



The Scottish Parliament
Pàrlamaid na h-Alba

Information Management and Governance
Scottish Parliament
Edinburgh
EH99 1SP

foi.officer@parliament.scot

11 March 2022

Dear Requester

REQUEST FOR INFORMATION: 2022-671804

We acknowledge your request for the following information:

In a previous FOISA request I was advised that the procurement activities of the Scottish Parliamentary Pension Scheme (SPPS) do not require to comply with the common requirements of public procurement. In follow-up to this:

- *please could I have a plain English explanation of the reason why SPPS is not a contracting authority*
- *please could I have an explanation of how SPCB is not, or if it is, how SPPS is not (a contracting authority)*
- *confirmation that not being a contracting authority provides exemption from procurement regulations*
- *copies of the procurement policies and handbooks for SPCB and, if different, SPPS*
- *a breakdown of spend by supplier for SPPS for each of the years from 2010 to present with dates contracts for signed and the contractual periods*

Your request was received on 14 February 2022 and has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

Responding to each part of your request in turn, the position is as follows:

- ***please could I have a plain English explanation of the reason why SPPS is not a contracting authority***

The Scottish Parliamentary Pension Fund vests in and is administered by the Fund trustees who are made up of current and pensioner members of the pension scheme, and who are appointed in accordance with the rules set out in the Schedule to the Scottish Parliamentary Pensions Act 2009. The Fund is

a contributory fund, financed by MSP contributions. The SPCB also contributes a percentage to the Fund as advised by the Government Actuary.

The Regulations provide that other bodies, who are governed by public law, will also be covered by the Regulations.

The Regulations define a “body governed by public law” as a body that has legal personality, is established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character and which—

(a)

is financed for the most part by the State, regional or local authorities, or by any other body governed by public law;

(b)

is subject to management supervision by any such authority or body; or

(c)

has an administrative, managerial or supervisory board more than half the members of which were appointed by anybody referred to in sub-paragraph (a)”.

We considered that the Fund trustees do not fulfil those criteria. The trustees do not have legal personality and the Fund was not “established to meet needs in the general public interest”. It is not therefore necessary to consider the secondary criteria, but the trustees receive no remuneration for their role, and the Fund is contributory, with a small contribution from the SPCB, nor are the trustees subject to the control of the SPCB. Representatives of the SPCB may attend trustee meetings by invitation only. Lastly, the trustees are appointed by the Parliament on a motion of the SPCB, acting on the recommendation of the political parties.

- please could I have an explanation of how SPCB is not, or if it is, how SPPS is not (a contracting authority)

- confirmation that not being a contracting authority provides exemption from procurement regulations

Responding to parts 2 and 3 together, the SPCB is specified as a contracting authority under the heading of “central government authority” in Schedule 1 to the Regs, for the purposes of the Public Contracts (Scotland) Regulations 2015. It must conduct its procurements in accordance with the Regulations.

The activities of the trustees are not covered by the Regulations.

- copies of the procurement policies and handbooks for SPCB and, if different, SPPS

The SPCB’s procurement policy can be viewed on our website - [Scottish Parliamentary Corporate Body \(SPCB\) procurement policy | Scottish Parliament Website](#)

As this information is publicly available on the Scottish Parliament website we have provided a section 25 notice in terms of the technical requirements under FOI(S)A.

The SPCB does not have a procurement handbook. Further details on procurement processes can be found on our archive website - <https://archive2021.parliament.scot/abouttheparliament/65740.aspx>

The SPCB does not hold procurement policies or handbooks for SPPS.

In line with the technical requirements of FOI(S)A we have provided a notice advising that the information you have requested in relation to the procurement handbook and procurement policies or handbooks for the SPPS is not held by the Scottish Parliament.

- a breakdown of spend by supplier for SPPS for each of the years from 2010 to present with dates contracts for signed and the contractual periods

Please find attached a spreadsheet setting out the charges through the SPPS accounts for spend by supplier.

For each of the suppliers the position is as follows:

Auditors (BDO/PKF) – The contract with PKF ran from 2009 to 2013 based on a one year rolling basis, and the current contract with BDO started in 2013 (PKF merged with BDO in 2013). Extensions to the contract are made on an annual basis at the sole discretion of the Trustees.

Government Actuaries (GAD) – Contract awarded in 2011, continues until terminated by either party with 3 months' notice.

SPPA – Four-year contract from 1 April 2013 to 31 March 2017. Five-year contract from 1 April 2017 to 31 March 2023 with option to extend by 24 months by agreement with both parties.

Insurance (Aegon Scottish Equitable) – This was an insurance policy to pay the cost of any death in service lump payable under the pension scheme. The trustees decided to self-insure so let the policy lapse after 2010/11.

In keeping with our FOI procedures, this information may also be posted on the Parliament's disclosure log (usually within 24 hours). For further details on the Parliament's Disclosure Log and the information released under FOI, visit:

<https://archive2021.parliament.scot/abouttheparliament/17700.aspx>

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<https://www.parliament.scot/about/copyright>

We would welcome feedback or comment on how we handled your request. Please feel free to contact the Head of Information Governance at foi.officer@parliament.scot

Please find below Annex A, which explains how we handle FOI requests and reviews.

We are currently working remotely and so would ask you to contact us by email at foi.officer@parliament.scot

Yours sincerely,

Robin Davidson
Head of Information Governance

REQUESTS MADE UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

How we handle FOI requests

Information on how we handle FOI requests is available on the Parliament's website at:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Alternatively, please contact the Public Information & Resources Team to request a copy.

<https://www.parliament.scot/contact-us>

Review

If you are dissatisfied with the way in which we have dealt with your request for information, you can ask us to review our decision and actions. You must do this in writing (or other permanent form) within 40 working days of the date of this letter, stating the reasons for your dissatisfaction, and we will respond within 20 working days of receipt. A request for a review should be made to the Head of Information Governance:

Post: Head of Information Governance
The Scottish Parliament
Edinburgh
EH99 1SP
Telephone: 0131 348 5281

We welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: foi.officer@parliament.scot

Application to the Scottish Information Commissioner

If, on the outcome of any review, you are still dissatisfied, or if we are unable to resolve any other complaint, then you can contact the Scottish Information Commissioner:

Post: The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Email: www.itspublicknowledge.info/Appeal

Telephone: 01334 464610

Fax: 01334 464611

Website: www.itspublicknowledge.info

A decision by the Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

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Feedback or comment

We would welcome feedback or comment on how we handled your request. Please contact the Head of Information Governance.

Data Protection

If you wish to find out more about how we use your personal data then you can access our Privacy Notice at the following link:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Complaints

If you are dissatisfied with the way in which we dealt with your enquiry, then you may wish to raise the matter with Public Information and Resources.

How to contact us

Post: The Scottish Parliament
Edinburgh
EH99 1SP

Telephone: 0131 348 5000
0800 092 7500 (Public Enquiries)
0131 348 5395 (Gàidhlig)

We also welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: info@parliament.scot