Cross-Party Groups Best Practice Guidance

**Question:** How do I establish a Cross-Party Group (CPG)?

**Advice:** The first step in establishing a CPG is for an MSP to agree to take forward a proposed CPG.

Once an MSP has agreed to seek to establish a CPG, the next step is to determine whether there is sufficient interest among other MSPs and, if so, to hold an initial meeting, usually including the election of office bearers. This initial meeting should conform to the Rules for Cross-Party Group meetings, such as the requirement that it should be notified to the Standards clerks at least 10 calendar days in advance and that there should be at least 2 MSP members of the Group present.

The initial meeting should be used to confirm the purpose of the Group, the MSP membership and the Group's office bearers. Groups may wish to be aware of Section 6.4 of the Code which requires that each Group has at least 5 MSP members, with at least one MSP member from each of the parties or groups represented on the Parliamentary Bureau.

Within 30 days of its initial meeting, a Cross-Party Group is required to submit a Registration Form, setting out details of the Group's purpose, membership, office bearers and any financial benefits received by the Groups, and a Declaration Form, signed by the MSP Convener of the Group, confirming that the Group will operate within the Rules laid out in Section 6 of the Code of Conduct for MSPs.

Copies of both these documents will be sent to the MSP contact once the Standards clerks receive notification of a Group's initial meeting.

Please note that the date the Group is established, is the date of the initial meeting of the Group and not the date the Group was accorded recognition by the Standards, Procedures and Public Appointments Committee. AGMs should take place within 12 months of this date.

**Question:** Who can be members of a CPG?

**Advice:** CPGs can have both MSP and non-MSP members. However, the membership or involvement of non-MSPs is a matter for the MSP members of each CPG to determine. Section 6.4.2 requires that the overall membership profile of the CPG must remain clearly Parliamentary in character.
Question: How can the Membership of a CPG be updated?

Advice: The MSP membership can be updated by the Convener of the Group or a member of staff of the Convener who has been formally delegated authority (formal delegation is recognised as staff members who are able to send PQs and Motions on behalf of the Member)\(^1\). The Non-MSP membership of a Group can be updated by the secretariat to the Group or a member of staff of the Convener who has been formally delegated authority. Any membership changes should be notified, by email, to the Cross-Party Group mailbox, CrossPartyGroup@Scottish.Parliament.uk.

Question: What information must a CPG provide?

Advice: A CPG must provide the following—

- Registration forms – within 30 calendar days of the initial meeting the groups holds to establish the name and purpose of the group and the office bearers;
- meeting notifications – which should be provide at least 10 calendar days prior to the meeting. The notification must include the meeting date, time and room number;
- minutes of all meetings (including AGMs). Although the Code does not state when minutes should be provided Groups should be mindful that the minutes are required to keep people informed of the work of the Group. Draft minutes can be published on the webpage so these should be provided as soon as practicably possible after the meeting. Approved minutes should be provided as soon as they have been approved by the Group; and
- annual return forms – which must be provided no later than 30 calendar days after the AGM.

Question: When should financial and material support be disclosed, for example secretariat support?

Advice: The Committee would encourage groups to include as much detail as possible in registration and annual return forms on financial and material support to ensure their operation is as transparent as possible.

Section 6.3.2 of the Code of Conduct sets out the information that a proposed group must provide in its registration form, including:

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\(^1\) If an MSP wants to add additional staff to this list, please contact the Chamber desk.
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.

6.3.8 states that:

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.

Similarly, information on financial benefits must be provided where a CPG re-registers (6.3.14) and in each annual return form (6.4.7).

The rules provide for an individual to provide secretariat to a group either as an individual in a voluntary capacity or as an employee of an organisation. They do not allow for an individual to volunteer their time on behalf of an organisation.

The only circumstances where an individual can volunteer their time is if they are listed as a member of the group in an individual capacity.

Under no circumstances is attributing a financial value to secretariat support intended to discourage an organisation from providing support or imply any impropriety; it is simply intended to ensure that there is transparency about where a Group’s support comes from.

The Committee appreciates that a number of people providing secretarial support will have distinct sets of circumstances. As ever, if secretaries supporting groups or group conveners are in any doubt as to what information to detail, for example in annual returns, they should contact the Standards clerks for advice on 0131 348 6924 or at crosspartygroups@scottish.parliament.uk

**Question:** How often should a CPG meet?

**Advice:** CPGs must meet at least twice a year; one of these meetings must be an AGM which should include the election of office bearers. If Groups are unable to hold the election of office bearers at the Groups AGM, or if office bearers need to change for any reason, elections can be held electronically, further information is available in Volume 3, Sections
6.3.2-6.3.4 of the Code of Conduct.

**Question:** How will the Standards, Procedures and Public Appointments Committee monitor CPGs?

**Advice:** The Clerks to the Standards, Procedures and Public Appointments Committee will produce a report twice a year for the Committee, this will inform the Committee of the activities of all Groups for the previous six months.

**Question:** When should an AGM be held?

**Advice:** The AGM should be held on, or before, the anniversary that the Group was established (the date of establishment is the date that the Group held its initial meeting, where the office bearers were elected and not the date that the Group was accorded recognition) and each year thereafter. As stated above the AGM should include the election of office bearers. The AGM notification should be sent to the Cross-Party Group mailbox 10 calendar days prior to the meeting and minutes should be produced as per the procedure for a standard meeting. The annual return should be produced and agreed at the AGM, this should be sent to the Cross-Party Group mailbox 30 calendar days after the AGM.

**Question:** What happens if the CPG does not comply with the Code of Conduct?

**Advice:** Any CPGs that are not adhering to the Code of Conduct will be notified to the Standards, Procedures and Public Appointments Committee, the Committee will then decide on what action should be taken against CPGs, the Convener of the Group will most likely be invited to a formal committee meeting to discuss why the Code of Conduct is not being adhered to.

**Question:** What information can a CPG put on its webpage?

**Advice:** In addition to the information on the CPG Registration Form, advance notification of meeting details (which should be posted at least 10 calendar days in advance of the meeting) minutes and the annual return form, which must be provided, we can post agendas and links to external websites (on receipt of the appropriate paperwork). You may wish to note that you are required to seek permission from the Convener of the Group should you wish to add a link to an external website.
Question: Who can make updates or changes to the information on CPG?

Advice: As the Convener of the Group is an MSP we can accept the following changes/documentation to the CPG information from a member of staff of the Convener who has been formally delegated authority (formal delegation is recognised as staff members who are able to send PQs and Motions on behalf of the Member):

- Registration form;
- Update to MSP membership;
- Update to office bearers;
- Annual return form.

The following changes/information can be provided by the secretariat of the Group or a member of staff of the Convener who has been formally delegated authority:

- Changes to the Non-MSP membership of the Group;
- Agendas; and
- Meeting notifications
- Draft minutes;
- Final minutes.

Question: What services do the Standards Clerks provide to support CPG activities?

Advice: The Standards Clerks provide the following services in relation to CPG activities:

- Guidance on general issues relating to the regulation of CPGs under the Code of Conduct;
- Maintaining and updating individual CPG webpages;
- Clerks will contact Groups to remind them of their responsibilities to adhere to the Code of Conduct if Clerks are made aware that Groups are not complying to the Rules i.e. if Groups meet but have not sent a meeting notification, if Groups do not send minutes/annual return forms etc.; and
- Reporting all Groups activities to the Standards, Procedures and Public Appointments Committee twice yearly.

Question: Does a CPG have to hold a meeting in order to carry out the election of office bearers?

Advice: No, elections can be carried out electronically. Volume 3 of the Code sets out guidance on this at Sections 6.3.2-4. The exact manner in
which such elections are conducted is for each CPG to determine in
light of the guidance.

Question: Can SP staff be members of CPGs?

Advice: The line on this that was provided by HR (in 2005) is as follows—

We have no hard and fast rule about this and we would expect
people to exercise their judgement. If they want to participate
they should seek guidance from HR. Our response would
depend on the person's job and how much contact and/or
influence they have with members but even if it was someone in
a back of the house job we would not encourage such
participation.

The Staff Handbook says that we must not speak in public on
matters of national or local political controversy. In my view,
participation in this type of group would constitute speaking out
in public on such matters and I would be hard pushed to
approve an application.