

## **ELECTION PLANNING PROGRAMME: 2021 ELECTION GUIDANCE**

### **Executive summary**

1. The SPCB is invited to agree guidance for MSPs and their staff during the SP election campaign. This guidance has been updated in light of the Scottish General Election (Coronavirus) Bill.

### **Background**

2. In September the SPCB considered and agreed guidance to be issued to all Members and their staff in relation to the use of parliamentary resources during the 2021 Scottish Parliamentary Elections. The guidance takes the form of two related documents:
  - Guidance for Members and their staff during a Scottish Parliamentary Election Campaign; and
  - Guidance for Members who are not standing at the 2021 Scottish Parliamentary Election.
3. A third document will be provided for Members who are not returned following the election. This will be presented to the SPCB nearer the end of the session.
4. The intention was to circulate the guidance to all Members and their staff in October. However, once we became aware of the Scottish General Election (Coronavirus) Bill, it was felt prudent to defer publication until we could assess any implications for the guidance.

### **Issues and Options**

5. The Bill provides for a number of measures relating to the arrangements for the election next year because of the pandemic. The key element in respect of the Guidance is that it makes changes to the date of dissolution.
6. Normally, Parliament would have gone into dissolution on 25 March 2021. The Bill, if passed, will change that date to 5 May, the day before the election (or the day before any delayed election under the provisions of the Bill).
7. The policy memorandum to the Bill sets out the expectation that instead of dissolution on 25 March, the Parliament, if it agrees, will go into a recess period until the eve of the election. As a result, we would not anticipate the Bureau scheduling Chamber business during this period – other than in the exceptional circumstances outlined – nor would we expect committees to meet. These issues, along with other procedural matters (motions, PQs,

Bills etc) will be discussed by the Bureau in the near future and the guidance updated accordingly thereafter.

8. A significant consequence of changing the date of dissolution is that MSPs will retain their status as Members during the recess or 'pre-election campaign period'. This is likely to raise additional questions for MSPs in terms of what they can or cannot do during this period. This was raised by the SPPA Committee at its meeting on Thursday 19 November and we are anticipating the Committee will be writing to the SPCB further on the matter. The Chief Executive will provide feedback on his attendance at the Committee and discuss the Committee's letter with the SPCB at its meeting this coming Thursday.
9. With many current Members standing for re-election it is important there is a level playing field for all candidates as far as possible during the campaign period. The Guidance therefore reminds all Members and their staff that parliamentary resources cannot be used in any way for election purposes. However, as Members will retain their MSP status up until the eve of the election, we will still provide some ongoing parliamentary support, for example HR for staffing issues; ongoing IT support; Allowances Office for payment of invoices.

### **Changes from previously agreed guidance/specific aspects to highlight**

10. At its previous meeting, the SPCB agreed that arrangements during the recess should replicate, as much as possible, what would normally happen during a dissolution period. The Guidance has therefore been reviewed on that basis with the bulk of changes simply relating to the description of the period to which the Guidance applies – the pre-election campaign period (25 March to 6 May). However, there are some areas of the Guidance, primarily those relating to parliamentary business, for which we are currently unable to provide answers, primarily those that require decisions by the Bureau and/or Parliament. So as not to further hold up issue of the Guidance, we propose to issue with a holding line for these areas and issue updates once the position has been clarified.
11. Given MSPs will retain their status until the day before the election, there are a number of aspects we thought appropriate to draw to the attention of the SPCB to confirm it is still content.

### **General Guidance**

#### Clerking services

12. As mentioned above, there are a number of outstanding questions relating to parliamentary procedure that will be affected by the Bill. These are matters for the Bureau and Parliament rather than the SPCB. Once these are agreed we will revise the Guidance accordingly and issue updates.

### Security passes

13. The main driver behind the Bill is to enable Parliament to be recalled should the need arise. Security passes can be re-activated immediately to facilitate access to Holyrood therefore the intention is to de-activate passes as usual at the start of the campaign period (25 March). Previously we have asked Members who are not standing, and their staff, to hand in their security passes when they leave Holyrood at the start of dissolution. On this occasion we are advising those Members and their staff to retain their passes during the campaign period and return them after the election.

### Access to Holyrood

14. As agreed with the SPCB, the intention is still that Members will not have access to Holyrood from 25 March (unless of course Parliament is recalled). So that parliamentary staff can undertake the usual maintenance work in preparation for the next session, Members are still asked to clear their offices of personal belongings by 25 March.

### Casework

15. Previously, MSPs have been able to continue progressing on-going casework during dissolution but new casework could only be taken on as a 'candidate', making clear when doing so that they were no longer Members of the Scottish Parliament. No parliamentary resources, including local offices, could be used in connection with new casework.

16. In recognition that MSPs will retain their status as Members during the campaign period, it is accepted that they will want to – and feel that they have a duty to – continue to undertake constituency casework should they be approached. It is emphasised that parliamentary resources such as stationery, IT and local offices must continue to be used only in relation to parliamentary work and any correspondence must not include any party political or campaigning material.

### Access to SPICe services

17. As for previous elections, we will not be providing access to SPICe services. While Members will be able to continue working on casework for example, any candidate can take on a new case, so it would not support the aim of a level playing field if Members had access to these services while other candidates did not.

18. Should Parliament be recalled, all relevant parliamentary services will be available to support such a meeting.

## **Guidance for Members not standing**

19. Although not directly related to the Bill, we have taken the opportunity to incorporate more information about the support being planned for those Members not standing at the election.
20. Targeted support will be provided to each individual Member across a range of parliamentary services. Contact will be made in the form of an individual e-mail offering a one-to-one meeting between a Member and a representative from each of the following offices: Human Resources, Allowances, Facilities Management and Business Information Technology. Virtual drop-in sessions are also planned, both HR specific sessions and more general sessions. The 1:1 meetings with HR will begin early next month with other offices starting in January.

## **Resource Implications**

21. There are no resource implications specific to this paper. Resource implications for the services listed in the guidance have been factored into local operational planning.

## **Governance issues**

22. All areas of the organisation have contributed to the content of the guidance and the Chief Executive's Office has provided a co-ordinating role. The Election Planning Programme Board has had sight of the draft documents and is looking in more detail at the general implications of the Bill for the organisation.
23. As at previous elections, we intend these to be living documents. We will update the documents as appropriate based on any questions raised by Members and will advise Members accordingly. The monthly messages from the Clerk/Chief Executive to Members, which are due to commence in January 2021, provide a suitable vehicle for recirculating links to the guidance if necessary to draw Members' attention to any changes. Substantive changes will, of course, be drawn to the Corporate Body's attention prior to circulation and SPCB approval sought where required.
24. Governance issues such as equalities and legal requirements have been considered as part of the drafting of the individual elements of the guidance.

## **Publication Scheme**

25. Once agreed, the election guidance will be published on the Scottish Parliament website. This cover paper will also be published in line with the SPCB Publication Scheme.

### **Next steps**

26. If the SPCB is content with the guidance, we will publish and circulate to Members and their staff by email. These documents will also be circulated to all parliamentary staff for information.
27. A link to the guidance will also be made available through the MSP Portal.
28. Work will also continue on developing the services planned for Members not standing for re-election.

### **Decision**

29. The Corporate Body is invited to agree:

- the revised Guidance documents; and
- that the Guidance is published and circulated now with updates issued as and when arrangements for parliamentary procedures are clarified/agreed.

Clerk/Chief Executive's Office  
November 2020