NHS Health Scotland (NHSHS) is a national Health Board and the national agency for health improvement. Our aim is to improve Scotland’s overall health record by focusing on the persistent inequalities that prevent health being improved for all by influencing policy and practice. NHSHS staff have been involved with a number of Cross Party Groups, including the recent one on obesity and the current one on health inequalities.

**Remit of the inquiry to review Cross-Party Groups**

The remit of the inquiry is - To review the rules on Cross-Party Groups in the Scottish Parliament and propose identified changes to improve: the effectiveness; the processes for the registration; the operation; and the regulation, of Cross-Party Groups.

**CONSULTATION QUESTIONS**

1. **General**
   
   **Question 1:** What do you understand the role of CPGs in the Scottish Parliament to be?

   **Answer:** CPGs offer opportunities for information sharing, education and collaboration between MSPs and non governmental bodies in order to provide a resource for MSPs for scrutinising the Scottish Government in committees, in the chamber and through written questions.

   **Question 2:** What benefits does the existence of CPGs bring to non-MSPs in terms of engagement with MSPs and the work of the Scottish Parliament?

   **Answer:** We expect that it should allow an open and transparent forum for information exchange where members of the public and interested parties can bring considered ideas and expertise to the attention of MSPs.

2. **Registration of Cross-Party Groups**

   **Question 3:** Do you consider that the Code could be clearer on the process for establishing and registering a Cross-Party Group? If so, please provide
comments as to any specific elements of the process that, in your experience, could be improved.

**Answer:** No experience of the registration process; therefore no comment.

**Question 4:** The Code of Conduct requires that a Group's overall membership profile must be “parliamentary in character”. What do you understand the term “parliamentary in character” to mean in the context of Cross-Party Groups and is the minimum requirement of 5 MSP members sufficient to meet this requirement?

**Answer:** We agree that a minimum of 5 MSP members would provide a weighting in the group that would enable it to be ‘parliamentary in character’ and they should span at least three political parties for balance.

**Question 5:** When applying for recognition, CPG conveners must submit two forms, one of which must be submitted in hard copy. Would it benefit CPGs if the forms were combined and electronic submission was accepted for this single form?

**Answer:** No comments.

**Question 6:** CPGs are required to register any financial or material support received from a single source in a calendar year which has a total value of more than £500. This £500 threshold is close to the threshold above which individual MSPs are required to register gifts in their Register of Interests. Do you consider that the £500 threshold is appropriate and should be retained?

**Answer:** We believe that CPGs should be required to register all financial or material support. Similarly, any groups providing secretariat support to a CPG should be transparent in their funding. Formal declarations of interest relevant to the CPG topic should be made by MSP and non-MSP members where relevant. If there are no conflicts, then this should be recorded.

**Question 7:** The Rules on All-Party Groups at Westminster require that, where secretariat services are provided by a consultancy or by a charity/not-for-profit organisation, the relevant organisation must agree to make certain information available on request. The information for a consultancy firm is its full client list and for a charity/not-for-profit organisation is a list of any commercial company which has made a donation or donations of more than £5,000 in the twelve months prior to the request being made. Should a similar requirement be introduced for CPGs?

**Answer:** Yes. The limit of donations of £5000 should be reduced to include all donations to avoid any back door lobbying. One danger is that a commercial lobby company or interest group might fund a CPG, perhaps through a voluntary organisation or community enterprise.
Hence the need for complete transparency and openness around funding and support for CPGs.

**Question 8:** Following a general election, CPGs have 90 days within which they can re-register, provided that there is no significant change to the information registered in the previous Session. Due to the changes in MSPs that arise following an election, the process that must be followed for reregistration is largely similar to that for the initial registration of a Group. The Parliamentary timetable also means that the re-registration period carries into the summer recess, during which the election of office bearers cannot be carried out, meaning that CPGs wishing to re-register must arrange and hold their first meetings before the start of the recess.

What are your views on whether -

- the re-registration provision should be retained, and if so

**Answer:** For transparency the reregistration process should be retained.

- the re-registration period should exclude days when the Parliament is in recess?

**Answer:** No comments.

### 3. Operation of Cross-Party Groups

**Question 9:** The Code states that “to maintain and guarantee the Parliamentary nature of CPG meetings, at least 2 MSP members of a Group must be present at every meeting”. Is the 2 MSP quorum sufficient to ensure the Parliamentary nature of CPG meetings? Should there be a requirement that the MSPs present should represent more than one political party represented on the Group?

**Answer:** There are 2 parts to this question. The minimum of 2 MSPs at each meeting should be raised to at least 3 MSPs. There should be a requirement that the MSPs present represent more than one political party. Consideration might be given to the benefits of holding several CPG meetings at the same time in order to minimize the movement of MSPs between meetings.

**Question 10:** Should CPGs be required to hold a minimum number of meetings per year? If so, what should the minimum number be?

**Answer:** No strong views, but 4 per year seems like a reasonable minimum.

**Question 11:** All Groups are required to hold an annual general meeting and to elect office bearers every twelve months. As Groups must elect officer bearers for the purpose of both initial registration and re-registration, do you
consider that there would be any benefits to introducing a single date by which all Groups must hold their AGM? For example, if the Parliament’s first meeting of a Session was on 11 May, would the 11 May in each successive year be a suitable date by which an AGM must be held?

Answer: No strong views.

Question 12: The Code currently provides that there are limitations on the use of Parliamentary resources to support CPG meetings. What are your views on these limitations? (Note: this does not apply to CPG events which are subject to the same terms and conditions as any other MSP-sponsored event held under the SPCB events policy.)

Answer: We support the current limitations on the use of Parliamentary resources to support CPG meetings.

4. Regulation of Cross-Party Groups

Question 13: The Convener of a Group is held primarily responsible for ensuring that the Group operates in compliance with the Code of Conduct and has to sign a declaration to that effect. Do you have any views on whether this should continue or if the provisions should be changed to extend the responsibility to all MSP office bearers of a Group?

Answer: We believe that these provisions should be changed to extend the responsibility to all MSP office bearers of CPG.

Question 14: Groups are required to provide an annual report (submitted within 30 days of their AGM) which includes current membership and membership changes, a financial statement, the number of meetings held and any additional information that the Group wishes to provide. Should Groups be required to include additional information, such as the topics discussed at each meeting, number of MSP and non-MSP attendees and details of any reports or papers published by the Group?

Answer: The annual report should include topics discussed at each meeting, any declarations of interest, the number of MSP and non-MSP attendees and details of any reports or papers published by the CPG.

Question 15: At present, the SPPA Committee has not delegated to the Standards clerks any role in ensuring that CPGs are aware of and comply with the key rules relating to the administration of CPGs. What are your views on whether it would be of assistance to CPGs if the Standards clerks were to perform such a role in relation to matters such as the notification of CPG meetings, updates to registration details and deadlines for submission of documentation?

Answer: The SPPA committee taking oversight of the CPGs would be desirable in order to provide assurance that back door lobbying or other
Poor practice is identified, reported and investigated, and if proven, sanctions taken.

**Question 16**: Do you have any other comments on the operation of the CPG system in the Scottish Parliament?

**Answer**: Some NHSHS staff encountered a degree of confusion over the role of the secretariat for one of the CPGs where their agenda and their contribution to the CPG was not made clear or accessible. This included the secretariat organization using the CPG mailing list to canvass support for their non-CPG related work. We would suggest that information on the operations of CPGs and their secretariat support should be made more transparent and available to non-parliamentary bodies when they are set up in order to avoid this type of confusion in the future.

I am happy for these views to be made public.

**NHS HEALTH SCOTLAND**

16 APRIL 2012