complete the redundancy process you commenced prior to the election. The HR Office will provide advice on how to do this, including drafting letters for you to issue to your staff.

Your staff will be entitled to access redundancy support materials on www.work4mspsscot and can register a copy of their CV with the HR Office so that it can be provided to any new or returning Members who are recruiting staff.
Data Protection

16. How can I transfer personal data and sensitive personal data to an incoming or other MSP?

As long as you are processing personal data related to your role as an MSP you are a data controller and must comply with the terms of the Data Protection Act 1998 (“DPA”). Transferring personal data is a form of processing and the simplest way to ensure the transfer is in compliance with the DPA is to seek the consent of the data subject. Ideally, the consent given should be in writing. There may be reasons why a constituent would not wish his or her data to be passed to a third party.

A template for seeking consent is provided at Annex 2.

17. Can’t I simply pass all my constituency correspondence to an incoming or another MSP?

It depends on what data the casework contains. If the casework does not contain any personal data, it can be passed on to the incoming or other Member. However, if the correspondence contains personal data it must be processed in line with the requirements of the DPA, ie with the prior consent of the constituent.

18. What if I seek explicit consent but cannot trace the constituent or the constituent does not respond?

You should use your best judgement, after considering all the circumstances. In order to comply with the DPA, it may be safest to arrange for the secure disposal of the sensitive personal data.

You should make your own arrangements for the confidential disposal of papers in relation to constituency casework held at your local office. For confidential paperwork held at Holyrood, Facilities Management can assist by arranging the provision of the necessary confidential waste bags and their uplift for shredding once filled. Anyone wishing to take up this offer should contact the Facilities Management Helpdesk on (0131) 348 5100.

19. Does the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002 allow a new MSP to access records held by me?

No. The 2002 Order does not create a right for a new Member to access records held by a Member who has not been returned. A new Member can only access records held by you if you have previously received consent from the constituent to do so.

More detailed information on Data Protection can be found at Annex 2.
IT Services

20. What IT support will I receive following the election?

BIT will assist and provide advice to any Member not returned after the election to copy data and clear out his/her IT network account. IT accounts will remain active for the duration of the winding up period (normally 3 months) and will not be closed without agreement of the Member.

21. What should I do with IT equipment that was provided by the Parliament?

Laptops and local office equipment supplied centrally will be reclaimed by the Parliament. BIT will be in touch to arrange retrieval of any equipment. Smartphones and tablets are available for Members to purchase (price will vary depending on the make and model but will generally be between £100 and £250).

22. What will happen to the IT equipment I used in my Office in Holyrood?

The IT equipment you used in your Holyrood office will go through a data cleansing process. PCs will be cleared of all information they contain and the fax machines and phones will have all the numbers removed from their memories. These machines will be re-configured for use within the Parliament as required. Your Holyrood telephone number/s will be marked as unallocated and added to the pool of available numbers, to be allocated as required within the Parliament.

Mobile Devices

23. What should I do with my smartphones and tablets that were provided by the Parliament?

You are permitted to purchase smartphones or tablets that have made up part of your centrally provided allocation (cost between £100 and £200 depending on the model) however you will remain responsible for any data that resides on the device. Please speak to BIT by 13th May for precise costs and to arrange the amount to be debited from May’s salary. If BIT has not heard from you by this date then a member of staff will contact you to confirm that the devices are not required beyond the winding up period. If you would like to keep your telephone number then let BIT know at this time and a Porting Authorisation Code (PAC) will be provided to facilitate the transfer to a personal contract once the winding up has been completed.

Devices that are purchased are locked to the Vodafone network and you will have to contact Vodafone yourself to arrange the unlocking of the device (phone Vodafone Corporate on 03333 04 3333).

Please note that if smartphones and tablets are being returned they must be completely wiped and free of Apple IDs and equivalent.
24. What should I know if I am purchasing a smartphone or tablet?

If you decide to purchase a mobile device that was supplied centrally:

1. Let BIT know that you would like to purchase the device by 13 May and that you are happy for the agreed amount to come out of your final salary.
2. If you have contacts on your device that are stored in your parliamentary email then BIT can provide instructions on how to save these.
3. If your Apple ID or equivalent is associated with your parliamentary address then you will need to change this to a different email address. BIT can advise you on how this is done.
4. BIT will advise on how to remove parliamentary mailboxes set up on your device.
5. If you have purchased apps from the Apple store or equivalent then these will be associated with your Apple ID and will be available for you to use in the future.

25. Will the costs of using my mobile phone be met from the Winding Up Provision?

The cost of using a mobile phone for the purpose of winding up your parliamentary business will be met from the Winding Up Provision and should be claimed in the usual way.

26. What should I do with my laptop?

If your laptop was provided centrally then it is not available for purchase, since the software licences are provided on a subscription basis to the SPCB.

Laptops purchased using the Office Cost Provision of the Members’ Expenses Scheme belong to you, however you will need to contact BIT to remove the Parliament’s software from the device. Laptops will be restored to the standard Windows 7 build that they came with when purchased.

BT Phone Book

27. What will happen to my entries in the BT Phone Book after the election?

You are responsible for removing all the numbers listed against your name under ‘Members of the Scottish Parliament’ in the Business Listings section of the BT Phone Book. (This includes Scottish Parliament numbers as well as those for your local office.) Parliament staff do not have the authority to get these entries deleted as telephone suppliers and BT will not accept instructions from them in relation to entries arranged by Members.
You need to contact the company that provided your local office with a telephone/fax line as soon as possible and ask them to remove your name and number(s) from the Phone Book. (For example, if the local office had a Cable & Wireless telephone line, you should contact Cable & Wireless.)

BT Phone Books are updated on a rolling programme every 18 months. Changes will appear in the next published edition of the Phone Book.

Office Supplies and Equipment

28. What are the arrangements for the collection of furniture and equipment provided centrally?

You should ensure that all equipment and furniture provided centrally by the SPCB, is in good condition and left in the constituency/regional office (or at Holyrood if you worked from there). If you do not have a constituency/regional office whilst winding up your affairs then all remaining equipment should be at the location you are using.

Once there is a confirmed date for a Local or Home Office closing, please inform the BIT Helpdesk on 0131 348 6100. A minimum of three weeks’ notice of the closure date where possible should be given to BIT and Facilities Management to allow arrangements to be made to uplift equipment.

Facilities Management will arrange for the equipment to be collected at a convenient date and time for the Local Office staff. The arrangements will take into account the time you need to wind up your affairs.

These collection arrangements apply to equipment supplied centrally by the SPCB. Any equipment purchased from your Expenses is your property and may be retained/disposed of locally as you see fit. If there is any doubt as to how to dispose of any items in your local office the FM Helpdesk will be pleased to provide assistance. You will also be expected to return all Scottish Parliament stationery e.g. envelopes and letter headed paper along with the equipment.

29. How can I check whether furniture items were purchased under the Office Supplies and Equipment Scheme and therefore belong to the SPCB, or from my Members’ Support Allowance and therefore belonging to me?

The Facilities Management Helpdesk will be able to help you.

30. How can I check which IT equipment was provided centrally and therefore belongs to the SPCB and which was purchased through the Members’ Expenses Scheme and therefore belongs to me?
You will be sent a list of all IT equipment owned by the Parliament which has to be returned. You should contact the IT Helpdesk should you require any further assistance.

31. What will happen to the equipment that I have identified for collection?

It is SPCB policy that goods should be re-used wherever possible within the Parliamentary estate. Goods that cannot be re-used must always be disposed of in a manner that minimises the impact on the environment, recycling as many components as possible.

32. Why can’t I purchase equipment directly from the SPCB?

The disposal of goods is a complex issue, with particular implications in relation to the sale of electrical equipment. Therefore, it has not been possible to offer equipment directly to you or any of your staff who may wish to purchase it.

33. What will happen to the information stored on the equipment?

All data and software programmes will be wiped from the hard drive of every PC including any being scrapped for spares. All equipment that holds any type of information will go through data cleansing or have the sim card removed as appropriate. This type of equipment includes PCs, fax machines, mobile phones and Blackberries.

34. What if the goods identified for collection do not justify the collection costs?

Each individual case will be looked at on its own merit. We will determine when goods should be declared surplus or obsolete in line with operational requirements and the SPCB’s Environmental Procurement Policy, which places emphasis on reducing purchasing requirements and re-using goods wherever possible. If disposal is necessary, the most appropriate form of disposal will depend on the type and quantity of items, their condition and market value, and their geographical location.

Postal Services

35. What will happen to my mail?

Any mail received at the Parliament will continue to be re-directed to an agreed address for a period of up to 3 months after the election date.

SPICe

36. When do I need to return any books I have borrowed from SPICe?
You should return them to SPICe as soon as possible, either in person or by post. This is to ensure that, wherever possible, you or your staff are not subject to the charge which will be made for any missing title that has to be replaced. This applies to all borrowed books but particularly to books that we have borrowed on your behalf from another library.

**Websites**

37. **I have a personal website funded from the Office Cost Provision. Can I continue to use it?**

You should either remove the website completely or attach the following rider:

“This website was established while I was a Member of the Scottish Parliament. I was a Member from [insert date] to 23 March 2016.”

The website must no longer be used.

38. **I have a personal website paid for by myself. What do I need to do?**

Where the costs of a website have been met by you personally it need not be removed from the web and you may continue to use it. However again, you must make clear on the website that you are no longer a Member of the Scottish Parliament with effect from 24 March 2016.

**Social media**

39. **What do I need to do with my social media accounts (twitter, facebook, etc)?**

Your social media profiles should be amended, as with private websites, to reflect that you are no longer an ‘MSP’. You should ensure that any graphics and images used in your profiles are updated to reflect this and do not imply that you are a current Member.

If you wish to identify yourself as a former Member it is suggested, to avoid confusion, that you also provide a link to the Parliament’s website for a list of all current Members:

http://www.scottish.parliament.uk/msps
Contacts

Allowances Office 0131 348 6659/6615/6609

Business Information Technology 0131 348 6100
ithelpdesk@parliament.scot

Facilities Management 0131 348 5100
helpdesk2@parliament.scot

FOI/Data Protection 0131 348 6913
foi.officer@parliament.scot

Human Resources 0131 348 6500
humanresources@parliament.scot

Media Relations 0131 348 6852
mediarelations@parliament.scot

Public Information 0131 348 5000

Scottish Public Pensions Agency 01896 893 090

Security Office 0131 348 6556

SPCB Secretariat 0131 348 5307

SPICe 0131 348 5300
SPICe@parliament.scot

Standards, Procedures and Public Appointments Committee clerks 0131 348 5177
standards.clerks@parliament.scot

Visitor Services 0131 348 5200
Winding-Up Check List

When winding-up your parliamentary business you may find the following check list helpful:-

- Local Office Lease. Check lease to ascertain whether there is a termination clause and issue notice to quit accordingly bearing in mind the time required to wind-up parliamentary duties.

- Local Office Telephones. Arrange to have these disconnected with all number listings removed.

- Local Office Signage. Arrange to have this removed.

- Personal or party websites. Remove all reference to status as a sitting MSP and Scottish Parliament logo as applicable.

- Refunds of Office Costs. Arrange to have any refunds due in respect of rental deposits, business rates, annual insurances and utility provision submitted to the Allowances Office.

- Mobile Phones. If appropriate contact the BIT Office by 3rd of June at the latest to arrange the transfer from the SPCB’s contract.

- Edinburgh Accommodation. Check lease to ascertain whether there is a termination clause and issue notice to quit accordingly.

- Utilities. Arrange final reading of utility meters as appropriate.

- Edinburgh Accommodation Telephones. Arrange to have these disconnected with all number listings removed as appropriate.

- Refunds of Edinburgh Accommodation Costs. Arrange to have any refunds due in respect of rental deposits, council tax, annual insurances/maintenance agreements, factoring charges and utility provision submitted to the Allowances Office.

- Have securely destroyed, deleted, transferred or returned constituent personal data in compliance with the DPA.
Annex 2

DATA PROTECTION & CONSTITUENCY CASEWORK FOLLOWING THE ELECTION

THE DATA PROTECTION ACT 1998

You and your employees are subject to the requirements of the Data Protection Act 1998 (DPA) and as such, any physical correspondence and all electronic records containing personal data held by you is subject to the requirements of the Data Protection Act 1998. This includes handling your casework files when winding down your office in the days following an election.

Further information about the requirements of the Data Protection Act is available on the UK Information Commissioner’s website.

If you have any questions about data protection requirements please contact Claire Turnbull, on 0131 348 6913

When considering next steps regarding correspondence you held as an MSP that contain either personal data or sensitive personal data, you may wish to note that The Data Protection (Processing Of Sensitive Personal Data) (Elected Representatives) Order 2002 permits you and persons acting with your authority to process sensitive personal data up to the end of the fourth day after the day of the election, 9 May 2011. You may do this without seeking consent from the data subject in certain circumstances and this may assist you in concluding arrangements for your constituency files. Please note that all the conditions required by the Order must be met in addition to the timeframe prior to processing personal data.

The Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002 provides further information about the conditions which allow you to continue processing personal data:

Otherwise you must receive explicit written consent from the data subject prior to undertaking any further processing of sensitive personal data and we recommend that written consent is also provided before you process any third party personal data.

A template letter is enclosed which we recommend you use when corresponding with constituents to agree next steps in respect of casework files held either electronically or in hard copy.

If you have any questions about using the template letter please contact Claire Turnbull on 0131 348 6230.
Dear (Constituent Name)

The Scottish Parliamentary general election was held on Thursday 5 May 2016 and I am now winding up my local parliamentary office. As part of that process I need to deal with the correspondence/casework between ourselves and [provide details of any third parties] relating to [provide a broad description of the correspondence/casework].

In winding up my office and appropriately dealing with correspondence/casework which I have had with my constituents, whether ongoing or closed, I must comply with the Data Protection Act 1998. Some of the information contained in your casework file contains personal [if appropriate include sensitive personal data] relating to [you, your family or relatives].

I am now seeking your written consent to further process any of your personal data [or sensitive personal data] I may have. I request your consent to:

- pass the contents of your casework file to the current elected Member
- destroy the contents of your casework in a confidential way
- return the casework file to you at (include address details). If you require your casework file and this is no longer your current address please provide your correct address details. This will be used solely for the purpose of returning the file to you.

I would be grateful if you would complete the attached form by e-mail or by post by xxx date and return it to me at the above e-mail or postal address in order that I may process your file according to the requirements of the Data Protection Act 1998.

If I do not hear from you the contents of your casework file will be confidentially destroyed on …………………….. (provide date).

Yours sincerely

(Insert Member’s name)
I consent to the contents of my casework file currently held by (insert name of current Member) being: (please tick box)

- Passed to the new Member
- Confidentially destroyed
- Returned to me

N.B. Please confirm that the address I have for you is correct. If not, please advise what the address should be.

Name…………………………………………………………………………………………………………………

Signature………………………………………………………………………………………………………………

Date…………………………………………………………………………………………………………………