

MALCOLM CHISHOLM MSP



The Scottish Parliament  
Pàrlamaid na h-Alba

17<sup>th</sup> March 2014

Mr Stewart Stevenson MSP  
Convenor  
Standards, Procedures and Public Appointment Committee  
The Scottish Parliament

Dear Stewart,

Thank you very much for your letter concerning Jackie Forde who is Secretary of the Cross Party Group on Health Inequalities of which I am Co-Convenor.

I should say probably as introduction that I believe the complaint about Jackie Forde is a vexatious complaint fuelled by a shoddy piece of journalism. That however is just my personal opinion and is probably not of any particular interest to you but I thought I should begin by saying that.

On your particular question, Jackie Forde has assured me and yourself that the support she provides to the Cross Party Group on Health Inequalities is on a voluntary basis. She points out that she took advice from the Standards Clerks when she completed the annual return and she discussed with them the fact that she did not cost any of her work to any business. I believe that in these circumstances it is not necessary to put a monetary value on the work that she does.

I would add as I did my letter to the Sunday Herald that Jackie Forde is a superb Secretary and without her the Group would not function. I am concerned that this kind of complaint may discourage the voluntary provision of secretarial services and this would be bad for the Parliament in general and Cross-Party Groups in particular.

I hope this is an adequate response to your letter but please get in touch if you wish me to say more.

Yours sincerely,

MALCOLM CHISHOLM



## **Standards, Procedures and Public Appointments Committee**

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10 March 2014

Dear Malcolm

I am writing to you in your capacity as one of the Co-Conveners of the Cross Party Group on Health Inequalities. The SPPA Committee has received a complaint from an individual who is questioning whether the Secretary to the Group is providing material support on behalf of an organisation and, if so, whether this should be registered, and the financial value of this support declared.

The SPPA Committee, under the terms of the Code of Conduct, is responsible for the consideration of complaints against CPGs. I am therefore undertaking the initial investigation of the complaint on behalf of the Committee. I attach the full complaints process followed by the Committee for your reference.

I appreciate that you are one of three Co-conveners for the Group. I have contacted you as you are listed on the annual return as the Group's main contact. I appreciate that you will wish to discuss this with your Co-Conveners and also with the Secretary to the Group. Beyond discussions between yourself and these individuals, I should be grateful if this complaint is kept confidential at this stage. In accordance with the complaints procedure (attached), depending on what course of action the Committee decides to take, details of the complaint and associated correspondence may become public at a later stage.

You will be aware that section 6.3.2 of the Code of Conduct sets out the information that a proposed group must provide in its registration form, including:

- Details of any financial benefits (including material assistance such as secretariat support) received from a single source that have a value, either singly or cumulatively, of over £500 per year.

6.3.8 also states that:

As noted at 6.3.2, there can be a value, and therefore a financial benefit to a Group in the provision of secretariat support. If a Group receives secretariat support from an employee of an external organisation, the value of any time that employee spends on supporting Cross-Party Group activities should be calculated and, if over £500 per year, registered. The only exception to this is where the secretariat is provided by an individual in their own time; in these circumstances it is not considered that any financial benefit is received by the Group.

Similarly, information on financial benefits must be provided where a CPG re-registers (6.3.14) and in each annual return form (6.4.7).

Implicit in complying with these rules is that, if an individual is providing material support on behalf of a particular organisation, this should be stated in the registration form (or re-registration information) and in subsequent annual returns.

I note that the most recent annual return details 'voluntary secretarial support from Jacquie Forde of the Wellbeing Alliance' totalling 32 days and that the value of this support is not detailed because this support 'is voluntary as an individual'.

The complaint received argues that it 'seems arguable that the time [the Secretary] donates might be regarded as a cost on the Wellbeing Alliance' and that on this basis the associated value of this support should be disclosed. I would be grateful for the joint view of yourself and the other Co-Conveners on this suggestion.

To enable me to progress the consideration of this complaint I should be grateful if you could respond to this letter within two weeks of receipt.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stewart Stevenson', with a stylized flourish at the end.

**Stewart Stevenson MSP**

**Convener**

**Standards, Procedures and Public Appointments Committee**

## Complaints process for CPGs

This guidance sets out the approach that the SPPA Committee will take to any complaints received about Cross Party Groups.

The process is intended to allow the SPPA Committee to respond fairly and proportionately to any complaints received. It therefore provides for a more informal approach to investigating minor complaints whilst allowing the Committee to undertake formal consideration where necessary, including imposing sanctions.

Complaints about the use of parliamentary resources by CPGs will be considered by the SPCB and are not covered by this process. The process outlined in this guidance only applies to complaints which do not relate to parliamentary resources but to other rules in Section 6 of Volume 2.

The Committee has delegated steps 1 to 4 to the Convener. These responsibilities can also be delegated to the Deputy Convener if required.

### Complaints process

- **Step 1** – the Convener establishes whether the complaint falls within the responsibilities of the SPPA Committee and whether it meets the admissibility criteria set out in Section 9.1 of volume 3. Where a complaint is not admissible, the Convener will dismiss it at this stage.
- **Step 2** – where a complaint is admissible, the Convener writes to the complainer confirming this and advising how it will be investigated. If necessary further information is requested from the complainer at this point. The complainer will be advised that the information they provide, including their name, may be published if the Committee decides the complaint requires a formal report to Parliament. The complainer will also be advised that the complaint should remain confidential while it is being investigated.
- **Step 3** – where necessary the Convener writes to the Convener of the CPG being complained about inviting them to respond and provide relevant evidence. The CPG Convener would also be informed that such correspondence could become public and that the complaint should remain confidential. The CPG Convener may involve the secretary to the group and other office-holders in preparing a response. If the complaint relates to the behaviour of an individual MSP in the group then that individual may be invited to provide a separate response to the complaint.
- **Step 4** – once the Convener is content that sufficient information is available, the Convener reports to the Committee.
- **Step 5** – the Committee considers the Convener's report on the complaint and agrees how to deal with it. Available options include—
  - a) *Dismiss the complaint* if there has been no breach of the Code;

- b) *Find that there has been a breach of the Code but that the breach is not sufficiently serious to impose sanctions.* The Group may be advised of any steps they must take to comply with the Code. The Committee may (but will not necessarily) publish the complaint letter, correspondence and the Committee's conclusions;
- c) *Remove recognition from the Group.* Any decision about removing recognition will be made at an SPPA Committee meeting, announced publicly and set out in a Committee report. When considering this option, the Committee will first give the CPG an opportunity to make representations either orally or in writing.
- d) *Find that there has been a breach of the Code which warrants sanctions being imposed on an individual MSP.* If the Committee wishes to recommend imposing sanctions on the Convener or another group member, the Committee will make this decision at an SPPA Committee meeting, announce it publicly and publish a report recommending to Parliament that sanctions be imposed. This would be followed by a Parliamentary debate and vote on the proposed sanctions. If sanctions are being considered, the MSP will first be given an opportunity to make representations either orally or in writing.
- e) *Find that the matter should be referred to the Commissioner for further investigation.* If, exceptionally, the Committee considers that the facts of the matter require further investigation, the Standards Commissioner may be directed to investigate the complaint and report to the Committee.