Annexe B: Cross-Party Group revisions

Code of Conduct for MSPs - Volume 2, Section 6: Cross-Party Groups

6.1: Introduction
6.1.1 Cross-Party Groups provide an opportunity for MSPs from across the parties to engage with external stakeholders, primarily to enable the sharing of experiences and information on a particular subject and to raise awareness of issues relevant to MSPs' parliamentary duties.

6.1.2 It is important that Cross-Party Groups are understood by all to be separate from any of the formal structures of the Parliament and, in particular, should not be confused with the Parliament’s committee system.

6.1.3 Cross-Party Groups are formed and led by MSPs although it is expected that groups will also have non-MSP members, whether individuals or representatives of organisations. Cross-Party Groups do not have any power to introduce issues formally into the parliamentary or government systems and do not have access to any financial or staffing resources, other than is necessary to all Cross-Party Groups to meet in the Parliament or otherwise fulfil the requirements set out below.

6.1.4 Any queries about the regulation of Cross-Party Groups, and any notifications referred to in the following parts of Section 6, should be directed to the Standards clerks at crosspartygroup@scottish.parliament.uk.

6.1.5 Groups must conform to the following provisions and with such other requirements as may be laid down from time to time by the Standards, Procedures and Public Appointments Committee, the Parliament and the Scottish Parliamentary Corporate Body.

6.2: Establishment of Cross-Party Groups
6.2.1 Once a proposed Group is satisfied it can meet the minimum MSP membership requirement, the first step towards establishment is to arrange an initial meeting, including the election of office bearers. The initial meeting should, as far as is possible, comply with the normal requirements that apply to any meeting of a recognised Cross-Party Group. Both the MSP membership requirement and the meeting requirements are set out in Section 6.4 of the Code.

6.2.2 The initial meeting must be notified to the Standards clerks at least 10 calendar days in advance of the meeting taking place. The Standards clerks will add details of the time and location of the meeting to the Parliament website, along with contact details to be used by anyone who wishes to attend the meeting.

6.2.3 The Standards clerks should also be provided with the name and contact details of an MSP who will act as the contact for any queries until the Group has elected a Convener. Once elected, the Convener will be the main contact point for the Group.

6.3: Registration of Cross-Party Groups
6.3.1 No later than 30 calendar days after its initial meeting, the Convener of a proposed Group must submit a completed registration form to the Standards clerks.

6.3.2 The registration form sets out the information that a proposed Group must provide, specifically—

- the name and purpose of the proposed Group
- the proposed Group’s office bearers
- the planned frequency of meetings of the proposed Group and an outline of the issues that the proposed Group expects to address in the next year
- MSP and non-MSP membership lists
- Details of any financial benefits (including material assistance such as secretariat support) received from a single source that have a value, either singly or cumulatively, of over £500 per year
- details of any subscription the proposed Group intends to charge
- details of staff employed by the proposed Group.

6.3.3 The Convener of the proposed Group must also provide their contact details and complete the statement on compliance at the end of the registration form.

6.3.4 Advice on the registration requirements can be sought from the Standards clerks but responsibility for compliance with the requirements rests with the proposed Group.

6.3.5 Only Groups accorded recognition can use the title ‘Cross-Party Group in the Scottish Parliament’ and have access to Parliamentary facilities.

6.3.6 If there are any changes to the details set out in the registration form, the Convener of the Group (or a member of staff of the Convener who has been formally delegated authority) must notify the Standards clerks of the change within 30 calendar days. When the Convener of the Group changes the new Convener must also complete and submit the statement on compliance.

6.3.7 The Standards clerks may draw any changes to the attention of the Standards, Procedures and Public Appointments Committee if the change relates to information that was relevant to the initial decision to accord recognition. Any proposal to change the name or purpose of the Group must be drawn to the attention of the Standards, Procedures and Public Appointments Committee which will consider the proposed change and decide whether to continue to accord recognition to the Group.

6.3.8 As noted at 6.3.2, there can be a value, and therefore a financial benefit to a Group in the provision of secretariat support. If a Group receives secretariat support from an employee of an external organisation, the value of any time that employee spends on supporting Cross-Party Group 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.

6.3.9 If the external organisation providing secretarial support is a consultancy/public affairs firm or a charity/not-for-profit organisation, that organisation must agree to
provide, if requested by the Standards, Procedures and Public Appointments Committee—

- a full client list (if a consultancy/public affairs firm)
- a list of companies which have made a donation of more than £5,000 in the previous 12 months (if a charity/not-for-profit organisation).

Consideration by the Standards, Procedures and Public Appointments Committee

6.3.10 Once a proposed Group has submitted its registration form, the Group’s application will be considered by the Standards, Procedures and Public Appointments Committee which will decide whether to accord recognition to the Group. As part of its consideration, the Standards, Procedures and Public Appointments Committee will invite one of the proposed Group’s MSP office bearers (usually the Convener) to attend a meeting to explain the justification for the proposed Group.

6.3.11 The Committee will pay particular attention to a proposed Group’s purpose. If the Committee considers that a Group is being proposed not in the public interest but, for example, to further particular commercial interests, the Group will not be accorded recognition. The Committee will also consider whether the purpose of a proposed Group overlaps the remit of an existing Group. The proposed Group will be asked to provide justification as to why its aim could not effectively be achieved within the existing Group.

Re-registration following a general Scottish Parliamentary election

6.3.12 A previously recognised Group may re-register within 90 days of the first meeting of the Parliament following an ordinary or extraordinary general Scottish Parliamentary election. For the purposes of calculating the 90 day period, no account will be taken of any time during which the Parliament is in recess for more than 4 days.

6.3.13 A Group seeking to re-register must follow the process of holding an initial meeting and electing office bearers as set out in Section 6.2 above. Following the initial meeting the Convener must submit a completed registration form to the Standards clerks. If the Group meets the criteria detailed below, the Standards clerks, in consultation with the Convener of the SPPA Committee, will undertake a sifting exercise and highlight applications to be referred to the Committee for further scrutiny (either through a paper to the Committee or an evidence session with the Convener of the proposed group). Groups that do not require further scrutiny will be re-registered. If the Group does not meet the criteria, the Standards clerks will draw the application for re-registration to the attention of the Convener of the Standards, Procedures and Public Appointments Committee. The Convener will decide whether the Group can be re-registered or if the application should be considered by the Committee.

6.3.14 The Standards clerks will apply the following criteria to re-registrations—

- Name and purpose of Cross-Party Group: These must be the same as were registered in the previous Session.
- MSP membership: There must be at least 5 MSP members and at least one MSP from each of the parties or groups represented on the Parliamentary Bureau.
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- **Non-MSP membership**: There are two categories of membership, individual and organisational. For organisational members, if a Group has listed names of individuals who may represent the organisation at meetings, the registration will be updated so that only the name of the organisation is given and the Group informed. The balance of MSP to non-MSP members must be “Parliamentary in nature”.
- **Office Bearers**: There must be at least 2 MSP office bearers and one of these must be the Convener of the Group.
- **Financial Benefits**: Value and source of any financial benefit must be given. In the first instance, the Group will be contacted and asked to provide more information.
- **Contact**: Must be the Convener of the Group.
- **Annual Return**: The application for recognition must be accompanied by the Group’s most recent Annual Return to demonstrate that the Group has previously operated effectively and in compliance with the Code.

### 6.4: Operation of Cross-Party Groups

6.4.1 Any MSP may be a member of any Cross-Party Group. A Cross-Party Group must have at least 5 MSP members. A Group’s membership must include at least one MSP from each of the parties or groups represented on the Parliamentary Bureau. The party representation requirement may be modified or waived by the Standards, Procedures and Public Appointments Committee in circumstances where the Committee considers there is merit in doing so.

6.4.2 Groups may also have members who are not MSPs. Non-MSP membership is split into two categories: individuals and organisations. Where someone joins a Cross-Party Group in connection with a role they have in, or to represent the views of, a specific organisation, it is the organisation that is considered to be the member of the Cross-Party Group. No limits are placed on the number of non-MSP members that a Cross-Party Group may have but the overall membership profile of the Group must be clearly Parliamentary in character. Beyond this requirement, any decisions about membership, including whether to limit the number of non-MSP members, is a matter for the Group itself.

6.4.3 One of the MSP members of the Group must be elected as Convener; the Group must also have at least one other MSP office bearer. Groups are required to elect office bearers at the initial meeting and, within a time period of, every 11-13 months subsequently. As Groups are required to hold an AGM, Groups may wish to elect The re-election of office bearers should be held at the AGM. Beyond these requirements, any decisions about the structure of office bearer positions are a matter for the Group itself.

6.4.4 All Cross-Party Groups must hold at least two meetings per year, and one of these must be the AGM. Meetings of a Group must be announced in advance via the Parliament website with meeting details notified to the Standards clerks at least 10 calendar days in advance of the meeting.

6.4.5 To be quorate, each meeting of a Cross-Party Group must be attended by at least 2 MSPs who are registered members of the Group. Any MSP who is not a member of the Group is entitled to attend and participate at a meeting but will not be
counted towards the quorum for minimum MSP attendance. Attendance and participation by non-MSPs who are not registered members of a Group is at the discretion of the Group.

6.4.6 The right to vote on Group matters is restricted to registered members of the Group, both MSP and non-MSP. However, Groups which charge a subscription may restrict voting rights to members who have paid the subscription charge.

6.4.7 Within 30 calendar days of holding an AGM, the Convener of a Group must submit to the Standards clerks a completed Annual Return, detailing the Group’s activities over the previous 12 month period. The information that Groups are required to provide are as set out in the Annual Return.

6.4.8 Each recognised Group will have a page created on the Parliament website which will allow the wider public to see the details submitted by the Group in its initial registration. The page will be updated in line with any changes to those details that are notified to the Standards clerks.

6.4.9 Groups must provide minutes and may provide agendas of meetings to the Standards clerks. Minutes must list all those who attended the meeting. This should include all MSPs and non-MSP attendees and information on whether the attendees were members of the Group or invited observers (an individual or organisation is not a member of a Group until Standards clerks have been informed). The Standards clerks will publish minutes (including draft minutes) and agendas on each Group’s page on the Parliament website.

6.4.10 No papers other than minutes and agenda will be posted on a Group’s page on the Parliament website. However, if a Group wishes, it can request that a link to an external website is added to its page. The request must be made by the Convener who must confirm that they accept the following conditions—

- the Scottish Parliament is not responsible for the content of external internet sites
- the Convener of the group has viewed the website and is content that the link is appropriate
- complaints about the content of external sites will be directed in the first instance to the Convener of the group
- the Scottish Parliament reserves the right to refuse to establish links to an external site
- responsibility for checking links on the Scottish Parliament website to ensure that they are working lies with the Convener of the group and that, in the event of discovering a link which no longer works, the Convener will inform the Standards clerks.

6.4.11 Cross-Party Groups must respect the limitations on the use of Parliamentary facilities—

- MSPs, but not other members of Cross-Party Groups, may make reasonable use of the Parliament’s telephone, fax, photocopying, IT facilities and Parliamentary stationery in pursuit of Cross-Party Group business or where
expressly permitted by these rules, for example, use of the Cross-Party Group Bulletin. Groups may not otherwise use the Parliament’s telephone, fax, photocopying, IT facilities and Parliamentary stationery other than where these are available for public use.

- Groups may not make use of free postage facilities provided by the Parliament.
- Groups may not make use of the Parliament’s audio or broadcasting equipment and there is no provision for the televising or sound recording of their proceedings (other than as may be provided for in SPCB policy and in any SPCB terms and conditions on events).
- Groups may not draw on the resources of the Parliamentary staff to service meetings, except in fulfilment of the requirements of these rules or where expressly permitted by them, for example, in order to book meeting rooms.
- MSPs who are members of a Cross-Party Group may use the services of the Parliament's Information Centre to brief themselves on matters relating to that Group, but other members of the Group may not.

6.4.12 Groups may wish to form sub-groups to focus on particular elements of the Group’s purpose. A meeting of a sub-group is required to meet the requirements set out above in relation to meetings of a full Group, other than the requirements to hold an AGM and submit an annual return. Any decisions made by a sub-group must be ratified at a subsequent meeting of the full Group.

6.4.13 New Groups will not be permitted to be established after March in the year preceding an election, except in exceptional circumstances.

6.5: Compliance with the Code of Conduct

6.5.1 The Convener of a Group is primarily responsible for ensuring that the Group meets the requirements of the Code of Conduct. However, all other MSP members, and any secretariat, should also ensure that they are aware of the requirements in order to assist with the efficient operation of the Group.

6.5.2 To assist Groups in complying with the requirements of the Code, the Standards clerks may provide guidance and advice, including in relation to the requirements for providing advance notification of meetings and the deadlines for submitting documentation, providing minutes and updates to membership.

6.5.3 The Standards, Procedures and Public Appointments Committee will regularly consider information from annual returns to determine whether Groups are operating in compliance with the Code.

6.5.4 Complaints that a Group has not complied with the Code will be considered in accordance with the provisions in Section 9 of the Code of Conduct. Failure to comply with the Code could lead to a Group’s recognition being withdrawn or to sanctions being imposed on individual MSPs.

6.5.5 MSP members of a Group should also be aware that benefits received in connection with a Group may also fall within the scope of the registration of interests under the Interests of Members of the Scottish Parliament Act 2006. If a member receives any such benefit, they should contact the Standards clerks for advice on the registration requirements.