

# Review of Cross-Party Groups

## Consultation response -

### Coalition for Racial Equality and Rights (CRER)

Jatin Haria, Executive Director of CRER, is the current Secretary for the Cross Party Group on Racial Equality in Scotland. CRER views Cross Party Groups as an important mechanism for debate and informative discussion between MSPs and wider civil society; we therefore welcome the opportunity to contribute to this review.

**Question 1:** What do you understand the role of CPGs in the Scottish Parliament to be?

This issue has been the subject of recent discussion between the Secretariat and Convenor of the CPG, as well as more broadly within the membership. There are two main strands of opinion on this. The first is that (in line with the official code of conduct on the operation of CPGs) CPGs are intended to provide a forum for discussion on particular subjects between MSPs of varying political allegiance, and may also involve non-Parliamentary groups and individuals with particular expertise or interests. This, in practice, allows groups and individuals to lobby MSPs in a more structured and cohesive way than they could otherwise do. CRER is inclined to agree with this perspective. However, many non-Parliamentary members of the CPG on Racial Equality in Scotland have expressed a wish for the CPG to have a broader remit which would include a degree of campaigning work, including making statements on issues of importance and exerting influence on policy making processes as a group. CRER believes that this approach has much value but may not necessarily be appropriate in the context of a Cross Party Group; the non-party political nature of the Group could make it difficult for MSP members to engage in this type of action. Any action of this sort would also be limited by the fact that CPGs expressly have no powers with regard to formal introduction of issues within Parliament or Government systems. Whilst we do not propose a specific remedy for this conflict, it would be useful if the review could acknowledge the difficulties faced by Cross Party Groups in meeting the expectations and priorities of both Parliamentary and non-Parliamentary members within the existing remit.

**Question 2:** What benefits does the existence of CPGs bring to non-MSPs in

terms of engagement with MSPs and the work of the Scottish Parliament?

For many non-Parliamentary CPG members, Cross Party Groups are the main point of contact with MSPs. This is particularly the case for smaller Voluntary Sector or volunteer-led organisations. One of the main strengths of the CPG system is that it allows non-Parliamentary members (and others who do not participate in the group) to easily identify a selection of MSPs with a particular interest in their subject area who may be receptive to information or lobbying activities. The opportunity to engage with these members on a personal level is valuable, and the group setting makes this easier to arrange and more cohesive – non-Parliamentary members often wish to put forward similar issues for discussion and the group setting allows a wealth of knowledge and experience to be explored. As an incidental benefit, CPGs can provide a useful introduction to lobbying for those with no previous experience, and allow them to build practical knowledge of parliamentary issues through engagement with MSP members.

**Question 3:** Do you consider that the Code could be clearer on the process for establishing and registering a Cross-Party Group? If so, please provide comments as to any specific elements of the process that, in your experience, could be improved.

The Code is relatively clear regarding these processes, however the processes could be regarded as overly bureaucratic, especially considering the limited role and lack of formal powers held by CPGs.

**Question 4:** The Code of Conduct requires that a Group's overall membership profile must be "parliamentary in character". What do you understand the term "parliamentary in character" to mean in the context of Cross-Party Groups and is the minimum requirement of 5 MSP members sufficient to meet this requirement?

This issue is the subject of some discussion and, at times, difficulty. There are obvious benefits to ensuring that the group is primarily 'parliamentary in character' in guaranteeing a degree of engagement from Parliamentarians. Ideally, a CPG might primarily consist of interested MSPs, with a core group of non-Parliamentary members who have capacity for regular engagement and arrangements for other non-Parliamentary members to engage at suitable times. In practice, however, very few MSPs consistently attend – this would most likely be the case regardless of the minimum formal requirement for membership. Each CPG has a number of committed MSP members, however

with MSPs' volume of work, difficulties in timing meetings and the sheer number of CPGs in existence, ensuring an effective Parliamentary membership is very difficult. It is suggested that the review team should work closely with MSPs to identify ways to make sure MSP members of CPGs actively engage.

**Question 5:** When applying for recognition, CPG conveners must submit two forms, one of which must be submitted in hard copy. Would it benefit CPGs if the forms were combined and electronic submission was accepted for this single form?

Agreed – this would be simpler.

**Question 6:** CPGs are required to register any financial or material support received from a single source in a calendar year which has a total value of more than £500. This £500 threshold is close to the threshold above which individual MSPs are required to register gifts in their Register of Interests. Do you consider that the £500 threshold is appropriate and should be retained?

The threshold remains appropriate at the moment, however it should be reviewed on a regular basis to take account of cost increases. The threshold is necessary to ensure that any potential for financial influence is transparent. However, it would not be appropriate for an organisation meeting the basic costs of CPG activities to appear to be exerting financial influence as a result of exceeding the threshold.

**Question 7:** The Rules on All-Party Groups at Westminster require that, where secretariat services are provided by a consultancy or by a charity/not-for-profit organisation, the relevant organisation must agree to make certain information available on request. The information for a consultancy firm is its full client list and for a charity/not-for profit organisation is a list of any commercial company which has made a donation or donations of more than £5,000 in the twelve months prior to the request being made. Should a similar requirement be introduced for CPGs?

In the interests of transparency, this would be agreeable. However, with regard to donations, there should be a clear rationale on what should be disclosed due to the potential complexity of income from commercial companies; for example this could involve monetary donations, event sponsorship, grant or trust funding, project funding etc.

**Question 8:** Following a general election, CPGs have 90 days within which they can re-register, provided that there is no significant change to the information registered in the previous Session. Due to the changes in MSPs that arise following an election, the process that must be followed for reregistration is largely similar to that for the initial registration of a Group. The Parliamentary timetable also means that the re-registration period carries into the summer recess, during which the election of office bearers cannot be carried out, meaning that CPGs wishing to re-register must arrange and hold their first meetings before the start of the recess.

What are your views on whether—

- the re-registration provision should be retained, and if so
- the re-registration period should exclude days when the Parliament is in recess?

The re-registration provision should be retained, however it would appear simpler to exclude days when Parliament is in recess.

**Question 9:** The Code states that “to maintain and guarantee the Parliamentary nature of CPG meetings, at least 2 MSP members of a Group must be present at every meeting”. Is the 2 MSP quorum sufficient to ensure the Parliamentary nature of CPG meetings? Should there be a requirement that the MSPs present should represent more than one of the political parties represented on the Group?

This again raises the conflict between the desirability of a ‘primarily Parliamentary character’ and the practical aspects of arranging CPG meetings. It would be desirable to ensure that a broad range of MSPs engage with each CPG. However, simply enhancing the rules on attendance would be unlikely to increase attendance by MSPs. Instead it could penalise otherwise effective CPGs who, at times, fail to attract sufficient numbers to meetings. Current issues around poor attendance by many MSP members must be therefore be explored and addressed before a more stringent attendance requirement is introduced.

**Question 10:** Should CPGs be required to hold a minimum number of meetings per year? If so, what should the minimum number be?

This would depend on the number found to be effective by members. Our group operates a schedule of approximately quarterly meetings, which is found to be effective, however for other subject areas less frequent meetings could still be beneficial.

**Question 11:** All Groups are required to hold an annual general meeting and to elect office bearers every twelve months. As Groups must elect officer bearers for the purpose of both initial registration and re-registration, do you consider that there would be any benefits to introducing a single date by which all Groups must hold their AGM? For example, if the Parliament's first meeting of a Session was on 11 May, would the 11 May in each successive year be a suitable date by which an AGM must be held?

Given the difficulties in establishing suitable meeting dates, this could cause difficulties for groups currently holding their AGMs around that time. It should therefore only be actioned if the review team has evidence to suggest that AGMs are not being appropriately held, and should provide a 'settling in' period for the first year if the rules are introduced close to the date. Furthermore, given the primarily parliamentary nature of CPGs and their limited role, we would question whether annual elections through AGMs are strictly necessary; for the sake of consistency and minimised bureaucracy, elections could alternatively be held once per Parliamentary term (with appropriate further elections if office bearers resign).

**Question 12:** The Code currently provides that there are limitations on the use of Parliamentary resources to support CPG meetings. What are your views on these limitations? (Note: this does not apply to CPG events which are subject to the same terms and conditions as any other MSP-sponsored event held under the SPCB events policy.)

Given that CPGs are intended to be primarily parliamentary in character, these limitations are impractical. In effect, they result in a situation where CPGs rely heavily on the support of non-Parliamentary members. It is suggested that the review team should consult MSP members on clarifying and perhaps reducing these limitations.

**Question 13:** The Convener of a Group is held primarily responsible for ensuring that the Group operates in compliance with the Code of Conduct and has to sign a declaration to that effect. Do you have any views on whether this should continue or if the provisions should be changed to extend the responsibility to all MSP office bearers of a Group?

The responsibility should lie with all MSP office bearers. Particularly in relation to ensuring the primarily parliamentary character of the group and ensuring

that meetings are quorate, it is unfair to place entire responsibility upon the Convenor.

**Question 14:** Groups are required to provide an annual report (submitted within 30 days of their AGM) which includes current membership and membership changes, a financial statement, the number of meetings held and any additional information that the Group wishes to provide. Should Groups be required to include additional information, such as the topics discussed at each meeting, number of MSP and non-MSP attendees and details of any reports or papers published by the Group?

A brief overview of the main topics discussed and the work of the group would be desirable. This would make the operation of groups more transparent without adding significantly to the workload of preparing an annual report.

**Question 15:** At present, the SPPA Committee has not delegated to the Standards clerks any role in ensuring that CPGs are aware of and comply with the key rules relating to the administration of CPGs. What are your views on whether it would be of assistance to CPGs if the Standards clerks were to perform such a role in relation to matters such as the notification of CPG meetings, updates to registration details and deadlines for submission of documentation?

This could be useful as it would allow greater consistency in dealing with ineffective CPGs. This role could also usefully include provision of accessible information on the overall role and operation of CPGs, particularly for non-Parliamentary members – the Code of Conduct is not particularly user-friendly and does not significantly outline what non-Parliamentary members should expect from the CPGs.

**Question 16:** Do you have any other comments on the operation of the CPG system in the Scottish Parliament?

We recommend that the review team particularly consider a) how the remit of CPGs can be clarified and communicated to all members, and most importantly b) how CPGs can attract more consistent and meaningful engagement from MSP members.