Stewart Stevenson MSP  
Convener  
Standards Procedures and Public Appointments Committee  
c/o Room TG.01  
The Scottish Parliament  
Edinburgh  
EH99 1SP

26 March 2014

Dear Stewart

Thank you for your letter of 10 March 2014 about the Cross Party Group on Chronic Pain and the complaint you have received about the Secretary to the Group.

I am replying on behalf of Jackson Carlaw MSP and John Wilson MSP as Co-Conveners of the CPG and this response has been discussed with them. I have also received information from the Secretary of the Group on which I have drawn to provide this response.

I note the process outlined in your letter for dealing with complaints and the Code of Conduct for Cross Party Groups.

Firstly let me say at the outset that the work undertaken by Jacquie Forde as Secretary of the Cross Party Group is entirely voluntary. Whilst she is a Director of the Wellbeing Alliance, her work is part-time. She deals with the work arising from the Cross Party Group in her own time.

Secondly, the annual return submitted by March 2013 was in fact for 2011/12. It was completed by Pain Concern but submitted by Jacquie Forde following her election to the Secretariat of the CPG at the AGM in 2012. I understand that there was some time spent in pursuing the previous secretariat for the information to complete the return. Whilst Ms Forde was described as a Director of the Health Inequalities Alliance, it was clear that her work would be in an entirely voluntary capacity. This was confirmed by the recent annual return in which she describes herself as providing support on a voluntary basis.

Thirdly, it is the case that when Jacquie Forde joined the Cross Party Group she was the Director of the Health Inequalities Alliance. I am advised by her that she ceased
her interest as a Director in December 2012. The first reference made to the Wellbeing Alliance in any of the documentation I have is in November 2012. Both the Health Inequalities Alliance and the Wellbeing Alliance appear to be registered at the same address at 11-12 Newton Terrace, Glasgow. That said, irrespective of which organisation she is involved with, Jacquie Forde serves the Cross Party Group in a voluntary capacity.

I hope this assists you in considering the complaint.

Yours sincerely,

Jackie Baillie MSP
Co-Convener, CPG on Chronic Pain
Dear Jackie

I am writing to you in your capacity as the Convener of the Cross Party Group on Chronic Pain. The SPPA Committee has received a complaint from an individual who is questioning whether the Secretary to the Group is providing material support on behalf of an organisation and, if so, whether this should be registered, and the financial value of this support declared.

The SPPA Committee, under the terms of the Code of Conduct, is responsible for the consideration of complaints against CPGs. I am therefore undertaking the initial investigation of the complaint on behalf of the Committee. I attach the full complaints process followed by the Committee for your reference.

I appreciate that you will wish to discuss this with the Secretary to the Group. Beyond these discussions I should be grateful if this complaint is kept confidential at this stage. In accordance with the complaints procedure (attached), depending on what course of action the Committee decides to take, details of the complaint and associated correspondence may become public at a later stage.

You will be aware that section 6.3.2 of the Code of Conduct sets out the information that a proposed group must provide in its registration form, including:

- 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 also 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).

Implicit in complying with these rules is that, if an individual is providing material support on behalf of a particular organisation, this should be stated in the registration form (or re-registration information) and in subsequent annual returns.

I note that the annual return submitted in March 2013 describes the elected Secretary of the Group as ‘Jacqueline Forde of the Health Inequalities Alliance’. The annual return dated June 2013 states ‘Secretariat support supplied on a voluntary basis by Jacquie Forde’. On the basis that this support is recorded as voluntary, the value of this material support is not detailed.

The complaint received argues that it ‘seems arguable that the time [the Secretary] donates might be regarded as a cost on the Wellbeing Alliance’ and that on this basis the associated value of this support should be disclosed. The complainer suggests that the Health Inequalities Alliance was a predecessor to the Wellbeing Alliance. I should be grateful for your view on this matter.

To enable me to progress the consideration of this complaint I should be grateful if you could respond to this letter within two weeks of receipt.

Yours sincerely

[Signature]

Stewart Stevenson MSP
Convener
Standards, Procedures and Public Appointments Committee
Complaints process for CPGs

This guidance sets out the approach that the SPPA Committee will take to any complaints received about Cross Party Groups.

The process is intended to allow the SPPA Committee to respond fairly and proportionately to any complaints received. It therefore provides for a more informal approach to investigating minor complaints whilst allowing the Committee to undertake formal consideration where necessary, including imposing sanctions.

Complaints about the use of parliamentary resources by CPGs will be considered by the SPCB and are not covered by this process. The process outlined in this guidance only applies to complaints which do not relate to parliamentary resources but to other rules in Section 6 of Volume 2.

The Committee has delegated steps 1 to 4 to the Convener. These responsibilities can also be delegated to the Deputy Convener if required.

Complaints process

- **Step 1** – the Convener establishes whether the complaint falls within the responsibilities of the SPPA Committee and whether it meets the admissibility criteria set out in Section 9.1 of volume 3. Where a complaint is not admissible, the Convener will dismiss it at this stage.

- **Step 2** – where a complaint is admissible, the Convener writes to the complainer confirming this and advising how it will be investigated. If necessary further information is requested from the complainer at this point. The complainer will be advised that the information they provide, including their name, may be published if the Committee decides the complaint requires a formal report to Parliament. The complainer will also be advised that the complaint should remain confidential while it is being investigated.

- **Step 3** – where necessary the Convener writes to the Convener of the CPG being complained about inviting them to respond and provide relevant evidence. The CPG Convener would also be informed that such correspondence could become public and that the complaint should remain confidential. The CPG Convener may involve the secretary to the group and other office-holders in preparing a response. If the complaint relates to the behaviour of an individual MSP in the group then that individual may be invited to provide a separate response to the complaint.

- **Step 4** – once the Convener is content that sufficient information is available, the Convener reports to the Committee.

- **Step 5** – the Committee considers the Convener’s report on the complaint and agrees how to deal with it. Available options include—
  
  a) *Dismiss the complaint* if there has been no breach of the Code;
b) *Find that there has been a breach of the Code but that the breach is not sufficiently serious to impose sanctions.* The Group may be advised of any steps they must take to comply with the Code. The Committee may (but will not necessarily) publish the complaint letter, correspondence and the Committee’s conclusions;

c) *Remove recognition from the Group.* Any decision about removing recognition will be made at an SPPA Committee meeting, announced publicly and set out in a Committee report. When considering this option, the Committee will first give the CPG an opportunity to make representations either orally or in writing.

d) *Find that there has been a breach of the Code which warrants sanctions being imposed on an individual MSP.* If the Committee wishes to recommend imposing sanctions on the Convener or another group member, the Committee will make this decision at an SPPA Committee meeting, announce it publicly and publish a report recommending to Parliament that sanctions be imposed. This would be followed by a Parliamentary debate and vote on the proposed sanctions. If sanctions are being considered, the MSP will first be given an opportunity to make representations either orally or in writing.

e) *Find that the matter should be referred to the Commissioner for further investigation.* If, exceptionally, the Committee considers that the facts of the matter require further investigation, the Standards Commissioner may be directed to investigate the complaint and report to the Committee.