USE OF PARLIAMENTARY RESOURCES DURING THE REFERENDUM ON EUROPE CAMPAIGN

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Overview

The SPCB is responsible for ensuring that in the lead up to the Referendum on Europe on 23 June 2016, as at other times, the resources of the Parliament are used impartially at all times. This document is intended to assist Members by summarising the various relevant policies already in place about the use of parliamentary resources.

Members are assured that the general principle and priority for all resources provided by the SPCB remains the same. That is, they will continue to be provided to support Members with their parliamentary duties. However, they must not be used to any significant extent for any other purposes, including any party political purpose or referendum campaigning.

SPCB resources include local offices, all areas of the parliamentary complex, IT, postage and stationery, all matters covered by the Members’ expenses scheme and all services provided by SPCB staff.

Parliamentary services will continue to operate as normal during the run-up to and through-out the Referendum on Europe period, but must not be used as any part of the referendum campaign. Normal parliamentary business activities will continue to be supported e.g. parliamentary questions, chamber debates and committee enquiries.

Staff of the Parliament are employed by the SPCB to provide an impartial service to the Parliament and its Members. Members should therefore not ask staff at any time to act in any way which would conflict or call into question their political impartiality, or which would give rise to criticisms that people paid from public funds are being used for party political purposes.

Where there is any clarity required about the interpretation of any matter related to any SPCB polices, the SPCB will be the final arbiter.

Members are asked to direct any questions they have on the information contained within this document.
Expenses and Resources

The Reimbursement of Members’ Expenses Scheme provides that all the expenses referred to in the Scheme are to be used only for the purpose of Members carrying out their parliamentary duties.

These Parliamentary duties do not include a Member’s activities that are wholly in relation to that Member’s role as a party spokesperson or representative. Party activities, and activities in connection with the Referendum on Europe, are therefore wholly outside the scope of the parliamentary duties which are covered by the Reimbursement of Members’ Expenses Scheme.

The SPCB’s policy on the use of parliamentary stationery and office equipment stipulates that it must not be used for party political purposes. Material in relation to the European referendum campaign must therefore not be photocopied or printed using parliamentary equipment. Parliamentary stationery, pre-paid and other envelopes provided by the Parliament and the parliamentary mail system may not be used for the issue of election material or material of a party political nature.

Parliament e-mail accounts should not be used for political purposes, such as canvassing or campaigning. These accounts can only be used in connection with parliamentary duties. The same applies to the Parliament’s telephone system and also the Parliament’s postal address.

Local Office Accommodation

The Reimbursement of Members’ Expenses Scheme makes it clear that a Member’s office must not be used for party political activities of any kind, and this includes the display of political campaigning materials.

MSPs’ Staff

The Reimbursement of Members’ Expenses Scheme sets out that during the hours that they are employed by an MSP, a Member’s employee may not undertake any significant party political activity. Campaigning or assisting in the campaign during the Referendum on Europe would constitute “significant party political activity”. Should you be in any doubt it is suggested that you contact the HR Office.

However, Members’ employees may participate in the referendum campaign outwith contracted hours or provided they take unpaid leave (or paid accrued annual leave) to do so. In this instance Members must be able to demonstrate that the employee is on leave and they must ensure that parliamentary monies or facilities are not used for the purposes of political campaigning.

Members should ensure that their staff paid for out of their expenses do not use the facilities of the Parliament for campaigning and do not use their positions within the Parliament to promote or attack either position in the campaign.
Members should also be aware that if one of their employees is in a paid role linked with the referendum they should be required to take unpaid leave (or accrued annual leave) during this period.

Section 7.6 of the Code of Conduct provides that Members will be held responsible for the behaviour of their staff within the parliamentary complex and in their dealings with other Members, other Members’ staff and parliamentary staff.

Should you have any concerns on any issue relating to staff you are strongly advised to contact the HR Office as early as possible.

Financial Assistance for Registered Political Parties

The SPCB makes payment in accordance with the Scottish Parliament (Assistance for Registered Political Parties) Order 1999 to assist a political party represented in the Parliament with any expenses incurred by the party to enable them to perform their parliamentary duties. As this money is specifically paid in connection with a party’s role in the Parliament (and is audited at the end of a financial year) it must not in any way be used in connection with the Referendum on Europe campaign.

Parliamentary Funded Publications

Under the European Union Referendum Act 2015 there are restrictions on the material that MSPs can publish about the referendum from 27 May 2016 to polling day 23 June 2016.

The restrictions relate to publishing general information about the referendum as well as about the issues and arguments for or against the UK remaining or leaving the EU. The restrictions also apply to material designed to encourage people to vote.

The restrictions cover any material, made available to the public or a section of the public, in any form and by whatever means which:

- provides general information about the referendum – including material that doesn’t support one outcome or the other;
- deals with any of the issues raised by the question of whether the UK should remain in or leave the EU;
- gives arguments for or against a particular outcome; or
- is designed to encourage people to vote at the referendum.

The restrictions do not cover:

- material made available to persons in response to specific requests for information or to persons specifically seeking access to it;
- information relating to the holding of the poll.

Members can continue to issue newsletters, circular letters and/ or surveys to local residents provided such publications are solely related to specific local issues such as the closure of a local facility, withdrawal of a local service or an issue that has a local impact based on a decision taken by another body or organisation. Any
Member intending to issue a newsletter, circular letter and/or survey and who wishes the costs to be reimbursed under the postage and stationery provision or office costs provision of the Reimbursement of Members’ Expenses Scheme, **must** send a copy of the publication to the Allowances Office prior to printing or emailing.

The corporate identity must not be used in any party political or campaigning publications.

**Social media**

Members’ websites where setup and/or maintenance costs are paid from the Reimbursement of Members’ Expenses Scheme should not be used for campaigning in any way.

**SPICe**

During the run up to the Referendum SPICe will continue to respond to both constituency and parliamentary enquiries but will not respond to enquiries which are clearly related to the Referendum campaign, specifically any question relating to membership of the EU. Members are also advised that SPICe will not publish any briefings on the EU Referendum or related matters during the statutory 28 day relevant period before the referendum (27 May to 23 June 2016).

**Bookable Meeting Rooms in the Parliament**

Meeting rooms must be used for parliamentary purposes and not party political purposes. During the period of the European referendum campaign, any meeting rooms in the Parliament must not be used for the purpose of campaigning on this issue.

Members are reminded that only Members, their staff and SPCB staff may book meeting rooms. The person under whom the booking is made must attend personally or be represented by at least one Parliament pass holder with signing-in rights. Invitations to attend a meeting in any of the Parliament’s meeting rooms should only be issued in the name of the person making the booking. In the case of Cross Party Groups (CPG) meetings, Members or a nominated member of their staff authorised by them will be responsible for issuing invitations to other Members to attend the CPG meeting. External invitations can be issued by external organisations but must clearly state in the opening paragraph the name(s) of the Member(s) hosting the meeting.

**News Conferences and Media Briefings/interviews**

External commentators (other than accredited journalists) must not be interviewed in the building unless there are exceptional circumstances and, in which case, the Media Relations Office can agree to interviews taking place, following consultation with Chief Executive and Presiding Officer’s offices. This is to preserve the Parliament areas for MSPs.
Members can continue to undertake media interviews within offices and shared spaces as covered in the general media access policy. However, there should be no recording/ filming/ photography by current Members, or anyone else, within the Parliament for party political purposes or for inclusion in referendum campaigning material.

**Events and exhibitions**

Any Member can sponsor an event or exhibition on a particular topic or issue provided it is not party political or related to referendum campaigning. Any event must be open to all Members.

**Complaints Procedures**

Under the Reimbursement of Members’ Expenses Scheme, the SPCB may investigate any improper claim. Where, following such an investigation, the SPCB finds that a member has submitted an improper claim, the SPCB may report to the Standards, Procedures and Public Appointments Committee and may recommend the removal of all or part of the member’s entitlement to reimbursement of expenses under this Scheme for such period and to such extent as the SPCB may specify.

Under the Code of Conduct complaints about use of SPCB facilities and services are to be made to the SPCB. The SPCB may refer any complaint relating to the use of parliamentary facilities and services to the Standards and Public Appointments Committee together with a recommendation for action.
Conclusion

The above material is not exhaustive. It is intended to do no more than draw attention to the main issues which will be of relevance to a Member of the Scottish Parliament and their staff during the Referendum on Europe campaign.

The following contact points are provided to provide further information:

Parliamentary Questions/ Motions: Chamber Desk, extension 85181
Expenses: Allowances Office, extension 86609
HR Issues: HR Office, extension 86630
Postage and Stationery: Facilities Management Office, extension 85130
SPICe: extension 85369
Meeting Rooms: Facilities Management Office, extension 85130
News conferences: Media Relations Office, extension 85389
Educational visits: Outreach Services, extension 85393
Events and exhibitions: Events & Exhibitions Team, extension 86701
Social media: Web & Social Media Team, extension 85153

Scottish Parliamentary Corporate Body