GUIDANCE ON USE OF PARLIAMENTARY RESOURCES DURING A EUROPEAN ELECTION CAMPAIGN

Foreword

1. The Notice of Election for the European Parliamentary Elections in the Scotland Electoral Region was published on 15 April 2019. As you will be aware, the elections will proceed unless the UK leaves the EU by 22 May. If contested, the poll will take place on 23 May with votes being counted on Sunday 26 May (with a few exceptions). The results will be announced on Monday 27 May.

2. If the elections do go ahead on 23 May, it is important to note that we are now in the regulated period for campaign spend which started on 23 January. The Electoral Commission has published guidance on the elections, including guidance on campaign spending, on their website. We have also prepared the following guidance for Members and their staff on the use of parliamentary resources.

Expenses and Resources

3. Members are assured that the general principle and priority for all resources provided by the SPCB remains the same. That is, that we will continue to provide support to Members in carrying out their parliamentary duties. These Parliamentary duties do not include Members' activities that are wholly in relation to that Member’s role as a party spokesperson or representative.

4. Parliamentary resources must therefore not be used to any significant extent for any other purpose including any party political purpose nor must they be used for election campaigning. For clarity, resources provided for parliamentary purposes and not available to Members in relation to the European Parliamentary Elections include (but are not limited to):

- Parliamentary stationery and office equipment such as photocopiers and printers
- The parliamentary mail system
- Parliamentary e-mail accounts
- Members' websites whose setup and/or maintenance costs are paid from the Reimbursement of Members' Expenses Scheme
- Members' local offices for campaign activity or the display of campaign materials
- Meeting rooms in the Parliament or local offices

Newsletters and publications

5. Under the SPCB’s policy on Members’ publications, Members are prohibited from issuing parliamentary funded publications within the 3 month regulated period prior to a European Election. Given the particular uncertainty surrounding the timing of these European Parliament Elections, the SPCB
has taken the decision to make an exception to the policy on this occasion. Members will be able to continue to issue parliamentary funded publications during the regulated period up until the date of the election on 23 May 2019 provided that they continue to meet the requirements of the policy.

6. Members’ attention is particularly drawn to the requirement to ensure that any publications issued do not include material which promotes, criticises or campaigns for or against anyone seeking election. **Members who wish to issue a publication between now and 23 May must therefore seek approval from the Allowances Office on any draft prior to printing.**

**MSPs Staff**

7. The Reimbursement of Members’ Expenses Scheme sets out that during the hours that they are employed by an MSP, a Member’s employee may not undertake any significant party political activity. Campaigning or assisting in the campaign during European Parliamentary Elections would constitute “significant party political activity”. Should you be in any doubt about what is covered by this provision, it is suggested that you contact the HR Office for advice.

8. Members’ employees may participate in the election campaign outwith contracted hours or provided they take unpaid leave (or paid accrued annual leave) to do so. In this instance Members must be able to demonstrate that the employee is on leave and they must ensure that parliamentary monies or facilities are not used for the purposes of political campaigning.

9. If a Member’s employee is intending to stand at the election, the Member may allow the employee unpaid leave (or paid accrued annual leave) to campaign. If the employee is elected and actively performs his/her role as an MEP, unless the role is performed entirely outwith the employee’s contracted hours, this would be in conflict with the Scheme. The employee may also be in breach of their employment contract.

10. Members should also be aware that if one of their employees is in a paid role linked with the election, for example as an Election Agent, they should be required to take unpaid leave (or accrued annual leave) during this period.

**Financial Assistance for Registered Political Parties**

11. The SPCB makes payment in accordance with the Scottish Parliament (Assistance for Registered Political Parties) Order 1999 to assist a political party represented in the Parliament with any expenses incurred by the party to enable them to perform their parliamentary duties. As this money is specifically paid in connection with a party’s role in the Parliament (and is audited at the end of a financial year) it must not in any way be used in connection with the European election campaign.
News Conferences and Media Briefings

12. External parties’ news conferences and media briefings must not be held at the Parliament. Members are, however, permitted to call/host news conferences or media briefings in their parliamentary role, supported by an external party, provided it is not connected to party political campaigning or electioneering.

Complaints Procedures

13. Under the Reimbursement of Members’ Expenses Scheme, the SPCB may investigate any improper or alleged improper claim. Where, following such an investigation (whether as a result of a complaint or claim submitted) the SPCB finds that a Member has submitted an improper claim, the SPCB may report to the Standards, Procedures and Public Appointments Committee and may recommend the removal of all or part of the Member’s entitlement to reimbursement of expenses under this Scheme for such period and to such extent as the SPCB may specify.

14. Under the Code of Conduct, complaints about use of SPCB facilities and services are to be made to the SPCB. The SPCB may refer any complaint relating to the use of Parliamentary facilities and services to the Standards, Procedures and Public Appointments Committee, together with a recommendation for action.

Conclusion

15. The above material is not exhaustive. It is intended to draw attention to the main issues which will be of relevance to a Member of the Parliament and their staff during the European election campaign.

16. The following contact points are provided to provide further information:

   Expenses: Allowances Office, extension 86609
   HR Issues: HR Office, extension 86500
   Postage and Stationery: Facilities Management Office, extension 85130
   Use of Corporate Identity: Public Information & Resources, extension 86232
   Meeting Rooms: Facilities Management Office, extension 85140
   News conferences: Media Relations Office, extension 85389
   Complaints about use of resources: SPCB Secretariat, extension 85307/86222

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