Standards, Procedures and Public Appointments Committee

9th Report, 2012 (Session 4)

Review of Cross-Party Groups
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Standards, Procedures and Public Appointments Committee

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CONTENTS

Remit and membership
Report 1
Introduction 1
Consultation and Stakeholder views 2
Establishment, Numbers, Participation and Reporting: the key themes 3
  Establishment of Cross-Party Groups 3
  Number of Cross-Party Groups 7
  MSP attendance at Cross-Party Group meetings and scheduling of meetings 9
  Reporting and scrutiny of Cross-Party Group activities 13
Beyond the Code: Guidance and building knowledge 17
  Guidance and advice 17
  Use of the Reimbursement of Members’ Expenses scheme 18
Conclusion 18

Annexe A: Revised Code of Conduct 19
Annexe B: Table of revisions 26
Annexe C: Guidance 28
Annexe D: Oral evidence and associated written evidence 36
Annexe E: Other written evidence 37
Annexe F: Extract from minutes 39
Standards, Procedures and Public Appointments Committee

Remit and membership

Remit:

1. The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on—

(a) the practice and procedures of the Parliament in relation to its business;

(b) whether a member’s conduct is in accordance with these Rules and any Code of Conduct for members, matters relating to members’ interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;

(c) the adoption, amendment and application of any Code of Conduct for members; and

(d) matters relating to public appointments in Scotland.

2. Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

*(Standing Orders of the Scottish Parliament, Rule 6.4)*

Membership:

Brian Adam (from 18 September 2012)
Margaret Burgess (until 5 September 2012)
Bob Doris (until 27 June 2012)
Helen Eadie (Deputy Convener)
Alex Fergusson (until 28 March 2012)
John Lamont (from 28 March 2012)
Richard Lyle (from 25 October 2012)
John Mason (from 18 September 2012 until 25 October 2012)
Margaret McCulloch (from 22 December 2011)
Margaret McDougall (until 22 December 2011)
Fiona McLeod (from 27 June 2012)
Dave Thompson (Convener)
Paul Wheelhouse (until 5 September 2012)

Committee Clerking Team:

Clerk to the Committee
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Catherine Fergusson

Support Manager
Sam Currie
Standards, Procedures and Public Appointments Committee

9th Report, 2012 (Session 4)

Review of Cross-Party Groups

The Committee reports to the Parliament as follows—

INTRODUCTION

1. Over 1,000 organisations and 1,000 individuals engage with Members of the Scottish Parliament through the work of Cross-Party Groups. There are currently over 80 Cross-Party Groups and the vast majority of MSPs are members of these Groups.

2. The Cross-Party Group system forms an important part of the work of MSPs and Cross-Party Groups undertake very valuable work, allowing for information sharing and collaboration within the policy community and providing MSPs with information that aids them in scrutinising the Scottish Government in committees, in the chamber and through written questions.

3. However, to maintain this system, it is important to ensure that the regulation of Cross-Party Groups provides openness and transparency for both Cross-Party Group stakeholders and the wider public and continues to be viewed as an opportunity for organisations and individuals to engage directly with MSPs and the work of the Parliament.

4. The Committee considers that the recommendations outlined below will deliver robust regulation that will allow the Cross-Party Group system to prosper and continue to reflect the key principles of openness and transparency that are an essential part of the Scottish Parliament.

5. Cross-Party Groups were established in the Parliament in 2000. In each Session there has been an increase in the number of Cross-Party Groups and consequently an increase in the time and resources dedicated to supporting Cross-Party Groups for those both inside and outside the Parliament. In light of such increasing demands, the Standards, Procedures and Public Appointments Committee (“the Committee”) decided to review the system of regulation and operation of Cross-Party Groups to ensure that the system remains fit for purpose.
6. The remit of the Committee’s review was——

“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.”

7. Bodies similar to Cross-Party Groups exist in a number of other legislatures, such as All-Party Groups in the UK Parliament and Intergroups in the European Parliament. While the mechanisms for regulation may vary between legislatures, the essential characteristic, and indeed purpose, of such groups is that they provide an opportunity for elected members to engage with civic society to discuss and share information on a wide variety of subjects.

8. Within the Parliament there have been a number of concerns raised about Cross-Party Groups since they began. The various iterations of the Standards Committee have discussed Cross-Party Groups and identified key points of concern that overarch the four Sessions of the Parliament. However, rather than simply referring to these concerns, and the perspectives of its own current membership, the Committee sought to gather evidence that would allow it to consider the scale of these concerns and what features of the regulation of Cross-Party Groups might allow for the mitigation of such concerns.

CONSULTATION AND STAKEHOLDER VIEWS

9. The Committee initially discussed its approach to the review at its meeting on 31 January 2012. Following that meeting, the Committee issued a call for evidence, based on a consultation paper, in February 2012. The consultation paper set out a number of questions about Cross-Party Groups and invited comments from a wide range of Cross-Party Group stakeholders and interested parties. The Committee received 40 responses to its consultation.

10. While the consultation period was open, the Committee also took the opportunity to invite Dr Chris Carman of the University of Strathclyde to provide evidence, based on the research that he has undertaken on Cross-Party Groups. The Committee heard from Dr Carman on 8 May.

11. On the basis of the written evidence it received, and the evidence provided by Dr Carman, the Committee held a roundtable evidence session on 19 June at which it heard from——

- Libby Anderson (Secretary to the Cross-Party Group on Animal Welfare, providing evidence in an individual capacity)
- Margaret Mitchell MSP
- Association for Scottish Public Affairs
- Coalition for Racial Equality and Rights
- Psoriasis Scotland Arthritis Link Volunteers

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1 For example, Scottish Parliament Standards, Procedures and Public Appointments Committee (Session 3), *Official Report*, 18 January 2011, Cols 466 to 470
12. The Committee thanks all individuals and organisations that responded to its consultation paper and provided oral evidence. The evidence assisted the Committee in developing the recommendations set out in the remainder of this report, both in terms of specific changes to the Code of Conduct and in suggestions for developing awareness and understanding of the operation of the Cross-Party Group system.

ESTABLISHMENT, NUMBERS, PARTICIPATION AND REPORTING: THE KEY THEMES

Establishment of Cross-Party Groups

13. One of the issues discussed by the Committee was the process for establishing Cross-Party Groups, and in particular the role of the Committee in approving Cross-Party Group applications. In the initial stages of the establishment of a Cross-Party Group, the Committee noted that the Code does not currently contain a clear explanation of the purpose of Cross-Party Groups in the Scottish Parliament.

14. In his written evidence to the Committee, Dr Chris Carman of the University of Strathclyde summarised the two general characteristics of Cross-Party Groups as being—

- To enable MSPs to form a mechanism for briefing themselves on a subject of genuine public interest, and

- To bring together MSPs and external organisations/individuals who share an interest in advancing a particular cause or subject.

15. Other evidence received on this point focused on information-sharing, awareness-raising and engagement as being the essential elements of the role of Cross-Party Groups as viewed from outside the Parliament.

16. Taking both the views expressed in evidence and the Committee’s own view that all Cross-Party Groups applying for registration should contain non-MSP members, the Committee recommends that the purpose of Cross-Party Groups should be set out in the introduction to Cross-Party Groups in Section 6 of the Code—

“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 raising awareness of issues relevant to MSPs’ parliamentary duties.

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.
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 allow Cross-Party Groups to meet in the Parliament or otherwise fulfil the requirements set out below.”

17. Further to this, the Committee recommends only one minor change to the Code in relation to the initial stages for the establishment of a Cross-Party Group, specifically to make clear that the normal assumption is that the initial meeting of a Group should include the election of office bearers.

18. The confusion that arises from the lack of clarity on this point was highlighted by Margaret Mitchell MSP—

“The code could be clearer, especially for those MSPs and staff who are embarking on the process of registering or re-registering a Cross-Party Group for the first time. In particular, although the registration form asks for the elected officers, the fact that the group must meet first in order to do this is not expressly stated and this can cause confusion.”

19. The Committee also recommends removing a small anomaly in the current Code that requires meetings to be announced at least 7 days in advance but also requires advance notice of at least 10 calendar days for meetings that include the election of office bearers. To prevent any confusion arising as a result of having different deadlines for meeting notification, the Committee recommends that the advance notification period should be changed to 10 calendar days for all meetings.

20. As will be seen later in this report, one of the issues surrounding Cross-Party Groups is the overall number of Groups that are active. In considering the evidence around that issue, the Committee also considered its own role in approving Cross-Party Groups and whether the Committee should be more proactive in seeking to determine whether or not to accord a proposed Cross-Party Group recognition.

21. It has been established practice for the Committee (and its predecessors) to invite the Convener of a proposed Cross-Party Group to attend the Committee’s discussion regarding a Group’s application, mainly where the Group’s application has raised some questions on which the Committee has required further information before making a decision on according recognition.

22. However, this approach has tended to mean that each Cross-Party Group is viewed in isolation, rather than the Committee taking a wider view across the range of Cross-Party Groups that already exist. To enable a more complete view, proposed Cross-Party Groups could also be asked to explain or justify the reasons for any overlap with the remits of existing Cross-Party Groups. Information such

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3 Margaret Mitchel MSP. Written submission.
as this would be of use to the Committee in making decisions about the purpose of the proposed Group being a matter of public interest.

23. The Committee therefore recommends a change to the Code of Conduct to make clear that it is the intention of the Committee to invite the Convener of each proposed Cross-Party Group to attend the meeting at which the application is being considered. The Registration Form will also request information on any overlaps with existing Cross-Party Groups and why, regardless of any overlaps a new Cross-Party Group is required.

24. The key document that the Committee considers in relation to proposed Cross-Party Groups is the Registration Form submitted by the Group. At present, the Code requires that the Registration Form is accompanied by another form, signed by the Convener, which signifies the agreement that the Group will operate in compliance with the Code. While the Registration Form can be submitted electronically by the Convener, the agreement must be signed and submitted in hard copy.

25. The Committee considers that this is overly bureaucratic and therefore recommends that this is reduced to a single form that can be submitted electronically or in hard copy (a copy of the form is attached at Annexe C).

26. In line with its role in having oversight of the operation of the Cross-Party Group system, the Committee also recommends that minor changes are made to the Registration Form to require that Groups provide an indication of the planned frequency of meetings and the proposed key topics for discussion in the forthcoming year.

27. The Committee also considered how the creation of a more rigorous approval process could be applied to the re-registration of Cross-Party Groups following a Scottish Parliamentary election.

28. Re-registration as it currently operates allows for Cross-Party Groups to “be re-registered by the Standards clerks on receipt of a completed registration form – provided that the details on the form have not changed substantially since the Standards, Procedures and Public Appointments Committee accorded initial recognition.” Where there are changes that are considered not to meet this standard, Cross-Party Groups will be drawn to the attention of the Convener of the Committee.4

29. At the start of Session 4, a number of criteria were used to inform re-registration decisions. The Committee considers that the inclusion of these criteria within the Code, with the addition of requiring the most recent Annual Return, would ensure that all Cross-Party Groups can be clear about the standards that must be met for re-registration. This will also allow the Committee to be content that Cross-Party Groups that can demonstrate effective operation can re-register simply while ensuring the Committee has a chance to consider any Cross-Party Groups which may not appear to meet this standard.

4 Code of Conduct, Volume 3, Section 6.3.5
30. The Committee therefore recommends that the following criteria for re-registration are included in the Code—

- **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.
- **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.

31. Another element of re-registration considered by the Committee was the deadline for re-registration. At present, the Code allows for Cross-Party Groups to re-register within 90 calendar days of the first meeting of the Parliament following an election but does not allow for the election of office bearers to take place during a recess. The effect of this is that Cross-Party Groups effectively have to have re-registered before the Parliament enters into the summer recess. This creates a significant amount of pressure on stakeholders and MSPs to establish Cross-Party Groups in a relatively short space of time.

32. This issue was reflected in the written submission from the Cross-Party Group on Children and Young People—

“Many groups were scrambling to have meetings before summer recess, and it was not entirely clear to all that the 90 days included the recess period.”

33. Age Scotland also articulated their view of the connection between when Cross-Party Groups meet and the importance of Groups being ‘Parliamentary in character’—

“We accept there is a challenge in having the summer recess less than 60 days after a Scottish Parliamentary election but for the groups to remain

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Cross-Party Group on Children and Young People. Written submission
(Session 4)

Parliamentary in character the charity believe the group must meet when
MSPs are in session.”

34. To ease this pressure, the Committee recommends that the 90 day re-
registration period should be maintained but that, in calculating the 90 day
deadline, no account is taken of any days in which the Parliament is in
recess of more than 4 days. In effect, this would mean the deadline for re-
registration after a May election would fall in early to mid-October rather
than the end of June. The retention of the re-registration period, and indeed
the extension of that period by discounting recess periods, was strongly
supported by respondents to the Committee’s call for evidence.

Number of Cross-Party Groups

35. The number of Cross-Party Groups has grown in each successive Session of
the Parliament. This has been raised as a concern by both MSPs and other
stakeholders. In evidence, the issue of whether there are too many groups and
what steps could be taken to use the regulatory system to, in essence, provide a
check on the number of Cross-Party Groups that can operate at any time were
discussed.

36. For example, Libby Anderson stated—

“There are a great many Cross-Party Groups and it must be asked whether
continued proliferation is in the interest of either stakeholders or the
Parliament. Clearly the principle of accessibility must be observed – in one
sense that is the beauty of the system – and it would be difficult for the
Committee to find a fair and equitable way to reduce or limit numbers. But
it may also be argued that accessibility (in the sense of good quality access
to our lawmakers) is already being limited by the fact that MSPs are so
thinly spread across Cross-Party Groups and other commitments in the
Parliament.”

37. The Committee heard evidence from Dr Carman in relation to the number of
groups, similar to Cross-Party Groups, which exist in other legislatures. Dr Carman
discussed the limitation on the number of formal Intergroups in the European
Parliament that is created by the regulatory system only permitting meetings to be
held at certain times when the Parliament meets in Strasbourg—

“Intergroups are becoming increasingly tightly regulated by the European
Parliament. There were previously around 80 such groups, but that was
believed to be too many and various mechanisms were created to
encourage a reduction in the number.

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6 Age Scotland. Written submission
7 The number of Cross-Party Groups in each Session is: 50 (approximately) in Session 1, 60
(approximately) in Session 2, 78 in Session 3 and 81 in Session 4 (to October 2012).
One of the key mechanisms is the fact that Intergroups are allowed to meet only during the monthly Strasbourg sessions...If there are only so many limited time slots, only so many organisations can exist and function well.  

38. Dr Carman also highlighted other aspects of the rules on Intergroups that effectively provide for a limitation on the total number of groups, such as each group requiring the support of at least 3 party groupings and each grouping being limited in the number of groups they can support.

39. However, while this form of regulation has curtailed the number of official intergroup meetings, Dr Carman also highlighted that involving external stakeholders in these limited meetings slots has proved difficult (primarily for geographical reasons) and that a number of informal, and therefore unregulated, meetings are held in Brussels.

40. While the Committee was interested to note the evidence provided by Dr Carman, the Committee’s view is that the greater weight should be placed on the fact that, within the Scottish context, Cross-Party Groups are seen to have developed as fairly open and transparent bodies. The Committee’s view is that it would be contrary to the nature of Cross-Party Groups to create a system which may have the effect of increasing Cross-Party Group activity which is less transparent and accessible for those outwith the Parliament.

41. The Committee also considered whether another way to use the regulatory system would be to limit the number of Cross-Party Groups of which each MSP can be a member. At present, the vast majority of eligible MSPs are members of Cross-Party Groups, with each MSP being a member of an average of 9 Cross-Party Groups.

42. In considering this possible change, the Committee noted one of the findings from the interviews with MSPs carried out by Dr Carman, in which he sought to discover the motivations for MSPs to join Cross-Party Groups.

43. Dr Carman interviewed 28 MSPs and asked, among other questions, the primary reason that each member had for joining a Cross-Party Group. ‘Being ‘a good colleague’ came in as joint third place, above reasons such as influencing debate or a connection to committee work or party portfolio.

44. The Committee noted that it would be difficult to provide an accurate model to demonstrate whether limiting each MSP to being, for example, a member of a maximum of 10 Cross-Party Groups would result in any decrease in the number of Cross-Party Groups. The Committee was also not persuaded that such a measure would reduce the possibility of MSPs joining Cross-Party Groups to be ‘a good colleague’ and being members of Cross-Party Groups in which they did not actively participate.

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9 The top two reasons given for joining a Cross-Party Group were personal interest in a topic or constituency related issue. ‘Information’ came joint third with ‘being a good colleague’.
45. At this time, the Committee therefore does not recommend the introduction of any regulatory measures which are specifically intended to have the effect of limiting the overall number of Cross-Party Groups.

46. However, the Committee recognises that this is an issue of genuine concern to MSPs and other Cross-Party Group stakeholders. The Committee intends to reflect further on this issue and, should it become clear that the number of Cross-Party Groups is inhibiting the effective operation of the Cross-Party Group system, will consider whether to put in place additional limitations on the overall number of Cross-Party Groups.

**MSP attendance at Cross-Party Group meetings and scheduling of meetings**

47. The issue of MSP attendance at Cross-Party Group meetings was mentioned in both written and oral evidence, including responses to questions on the minimum MSP membership requirement, the quorum for meetings and the expectation that non-MSP members have of Cross-Party Groups.

48. The Code currently requires that each Cross-Party Group has at least 5 MSP members, with at least one member from each of the parties or groups represented on the Parliamentary Bureau. The responses to the Committee’s consultation paper were unanimous in support of retaining the first part of this threshold for membership.

49. Some evidence did address whether the party representation threshold was appropriate. Margaret Mitchell MSP argued—

   “There are a substantial number of Cross-Party Groups in the Parliament and for each group to have 5 members given the pressure on for example the Liberal Democrats with only 5 members to join Cross-Party Groups to give the necessary political balance is not tenable. Hence many members only join Cross-Party Groups on paper rather than having an active participation with the group or interest in a topic which, in effect, makes the group less parliamentary.”

50. This is a valid concern. However, the Committee considers that the current provision of the Code which allows the Committee to waive or modify the MSP membership requirement is the preferable option as it allows for flexibility to respond to the shape of the Parliament as it changes following elections.

51. The quorum for MSP attendance at meetings was also addressed. 21 of the 40 written responses favoured retaining the 2 MSP quorum and only 4 indicated that the quorum should be increased. The Cross-Party Group on Epilepsy stated—

   “For those Cross-Party Groups with low MSP membership, a quorum of two MSPs is sufficient. Even for larger Cross-Party Groups, other events in and
outside the Parliament on the day of a Cross-Party Group meeting can suddenly and drastically reduce potential Member attendance.”

52. This picks up on the other demands that may restrict the time that MSP members have to be able to attend for the duration of a Cross-Party Group meeting. A practical viewpoint of this was outlined by Claire Munro of the Association for Scottish Public Affairs—

“It would be difficult to place a restriction on MSPs nipping in and out. For example, an MSP with a long-term commitment to a group might have to attend a parents evening on the same evening as the group meets. In addition, cross-party groups are by their nature a wee bit more informal than some other aspects of the Parliament. They are held in the evenings, so there is also an element of people giving up their free time to attend them. It would therefore be difficult to place restrictions on whether people can go in and out of the meetings.”

53. The Committee is content that the requirement that 2 MSP members of a Group must be present for a Cross-Party Group meeting to be quorate is appropriate and should be retained. However, the Committee also considers that guidance should be provided to set out the key points that Groups should note in the event of this quorum not being met for any meeting of a Group.

54. Following on from the question of the MSP quorum, the evidence received by the Committee also questioned the levels of MSP attendance at Cross-Party Group meetings. Evidence from both Margaret Mitchell MSP and the Coalition for Racial Equality and Rights raised this issue—

“The term ‘parliamentary in character’ has led to misunderstanding about the role of MSPs within the Cross-Party Group. There is the idea that Cross-Party Group meetings will have lots of MSPs in attendance and the level of involvement and related work that is sometimes expected by group members of MSPs can be very high and unrealistic…

At times it can be very difficult even to get a second MSP to attend a meeting despite plenty of advance notice about the meeting date.” (Margaret Mitchell MSP)

“In practice, however, very few MSPs consistently attend – this would most likely be the case regardless of the minimum formal requirement for membership. Each Cross-Party Group has a number of committed MSP members, however with MSPs’ volume of work, difficulties in timing meetings and the sheer number of Cross-Party Groups in existence, ensuring an effective Parliamentary membership is very difficult. It is suggested that the review team should work closely with MSPs to identify

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10 Cross-Party Group on Epilepsy. Written submission
12 Margaret Mitchel MSP. Written submission
ways to make sure MSP members of Cross-Party Groups actively engage.” (Coalition for Racial Equality and Rights)\(^{13}\)

55. The question of how to raise attendance levels, and the role that Standards clerks can play in disseminating guidance on best practice was raised by the Cross-Party Group on Renewable Energy and Energy Efficiency.\(^{14}\)

56. The general issue of guidance and best practice is discussed later in this report, but the Committee highlights the evidence provided by David McColgan of SCVO about the role of agenda setting in driving up MSP attendance where focusing the work of the Cross-Party Group on what was happening in the Parliament and “making the agenda relevant both to the sector and to the parliamentary work that was going on…saw the number of MSPs at our meetings double and even triple…”\(^{15}\)

57. The Committee’s consultation paper asked whether Cross-Party Groups should be required to hold a minimum number of meetings per year. A majority of the responses to this question indicated support for the introduction of such a requirement.

58. According to Age Scotland, a minimum number of meetings allows Cross-Party Groups to—

“Demonstrate their relevance… if a group is incapable of meeting every three months then the charity believes this demonstrates that there is little appetite to continue with the group and that it should be de-registered.”\(^{16}\)

59. The issue of effectiveness was also raised by Dr PG Saluja—

“Cross-Party Groups should be expected to hold a minimum number of meetings per year. This would help to ensure that they are actually undertaking the work to which they committed themselves upon their registration.”\(^{17}\)

60. However, the Committee is also of the view that introducing a minimum number of meetings as part of demonstrating of a Group’s relevance should be balanced against Groups potentially being required to hold unnecessary meetings. This view was mirrored by Cancer Research UK which stated—

“We don’t believe that Cross-Party Groups should be required to hold a minimum number of meetings per year as this could lead to unnecessary meetings being held, wasting MSPs’ time.”\(^{18}\)

\(^{13}\) Coalition for Racial Equality and Rights. Written submission
\(^{14}\) Cross-Party Group on Renewable Energy and Energy Efficiency. Written submission
\(^{16}\) Age Scotland. Written submission
\(^{17}\) Dr PG Saluja. Written submission
\(^{18}\) Cancer Research UK. Written submission
61. The Committee therefore recommends a change to the Code to require Cross-Party Groups to hold at least 2 meetings per year, one of which must be the annual general meeting.

62. Discussion about attendance at meetings and the question of the number of meetings held naturally leads on to consideration of the scheduling of Cross-Party Group meetings, and whether better scheduling of Cross-Party Group meetings could be a tool to increase MSP attendance.

63. Support was expressed at the roundtable session for the introduction of some kind of central diary management of Cross-Party Group meetings to minimise clashes between the Cross-Party Groups of which each MSP is a member. However, the Committee noted that the Cross-Party Group pages on the Parliament website already provide a useful tool for Cross-Party Group secretaries to be able to plan ahead and effectively minimise clashes with other Cross-Party Groups. These pages are maintained by the Standards clerks who will post information that is provided about the date and time of Cross-Party Group meetings. However, the usefulness of the web as a resource is determined by that information being provided.

64. While the Committee does not consider that the Code should make specific reference to utilising the web in this way, it does recognise that there would be a role for guidance on Cross-Party Groups to highlight that the Cross-Party Group pages on the Scottish Parliament website can be used to provide information about forthcoming meetings and to encourage all groups to provide this information.

65. Another aspect of the scheduling of Cross-Party Group meetings is when in the week groups tend to meet. In written evidence, SCVO commented—

“During evidence to the SPPA Committee on the Reform of the Parliamentary Week the topic of Cross-Party Groups was discussed.

It was noted by Paul Wheelhouse MSP that “25 of the 43 Cross-Party Group meetings that took place between September and November happened on a Wednesday lunchtime or evening.”

It is worth considering a better management of Cross-Party Group slots by the Parliament to ensure that Cross-Party Groups are spread out over the parliamentary calendar allowing maximum attendance for MSPs.”

66. The Committee notes that the changes to the structure of the Parliamentary week may result in Tuesday meetings of Cross-Party Groups becoming more common. While it is too early at this point to determine whether the change in the structure of the week has in fact led to a more even distribution of Cross-Party Group activity throughout the week, the Committee will be interested to see if Tuesday meetings become more prevalent. In addition, the reduction in events being held in the Parliament on Tuesday and Wednesday lunchtimes may also reduce the demands on MSPs’ time at these points of the week.

19 SCVO. Written submission
Reporting and scrutiny of Cross-Party Group activities

67. That Cross-Party Groups are viewed as a positive feature of the Scottish Parliament was clearly reflected in the evidence received by the Committee—

“Inclusion Scotland believes that Cross Party Groups play a vital role in making the Scottish Parliament open and accessible to Civic Scotland. Cross-Party Groups bring MSPs from all parties into regular contact with NGOs, campaigners and ordinary members of the public who share a common interest in certain issues or sections of Scottish society. They thus contribute to making our democracy more participative and relevant to wider Scottish society. A democracy in which people feel that they can actively participate in, and contribute to, is also a healthier democracy.” (Inclusion Scotland)\(^\text{20}\)

“The existence of Cross-Party Groups allows non-MSPs to engage directly with MSPs to discuss issues of importance to the particular nature of the Cross-Party Group. It aids understanding of the political process for outsiders while broadening and raising knowledge and awareness of MSPs on important issues. The Cross-Party Group on Scotch Whisky allows for a wide range of topics which relate to Scotch Whisky to be explored and understood. It is a way to offer MSPs non-political guidance to help them make informed decisions and effectively scrutinise the Scottish Government in committees, ask written questions and better understand the national and local impact of the industry.” (Scotch Whisky Association)\(^\text{21}\)

68. However, given the increasing number of Cross-Party Groups and the range of organisations that are involved in contributing to and supporting the work of Cross-Party Groups, the Committee considers that it is vital to ensure that systems are in place to make the work of Cross-Party Groups more accessible and to allow the Committee to analyse whether the Cross-Party Group system continues to operate effectively.

69. One of the benefits of Cross-Party Groups is the extent to which their activities are open and transparent, as indicated in evidence from both the Association for Scottish Public Affairs\(^\text{22}\) and Dr Carman\(^\text{23}\). However, Dr Carman also identified some difficulty in the contrast between this transparency and whether the existing reporting requirements allow for accurate analysis and monitoring of Cross-Party Group activities—

“It is hard to say how often MSP conveners hold inquorate meetings...Similarly, it is hard to get the number of MSPs who attend meetings, because of the reporting requirements.”\(^\text{24}\)

\(^{20}\) Inclusion Scotland. Written submission
\(^{21}\) Scotch Whisky Association. Written submission
70. One of the ways in which information about Cross-Party Group activities can be reported is the provision of minutes for each meeting of a Cross-Party Group. Under the current system, the minutes of Cross-Party Group meetings, if provided and approved by the Group, will be published on the Parliament’s webpage. This is not, however, a requirement of the Code.

71. In her evidence to the Committee on 19 June, Libby Anderson noted—

“Well under half of Cross-Party Groups seem to publish minutes of the website at the moment, although I agree that if they all did that, Cross-Party Group information would be much more accessible.”

72. Noting that only minutes of quorate meetings would be published, Margaret Mitchell MSP raised the question of whether there were particular reasons for Groups not providing minutes—

“It might be good to tease out whether the groups that do not publish their minutes do not do so because they have difficulties with the quorum or are just not bothering.”

73. The Committee agrees with the view that publication of minutes increases the accessibility of Cross-Party Groups and recommends that a requirement to publish minutes is included in the Code.

74. The Committee also recognises that there can be a delay in publishing minutes as a result of the current practice of only publishing approved minutes and recommends that the Code is amended to allow for the publication of draft minutes.

75. In terms of other sources of information about Cross-Party Group activity, all Cross-Party Groups are required to complete and submit an annual return. The annual return largely asks for the same information as the registration form, including an update to financial benefits, but with additional sections to confirm the date of the group’s AGM and to provide a summary of the group’s activities over the previous year. This includes a brief summary of the topics discussed at each meeting and both MSP and non-MSP attendance numbers for each meeting. However, although these are asked for on the annual return form, it is not made clear in the Code that this information is required.

76. In its call for evidence the Committee sought views on whether the reporting requirements should include such meeting details and further information about any reports or publications produced by the Group.

77. Responses to this point were mixed, although on balance the inclusion of such a requirement was supported. Those who did not support the provision of additional information raised issues such as the possible addition of an administrative burden and questioned the use to which the information would be

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(Session 4)

put. For example, the Cross-Party Group on Dementia noted that the information would only be of value if some kind of cross-Cross-Party Group analysis was envisaged and Sarah Boyack MSP commented that—

“This would potentially be cumbersome and increase the pressure on those groups which are not supported by an external secretariat.”

78. The Committee appreciates the concerns about the question of how any additional information would be used. However, the Committee views this type of change as linked to the changes recommended at the establishment stage which would see the Committee undertake more rigorous consideration of whether to accord recognition to proposed Cross-Party Groups and to the Committee’s role in monitoring the information provided by Cross-Party Groups through the reporting system.

79. Requesting this information would also ensure the Committee was more aware of the outputs of Cross-Party Groups, such as the work of the Cross-Party Group on Adult Survivors of Childhood Sexual Abuse in securing additional funding to provide support services to abuse victims26 or the endorsement of the Cross-Party Group on Alzheimer’s Charter of Rights for People with Dementia and their Carers in Scotland in Scotland’s National Dementia Strategy27 as well as being able to identify any Cross-Party Groups that were finding it difficult to comply with the Code.

80. While there has not been, to date, systematic consideration of annual return information to inform the Committee of the operation of individual Cross-Party Groups this is a role that the Committee intends to take from this point on.

81. In undertaking this role, the Committee will request that the Standards clerks bring forward a paper twice in each Parliamentary year, providing an analysis of the information provided in the annual returns. Consideration of this analysis at 6 month intervals should ensure that the Committee maintains oversight of all Cross-Party Groups in each Parliamentary year.

82. The Committee therefore recommends an amendment to the Code to make clear the information that Groups are required to include in their annual return, including a brief summary of the topics discussed at each meeting, details of any reports published by the group and the MSP and non-MSP attendance numbers for each meeting.

83. In making this recommendation, the Committee notes that some may view this change as a burden on Cross-Party Groups. However, the Committee emphasises that the recommendation is made with the clear purpose of active consideration of the information provided and the use of that information to make robust decisions about the effectiveness of the whole Cross-Party Group system. A copy of the Annual Return to reflect this recommendation is attached at Annexe C.

27 http://www.scotland.gov.uk/Publications/2010/09/10151751/0
84. The registration of financial benefits received by the Group is another important aspect of ensuring Cross-Party Groups operate in an open and transparent manner. One of the existing reporting requirements is that Cross-Party Groups must register details of all donations or material assistance which have a value of more than £500 a year.

85. The Committee is not recommending any change to this threshold but does recommend that the Code should clarify that where an external organisation provides secretariat support to a Cross-Party Group, there is a cost to that organisation in terms of the time and other resources devoted to Cross-Party Group activities by any staff, particularly the specific individual who fulfils the secretary role, and that the cost of this service should be considered as material assistance received by the Cross-Party Group.

86. In addition to the question of registration, the Committee’s call for evidence sought views on whether organisations providing secretariat services should be required to make available on request certain information, such as a full client list for a consultancy firm or for a charity/not-for-profit organisation a list of companies which have made a donation of more than £5,000 in the previous 12 months.

87. This is a point on which no clear consensus emerged from the evidence received. Those in favour of introducing such a provision commented—

“[We] would be pleased to produce a list of commercial organisations that have made donations above £5,000 to the charity within the previous 12 months. Age Scotland do not believe the task would be particularly onerous or time consuming for the not for profit organisations that provide secretariat support.” (Age Scotland)\(^{28}\)

“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 Cross-Party Group, perhaps through a voluntary organisation or community enterprise. Hence the need for complete transparency and openness around funding and support for Cross-Party Groups.” (NHS Health Scotland)\(^{29}\)

88. Indeed, one organisation, Psoriasis Scotland Arthritis Link Volunteers, put forward its view that even more information should be provided—

“The Code should include the requirement of any organisation or individual who is not an MSP who is serving on a Cross-Party Group as its secretary, to state their reasons for supporting the Group and declare any and all pecuniary interests of both the organisation for which they are offering the services as secretary and any other associated business interests that they may have.”\(^{30}\)

\(^{28}\) Age Scotland. Written submission
\(^{29}\) NHS Health Scotland. Written submission
\(^{30}\) Psoriasis Scotland Arthritis Link Volunteers. Written submission
89. For those who did not support the introduction of this provision, a range of views were expressed, including the Association for Scottish Public Affairs’ view that—

“Details of directly-relevant interests should be declared to the office bearers of a Cross-Party Group when any person not employed in or by the Scottish Parliament provides secretariat services.

Consultancies should state any direct client interests they have in a Cross-Party Group where a consultant provides secretariat services, but ASPA does not believe there is any grounds to compel them to provide a full client list, as consultants also have a duty of confidentiality to their clients and a right of commercial confidentiality. The requirement for a charity/not for profit organisation is reasonable.

The Scottish Parliament and its Members have a responsibility to the secretariat when handling this commercial or financial information, and ASPA believes the information provided should not be made public. The Committee may wish to consider how this information is held and under what circumstances it may be accessed in order to strike the right balance between genuine public interest and commercial or financial confidentiality.”

90. The Coalition for Racial Equality and Rights also noted that—

“with regard to donations, there should be a clear rationale on what should be disclosed due to the potential complexity of income from commercial companies; for example this could involve monetary donations, event sponsorship, grant or trust funding, project funding etc.”

91. Having considered all the views expressed in evidence, the Committee considers that a requirement for organisations providing secretariat services to provide this information if requested is appropriate. In making this recommendation, the Committee highlights that the information would only be required if requested by the Committee and that such a request would usually be prompted by a specific concern about the functioning of a particular Group, such as a complaint being made to the Committee or a failure by the Group to provide details of financial assistance.

BEYOND THE CODE: GUIDANCE AND BUILDING KNOWLEDGE

Guidance and advice

92. Beyond the rules underpinning the operation of Cross-Party Groups, the Committee’s review also brought forth views about the practical management of Cross-Party Groups, including managing expectations of non-MSP members and providing opportunities for sharing best practice among those supporting Cross-Party Groups.

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31 Association for Scottish Public Affairs. Written submission
32 Coalition for Racial Equality and Rights. Written submission
93. The possibility of Cross-Party Group information sessions and/or more detailed guidance were identified as being potentially useful for key Cross-Party Group members, primarily secretaries and conveners. Options for the delivery of such guidance include arranging workshops/seminars, provision of advice by the Standards clerks on a face-to-face basis (which is already available if requested) and the revision of existing written guidance and the production of an information leaflet.

94. This guidance and support could also provide a forum for the sharing of best practice among Cross-Party Groups, such as the request from the Cross-Party Group on Renewable Energy and Energy Efficiency for advice to be provided about ways to increase MSP attendance at Cross-Party Group meetings.

95. The Committee supports the introduction of advice and guidance of this type and will explore exactly what could be provided in more detail with Cross-Party Groups. This approach will ensure that the support that is being provided clearly addresses the topics that are felt to be relevant by the Cross-Party Groups.

Use of the Reimbursement of Members' Expenses scheme

96. Outwith the work undertaken by the Committee, there is a final issue that arose while the Committee was undertaking its review. The current guidance on the Code states that there are only limited circumstances in which members may make use of the expenses scheme in pursuit of Cross-Party Group business. No details are provided to explain the nature of these limited circumstances.

97. At its meeting on 18 June 2012, the SPCB considered this matter and outlined the specific circumstances in which use of expenses is permitted as being—

- Staff costs, where an MSP member of staff is acting in a supporting role to the MSP but not where the member of staff is a member of the Cross-Party Group or an office holder of the Cross-Party Group, and
- Travel costs, where the travel is limited to MSPs only and is in connection with their parliamentary duties. This would also apply to any overnight costs.

98. The Committee will amend the guidance on the Code to reflect these specific circumstances more fully, given that it reflects the agreed position of the SPCB.

CONCLUSION

99. The Committee recommends to the Parliament the changes to the Code of Conduct set out above.
ANNEXE A: REVISED CODE OF CONDUCT

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 will re-register the Group. 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.

- **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 every 12 months subsequently. As Groups are required to hold an AGM, Groups may wish to elect office bearers 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. 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.

6.5: 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.
ANNEXE B: TABLE OF REVISIONS

This table sets out the changes to the provisions of the Code of Conduct regarding Cross-Party Groups.

<table>
<thead>
<tr>
<th>Proposed Code</th>
<th>Current Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction sets out what the general purpose is of Cross-Party Groups in the Scottish Parliament.</td>
<td>No such general information is contained in the current Code.</td>
</tr>
<tr>
<td>Registration Form includes information about the planned frequency of meetings and the proposed key topics for discussion by the proposed Group.</td>
<td>The current Registration Form does not ask for any information about the activities of a proposed Group.</td>
</tr>
<tr>
<td>Re-registration period of 90 days following an election remains in place but no recess period of longer than 4 days will be included in the calculation of the 90 day deadline. This will mean that the summer recess period is excluded and Groups will have benefit of full 90 day period in which to hold elections and subsequently re-register.</td>
<td>Re-registration period is calculated as 90 calendar days from the date of the first meeting of the Parliament following an election. In practice this has meant that a large part of the 90 days has fallen in the summer recess during which Cross-Party Groups cannot hold elections.</td>
</tr>
<tr>
<td>Proposed Code sets a minimum number of 2 meetings a year for Groups, one of which must be the annual general meeting.</td>
<td>Groups are required to hold an annual general meeting but no further stipulation is made about the number of meetings that a Group should hold.</td>
</tr>
<tr>
<td>Requirement for all Cross-Party Group minutes to provide minutes and change to current arrangements so that draft minutes can also be published.</td>
<td>At present there is no requirement to provide minutes and practice in this area is inconsistent. It is also practice to only publish approved minutes.</td>
</tr>
<tr>
<td>Annual Return form will ask for information about the Group’s activities, including a summary of topics discussed at each meeting and details of any reports or papers published by the Group.</td>
<td>Current Annual Return asks for information about topics discussed at each meeting but not any information about any publications or papers.</td>
</tr>
<tr>
<td>Clarification that the provision of secretariat support by an external organisation carries a cost to that organisation and that this cost is a material benefit and therefore should, if of a value above £500, be registered by the Group.</td>
<td>Requires that any financial benefit received by a Group which has a value above £500 should be registered. The interpretation of this applies to secretariat support but it is not made explicit in the Code.</td>
</tr>
<tr>
<td>Introduction of a requirement that, if</td>
<td>No requirement for an external</td>
</tr>
</tbody>
</table>
requested, an external organisation providing secretariat support which is a consultancy/public affairs firm or a charity/not-for-profit organisation, must agree to provide the Standards, Procedures and Public Appointments Committee a full client list (if a consultancy/public affairs firm) or 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).  

organisation providing secretariat support to provide details of its clients or donors.
ANNEXE C: GUIDANCE

SECTION 6: GUIDANCE ON CROSS-PARTY GROUPS

The purpose of this guidance is to provide additional information on some issues regarding the operation of Cross-Party Groups within the provisions of Section 6 of the Code of Conduct (Volume 2).

If you have any queries about Cross-Party Groups on which you would like further clarification or advice, you should contact the Standards clerks—

- By email: crosspartygroup@scottish.parliament.uk
- By post: TG.01, The Scottish Parliament, Edinburgh, EH99 1SP
- By telephone: 0131 348 6924.

Waiver or modification of the MSP membership requirements

Section 6.4.1 of the Code explains that all Cross-Party Groups are required to have at least 5 MSP members, with at least one MSP member from each of the parties or groups represented on the Parliamentary Bureau.

However, the Code also recognises that there are circumstances in which the membership requirements may need to be waived or modified to enable the establishment of Cross-Party Groups which otherwise fulfil the requirements of the Code.

There are two ways in which a waiver or modification will usually be made—

- Where the SPPA Committee considers that a general waiver or modification should be applied for all Cross-Party Groups
- Where a specific Cross-Party Group applies to the SPPA Committee for a waiver or modification to reflect the particular circumstances of that Group.

Where a general waiver or modification is applied, notice of this will be provided to all Cross-Party Group Conveners and Secretaries and to the MSP contact of any proposed Cross-Party Group. The notification will set out the detail of the MSP membership requirements as a result of the waiver or modification, the reasons for the Committee’s decision and the duration for which the waiver or modification will be in effect.

In the situation of a specific Cross-Party Group applying for a waiver or modification, the Convener of the Cross-Party Group should apply in writing to the SPPA Committee, setting out—

- the nature of the waiver or modification that is requested
- the steps that have been taken to meet the membership requirements
- any reasons, if known, why it has not been possible for the Group to secure the required MSP membership.

The Convener of the proposed Cross-Party Group will normally be invited to attend the meeting at which the SPPA Committee considers the Group’s application.
The SPPA Committee will consider the information provided by the Cross-Party Group or proposed Cross-Party Group and decide whether to grant the waiver or modification. The Cross-Party Group or proposed Cross-Party Group will be notified in writing of the Committee’s decision.

Where the Committee decides not to grant the waiver or modification, the Cross-Party Group must notify the Committee decision if it is not able to meet the MSP membership requirements. If a Cross-Party Group does not manage to secure the required MSP membership, the SPPA Committee may withdraw recognition from that Cross-Party Group.

**Election of office bearers**

It is anticipated that the election of Cross-Party Group office bearers will usually take place at the initial meeting of a Cross-Party Group and thereafter at the AGM. However, it may be necessary for a Group to hold the election of office bearers at different times and/or outwith meetings.

It is therefore possible for Cross-Party Groups to hold electronic elections in which all Group members can vote by e-mail.

As with Cross-Party Group meetings, an electronic election must be advertised at least 10 calendar days in advance on a Group’s page on the Parliament website.

The advertisement should use the following form of words—

The Cross-Party Group on [TITLE] is holding elections for office bearers on [DATE]. The elections will be carried out by email and the Group will send an e-mail to its members setting out the positions for which elections are to be held, the names of prospective office bearers and the date by which members must vote for their preferred candidates. For further information, please contact the Convener of the Group, [NAME] MSP on 0131 348 xxxx or at <email>@scottish.parliament.uk.

It is recommended that the Group keeps copies of the votes received in order that they can be verified should a question arise about the outcome of the election. The Convener of the Group should advise members about the outcome of the elections as soon as possible after the date of the election. The Standards clerks must also be notified of any changes to office bearers arising from the elections no later than 30 calendar days after the election. The Standards clerks will then make any necessary amendments to the information on the Cross-Party Group webpage.

**Meetings at which fewer than 2 MSP members are present**

Section 6.4.5 of the Code requires that at least 2 MSP members of a Group must be present in order for a meeting to be quorate. It is, however, recognised that there are circumstances in which it may not be possible to meet this requirement.

Non-quorate, informal meetings of a Group can be held in the event of the quorum not being met. This ensures that all Cross-Party Group members who are able to
attend can participate in the planned discussions and exchange of information however—

- any votes or decisions to be taken by the Group should be postponed until, or ratified at, a future quorate meeting of the Group.
- inquorate meetings will not be counted towards the minimum requirement to hold at least two meetings a year, as set out in section 6.4.x of the Code
- the minutes of inquorate meetings will not be posted on the Group’s webpage on the Parliament website.

Where a period of a Cross-Party Group meeting is inquorate, for example if a meeting starts with 2 or more registered MSP members present but then a number leave the meeting making it inquorate, votes taken during the inquorate part of the meeting must be ratified at a future meeting.

**Use of the Cross-Party Group pages on the Parliament website and updates to information**

The Scottish Parliament website has a dedicated section for Cross-Party Groups. Within this section each Cross-Party Group has its own page on which the details provided on the Registration Form are reproduced.

The Code requires that advance notification is provided of Cross-Party Group meetings or activities such as elections and it is in the dedicated Cross-Party Group section that this information is found.

Beyond complying with the requirements of the Code, Cross-Party Groups may wish to note the options that the Cross-Party Group section may offer in terms of assisting with advance planning of Cross-Party Group activity, particularly in relation to minimising clashes for MSPs who are members of a number of Cross-Party Groups.

For example, Cross-Party Group Conveners and Secretaries could refer to this section when planning future meeting dates to determine which dates and times would prevent any clashes occurring between different Cross-Party Groups of which the same MSPs are members.

The main Cross-Party Group page (which is located on the Parliament website at [http://www.scottish.parliament.uk/msps/1696.aspx](http://www.scottish.parliament.uk/msps/1696.aspx)) will show the details of the next meeting of each Cross-Party Group. In addition, the individual Cross-Party Group pages can also show the dates of both the next meeting and future meetings of the Cross-Party Group.

However, the usefulness of the Cross-Party Group pages to both Cross-Party Group members and other interested parties is largely determined by the information that is provided to the Standards clerks for inclusion on each page. It is strongly recommended that Cross-Party Groups make use of the Parliament’s webpage to ensure that information is available and accessible to all those who may have an interest in the Cross-Party Group system.
Use of the reimbursement of members’ expenses scheme

There are only limited circumstances in which members may make use of the expenses scheme in pursuit of Cross-Party Group business. At its meeting on 18 June 2012, the SPCB agreed that the specific circumstances in which use of the scheme is permitted are—

- **Staff costs**, where an MSP member of staff is acting in a supporting role to the MSP but not where the member of staff is a member of the Cross-Party Group or an office holder of the Cross-Party Group, and
- **Travel costs**, where the travel is limited to MSPs only and is in connection with their parliamentary duties. This would also apply to any overnight costs.

For advice on making use of the Reimbursement of Members’ Expenses Scheme in connection with these circumstances, Members should seek advice from the Allowances Office at the earliest opportunity.
CROSS-PARTY GROUP REGISTRATION FORM

**NAME OF CROSS-PARTY GROUP**

Cross-Party Group on <SUBJECT>

**PURPOSE OF THE GROUP AND PROPOSED DISCUSSION TOPICS**

Please provide a brief explanation of the purpose of the Group and why the purpose is in the public interest.

Please also provide details of any overlaps with the purpose of existing Cross-Party Groups and an explanation of why, regardless of any such overlap, the Group should be established.

Please also provide an indication of the topics which the Group anticipates discussing in the forthcoming 12 months.

**MSP MEMBERS OF THE GROUP**

Please provide names of all MSP members of the Group. Note that only names need to be provided, no party designation or other information is required.

**NON-MSP MEMBERS OF THE GROUP**

For organisational members please provide only the name of the organisation, it is not necessary to provide the name(s) of individuals who may represent the organisation at meetings of the Group.

<table>
<thead>
<tr>
<th>Organisations</th>
<th>Individuals</th>
</tr>
</thead>
</table>

**GROUP OFFICE BEARERS**

Please provide names for all office bearers. The minimum requirement is that two of the office bearers are MSPs and one of these is Convener – beyond this it is a matter for the Group to decide upon the office bearers it wishes to have. It is permissible to have more than one individual elected to each office, for example, co-conveners or multiple deputy conveners.

<p>| Convener | Deputy Convener |</p>
<table>
<thead>
<tr>
<th>Secretary</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Treasurer</td>
<td></td>
</tr>
</tbody>
</table>

**FINANCIAL BENEFITS OR OTHER BENEFITS RECEIVED BY THE GROUP**

Please provide details of any financial or material benefit(s) received from a single source in a calendar year which has a value, either singly or cumulatively, of more than £500. This includes donations, gifts, hospitality or visits and material assistance such as secretariat support.

Groups should provide details of the date on which the benefit was received, the value of the benefit and a brief description of the benefit.

<table>
<thead>
<tr>
<th>SUBSCRIPTION CHARGED BY THE GROUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please provide details of the amount charged and the purpose for which the subscription is intended to be used.</td>
</tr>
</tbody>
</table>

**CONVENER CONTACT DETAILS**

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parliamentary address</td>
<td></td>
</tr>
<tr>
<td>Telephone number</td>
<td></td>
</tr>
</tbody>
</table>

**STATEMENT ON COMPLIANCE WITH THE CODE OF CONDUCT**

I declare that the Cross-Party Group on <SUBJECT> is constituted and will comply with the terms of Section 6 of the Code of Conduct for Members of the Scottish Parliament.

| Signed |  |
| Date   |  |
## CROSS-PARTY GROUP ANNUAL RETURN

<table>
<thead>
<tr>
<th>NAME OF CROSS-PARTY GROUP</th>
<th>Cross-Party Group on &lt;SUBJECT&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE GROUP APPROVED</td>
<td></td>
</tr>
<tr>
<td>DATE ANNUAL RETURN SUBMITTED</td>
<td></td>
</tr>
</tbody>
</table>

### GROUP MEETINGS AND ACTIVITIES

Please provide details of each meeting of the Group including the date of the meeting, a brief description of the main subjects discussed and the MSP and non-MSP attendance figures.

Details of any other activities, such as visits undertaken by the Group or papers/report published by the Group should also be provided.

### MSP MEMBERS OF THE GROUP

Please provide names of all MSP members of the Group. Note that only names need to be provided, no party designation or other information is required.

### NON-MSP MEMBERS OF THE GROUP

For organisational members please provide only the name of the organisation, it is not necessary to provide the name(s) of individuals who may represent the organisation at meetings of the Group.

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<td></td>
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### FINANCIAL BENEFITS OR OTHER BENEFITS RECEIVED BY THE GROUP

Please provide details of any financial or material benefit(s) received from a single source in a calendar year which has a value, either singly or cumulatively, of more than £500. This includes donations, gifts, hospitality or visits and material assistance such as secretariat support.

Details of material support should include the name of the individual providing support, the value of this support over the year, an estimate of the time spent providing this support and the name of the organisation that this individual is employed by / affiliated to in providing this support.

Groups should provide details of the date on which the benefit was received, the value of the benefit and a brief description of the benefit.

### SUBSCRIPTION CHARGED BY THE GROUP

Please provide details of the amount charged and the purpose for which the subscription is intended to be used.

### CONVENER CONTACT DETAILS

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ANNEXE D: ORAL EVIDENCE AND ASSOCIATED WRITTEN EVIDENCE

**6th Meeting, 2012 (Session 4), Tuesday 8 May 2012**

Dr Chris Carman, Senior Research Lecturer, University of Strathclyde.

**10th Meeting, 2012 (Session 4), Tuesday 19 June 2012**

Libby Anderson (154KB pdf);
Margaret Mitchell MSP (93KB pdf);
Claire Munro, Committee Member, Association for Scottish Public Affairs (45KB pdf);
Carol Young, Policy and Information Officer, Coalition for Racial Equality and Rights (103KB pdf);
Janice Johnson, Charity Director, Psoriasis Scotland Arthritis Link Volunteers, Psoriasis Scotland (10KB pdf);
David McColgan, Policy Officer, Scottish Council for Voluntary Organisations (280KB pdf)
ANNEXE E: OTHER WRITTEN EVIDENCE

Age Scotland (24KB pdf)
Allan, Ross (41KB pdf)
APPC Scotland (65KB pdf)
Boyack MSP, Sarah (45KB pdf)
British Horse Society (148KB pdf)
Cancer Research UK (85KB pdf)
Capability Scotland (23KB pdf)
Cross-Party Group on Children and Young People (45KB pdf)
Cross-Party Group on Epilepsy (89KB pdf)
Cross-Party Group on Food (38KB pdf)
Cross-Party Group on Heart Disease and Stroke (18KB pdf)
Cross-Party Group on Industrial Communities (20KB pdf)
Cross-Party Group on Renewable Energy and Energy Efficiency (160KB pdf)
Cross-Party Group on Skills (20KB pdf)
Douglas, Stewart (58KB pdf)
Howden Group LTD (64KB pdf)
Hunter, John (6KB pdf)
ImpAcTAIDS (9KB pdf)
Inclusion Scotland (201KB pdf)
Jones, David (24KB pdf)
Maclver, Mairi (65KB pdf)
NHS Health Scotland (142KB pdf)
Northern Ireland Assembly (125KB pdf)
Positive Solutions (125KB pdf)
Quadros, Paulo (94KB pdf)
Quarriers (154KB pdf)
Saluja, Dr Patricia (163KB pdf)
Scottish Council on Deafness (12KB pdf)
Scottish Land and Estates (161KB pdf)
Scottish Disability Equality Forum (151KB pdf)
Scottish Whisky Association (75KB pdf)
Thomson, Diane (56KB pdf)
Walker, Jim (93KB pdf)
Waugh, John and Sheena (10KB pdf)
ANNEXE F: EXTRACT FROM MINUTES

9th Meeting, 2011 (Session 4), Tuesday 6 December 2011

Work programme (in private): The Committee agreed its work programme.

2nd Meeting, 2012 (Session 4), Tuesday 31 January 2012

Review of Cross-Party Groups: The Committee agreed its approach to the inquiry.

6th Meeting, 2012 (Session 4), Tuesday 8 May 2012

Review of Cross-Party Groups: The Committee took evidence from—

Dr Chris Carman, Senior Research Lecturer, University of Strathclyde.

10th Meeting, 2012 (Session 4), Tuesday 19 June 2012

Decision on taking business in private: The Committee agreed that a draft report on its review of Cross-Party Groups, a draft report on section 7 of the Code of Conduct and a draft report on Scotland Act 2012 Standing Order rule changes should be taken in private at future meetings.

Review of Cross-Party Groups: The Committee took evidence from—

Libby Anderson;
Margaret Mitchell MSP;
Claire Munro, Committee Member, Association for Scottish Public Affairs;
Carol Young, Policy and Information Officer, Coalition for Racial Equality and Rights;
Janice Johnson, Charity Director, Psoriasis Scotland Arthritis Link Volunteers, Psoriasis Scotland;
David McColgan, Policy Officer, Scottish Council for Voluntary Organisations.

Review of Cross-Party Groups (in private): The Committee reviewed the evidence heard earlier in the meeting and agreed to consider a further paper at a future meeting.

11th Meeting, 2012 (Session 4), Thursday 13 September 2012

Review of Cross-Party Groups (in private): The Committee agreed the issues to be included in its report on this inquiry.
Review of Cross-Party Groups (in private): The Committee agreed a draft report.
Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.