

## **REIMBURSEMENT OF MEMBERS' EXPENSES SCHEME – POLICY ON MEMBERS' PUBLICATIONS**

### **Executive summary**

1. The SPCB is invited to discuss the Policy on Members' Publications in respect of the restriction during the period preceding parliamentary and local government elections and to determine if it wishes to make any changes to the policy.

### **Issues and Options**

2. The SPCB's current Policy on Members' Publications (attached at Annex A) was approved by the SPCB on 14 November 2012 (SPCB paper 64 - 31 October 2012). It effectively sets out the terms under which Members may use parliamentary resources to meet the costs of producing and distributing publications which inform constituents about the work of the Parliament or the way in which they have carried out their parliamentary duties in the Parliament or locally within the constituency or region for which they were elected.
3. The policy is mandatory, rather than advisory, for all Members, as set out in the Code of Conduct. This specifies (Volume 2, Section 7.2) that "Members must abide by the policies that are adopted by the SPCB".
4. The Allowances Office issued a notice to all Members on 7 September 2016 to advise that parliamentary funded publications, including electronic publications, may not be delivered during the period from 4<sup>th</sup> January until 4<sup>th</sup> May 2017. This is in respect of the four months preceding the local government elections.
5. The SPCB is invited to note that it has previously made a limited exception to this restriction in respect of 'circular letters' on local issues during the four months preceding UK elections, EU elections and national referenda. This was on the basis that such local issues could not be perceived as a misuse of parliamentary resources for political campaigning purposes.
6. The Corporate Body is invited to discuss feedback from Members on the application of this policy and to determine if it wishes to make any changes to the policy.

### **Resource Implications**

7. There are no resource implications.

**Governance issues**

8. The SPCB is responsible for setting the policies that cover Members' use of parliamentary resources.

**Publication Scheme**

9. This paper can be published in accordance with the SPCB's publication scheme.

**Decision**

10. The SPCB is invited to determine if it wishes to make any changes to the Policy on Members' Publications.

Finance and Security Group  
September 2016

## SPCB POLICY ON MEMBERS' PUBLICATIONS

### General

1. Members may only use parliamentary resources to meet the costs of producing and distributing publications which inform constituents about the work of Parliament or the way in which they have carried out their parliamentary duties in the Parliament or locally within the constituency or region for which they were elected. For the purpose of this policy document, a publication is: an annual report, newsletter, circular letter, leaflet, survey or web material used to contact or consult with constituents or local groups, or to provide information about how to contact a Member.
2. Circulated publications must not be distributed outside a Member's electoral area. Regional Members are also reminded that, under rule 8.1.5 of the Code of Conduct for Members, they have a responsibility to all those in the region for which they were elected and they must work in more than two constituencies within their region.
3. The Parliament's corporate identity must appear in the following format on any parliamentary funded publication.



The Scottish Parliament  
Pàrlamaid na h-Alba

The SPCB policy on the use of the corporate identity can be found at <http://www.scottish.parliament.uk/intranet/53128.aspx>

4. Where costs have been incurred in the printing and/ or preparation of any such publication it **must** include a note which is clearly visible in the following terms:

**'The costs of this publication have been met out of parliamentary resources'.**

### Content

5. Publications funded from parliamentary resources must be factual and relate to the Member's work as a parliamentarian.
6. Parliamentary funded publications must not include:
  - .Any material that promotes the political views of any person, political party, the government, or other organisation involved in political campaigning;
  - Any material that criticises any person, political party, the government, or other organisation involved in political campaigning;
  - Any material that promotes, criticises or campaigns for or against

- anyone seeking election;
- Material likely to provide a personal benefit to a Member or other person or organisation;
- Communications that are non-parliamentary in nature including greetings messages or which promote commercial enterprises;
- Fundraising of any kind.

7. Publications can refer to the “Scottish Government” or the “Government”, but must not refer to the Government by party. Any reference to a government initiative should be factual in nature and directly related to how it impacts on the Member’s electoral area.

8. As set out in paragraph 6 above, surveys or any other publication paid for from parliamentary resources must not be used for party political or campaigning purposes and therefore constituents’ personal data cannot be made available to third parties including, in particular, political parties or national political campaign organisations.

9. To make this clear to constituents, any survey or publication must therefore include the following disclaimer:

**‘The personal data provided in this survey is to inform my parliamentary work and will not be shared with third parties including campaign or political organisations’**

10. When seeking information from constituents in the form of a survey or other publication, Members must comply with the Data Protection Act 1998.

11. A breach of the Data Protection Act could have significant repercussions including a substantial fine, a claim for compensation from an individual who has been distressed or damaged by reprocessing, or a Member or a member of their staff could be committing an offence.

12. The policy on content also applies to material made available on websites funded out of parliamentary resources. Members may provide links to external websites provided there is a disclaimer highlighting that the SPCB has no responsibility over the content of such websites.

### **Use of logos**

13. Members may include in a publication a reference to their party affiliation together with the description of their electoral status alongside their name. However, it is not acceptable to incorporate such information beside the Parliament’s corporate identity. Where a Member refers to their parliamentary political party it should only be by using the following template:

“[Communication] issued by [Name]

Member of the Scottish Parliament for [constituency/ region] (party affiliation in brackets)”

14. The use of political party logos or political campaign emblems is not permitted on any parliamentary funded publication. Photographs used must be free of party political or campaign material.

15. A parliamentary publication funded jointly with an MP, MEP or local councillor can use the Parliament's corporate identity alongside the Westminster/ European Parliament or local authority logo. Any joint publication must comply with this policy. The cost of a joint publication should be divided equally between the issuers.

### **Timing**

16. No publications prepared under this policy may be issued within 4 months of a Scottish parliamentary election, UK parliamentary general election, European parliamentary election, Scottish local government election or any national referendum. Members are responsible for ensuring that no publications are delivered to constituents beyond this deadline.

17. In the event of a Scottish parliamentary by-election or UK parliamentary by-election in a Scottish constituency, no publications prepared under this policy may be issued in the relevant constituency area between the date the by-election is called and the date of the by-election.

### **Costs**

18. The costs of a parliamentary funded publication including stationery, design, printing and distribution must be met from the Members' postage and stationery provision, the Office Costs provision of the Reimbursement of Members' Expenses Scheme or from both. Members who include any material not allowed under this policy must fund the whole cost of the publication personally.

19. Parliamentary printers or photocopiers must not be used to produce annual reports or newsletters.

**20. Members' attention is drawn to the Members' Code of Conduct (rule 7.2.1 & 7.2.2). Members are responsible for ensuring that this policy is fully complied with. Failure to do so may also expose the Member to allegations of misuse of parliamentary resources and the Member may be asked to repay any costs involved.**

21. While the responsibility rests with the Member to comply with the policy, should any Member wish to seek advice on the content of any publication to reduce the risk of any complaint being upheld a draft of the publication can be submitted to the Allowances Office for advice prior to printing (contact 0131 348 6609).