

DRAFT EUROPEAN ELECTION GUIDANCE FOR MEMBERS

Issue

1. The SPCB's views are sought on the draft European Election Guidance.

Discussion

2. As with other parliamentary elections we consider it is important to provide Members with guidance on what rules should be followed in relation to the use of parliamentary resources and facilities during the forthcoming European election campaign in May 2014.

3. We have prepared a draft (attached) based on previous guidance issued to Members at previous European parliamentary elections. As the Parliament will remain sitting during the European election campaign, we are not faced with the same range of issues we have with the Scottish Parliament elections.

4. There is, however, a significant difference this year in preparing such guidance as we are also preparing guidance on the use of parliamentary resources in the run up to the referendum. In general, while the rules on the use of parliamentary resources are the same for both, there are some specific issues relating to the referendum that we need to inform Members of and we are well aware that these must not be diluted in any way.

5. In these circumstances, the SPCB will wish to consider issuing the European parliamentary elections guidance in advance of the referendum guidance which should follow later. We would suggest that there should be at least a week between the issuing of both documents.

Resource Implications

6. There are no resource implications in preparing and issuing the guidance to Members.

Publication

7. This paper will be published in line with the SPCB's publication scheme.

Decision

8. The SPCB is invited to consider and agree the attached draft guidance.

USE OF PARLIAMENTARY RESOURCES DURING A EUROPEAN ELECTION CAMPAIGN

Foreword

1. With an election being called for the European Parliament on 22 May 2014 the following document has been prepared on the use of the Parliament's resources, facilities and staff.
2. This document should be read in conjunction with the existing SPCB policies on the use of resources and the principles and rules set out in the Reimbursement of Members' Expenses Scheme. The Members' Code of Conduct provides that all Members are responsible for ensuring that any SPCB policy is fully complied with.
3. The document has been produced to ensure that all Members and their staff are aware of the rules covering the use of parliamentary resources, both on the parliamentary campus and in local offices, which will continue to apply during the European election period. It also tries to ensure that all candidates in the election should, as far as possible, operate on a level playing field as far as the Parliament is concerned.
4. Members are assured that the general principle and priority for all resources provided by the SPCB remains the same. That is, they will continue to be provided to support Members with their parliamentary duties. However, they must not be used to any significant extent for any other purpose including any party political purpose.

Expenses and Resources

5. The Reimbursement of Members' Expenses Scheme provides that all the expenses referred to in the Scheme are to be used **only** for the purpose of Members carrying out their parliamentary duties.
6. These Parliamentary duties do not include a Member's activities that are wholly in relation to that Member's role as a party spokesperson or representative. Party activities, and activities in connection with the European election, are therefore wholly outside the scope of the parliamentary duties which are covered by the Reimbursement of Members' Expenses Scheme.
7. The SPCB's policy on the use of parliamentary stationery and office equipment stipulates that it must not be used for party political purposes. Material in relation to the European election campaign must therefore not be photocopied or printed using parliamentary equipment. Parliamentary stationery, pre-paid and other envelopes provided by the Parliament and the parliamentary mail system may not be used for the issue of election material or material of a party political nature.
8. Parliament e-mail accounts should not be used for political purposes, such as canvassing, campaigning or use of the account as a prospective candidate's

contact point. These accounts can only be used in connection with parliamentary duties. The same applies to the Parliament's telephone system and also the Parliament's postal address. Contact points cannot be given as any part of the parliamentary complex nor can campaigning be done using either of these systems.

9. Members' websites whose setup and/or maintenance costs are paid from the Reimbursement of Members' Expenses Scheme should not be used for campaigning in any way.

Local Office Accommodation

10. The Reimbursement of Members' Expenses Scheme makes it clear that a Member's office must not be used for party political activities of any kind, and this includes the display of political campaigning materials.

MSPs Staff

11. 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 a European election would constitute "significant party political activity". Should you be in any doubt it is suggested that you contact the HR Office.
12. However, 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.
13. If a Member's employee is intending to stand at the election the Member should allow the employee unpaid leave (or paid accrued annual leave) to campaign. If the employee is elected and is actively performing his/her role as an MEP, then this employee will be unable to fulfil his/her contract of employment with the employing Member since this could lead to a conflict of interest and Members' staff (during contracted hours of employment) are prohibited from undertaking any significant party political activity.
14. Members should ensure that their staff paid for out of their expenses do not use the facilities of the Parliament for campaigning and do not use their positions within the Parliament to attack other candidates or prospective candidates.
15. 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.
16. Section 7.6 of the Code of Conduct provides that Members will be held responsible for the behaviour of their staff within the parliamentary complex

and in their dealings with other Members, other Members' staff and parliamentary staff.

17. Should you have any concerns on any issue relating to staff you are strongly advised to contact the HR Office as early as possible.

Financial Assistance for Registered Political Parties

18. 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.

Meeting Rooms in the Parliament

19. At present Members are able to 'sponsor' events and to book meeting rooms on the parliamentary complex in relation to such events but these must not be party political. During the period of the European election campaign, any meeting rooms in the Parliament must not be used for the purpose of election campaigning.

News Conferences and Media Briefings

20. 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.

Parliamentary Questions

21. The criteria for admissibility that Parliamentary Questions must meet are covered in Standing Orders (Rule 13.4). As at present the Clerks will ensure that any Questions meet the criteria set out before they are accepted. There is nothing in Standing Orders which would prevent questions on issues which are "live" in the election campaign being admitted provided they meet the admissibility criteria.

General

22. Parliamentary services will continue to operate as normal during the run-up to and through-out the European election period, but must not be used as any part of the election campaign.
23. Staff of the Parliament are employed by the SPCB to provide an impartial service to the Parliament and its members. Members should therefore not ask staff at any time to act in any way which would conflict or call into question

their political impartiality, or which would give rise to criticisms that people paid from public funds are being used for party political purposes.

Complaints Procedures

24. Under the Reimbursement of Members' Expenses Scheme, the SPCB may investigate any improper claim. Where, following such an investigation, 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.
25. 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 and Public Appointments Committee together with a recommendation for action.

Conclusion

26. The above material is not exhaustive. It is intended to do no more than 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.
27. The following contact points are provided to provide further information:

Parliamentary Questions/ Motions: Chamber Desk, extension 85181
Expenses: Allowances Office, extension 86609
HR Issues: HR Office, extension 86838
Postage and Stationery: Facilities Management Office, extension 85130
Use of Corporate Identity: Public Information Office, extension 86023
Meeting Rooms: Facilities Management Office, extension 85130
News conferences: Media Relations Office, extension 85389
Complaints about use of resources: SPCB Secretariat, extension 85307/
86222

Scottish Parliamentary Corporate Body
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