

Standards, Procedures and Public Appointments Committee

15th Meeting 2013 (Session 4), Thursday 21 November 2013

Cross Party Groups – six monthly monitoring report

Introduction

1. The Standards, Procedures and Public Appointments (SPPA) Committee is responsible for overseeing the Cross Party Group (CPG) system including—

- deciding whether to accord recognition to proposed Groups;
- assessing whether Groups are functioning in line with the terms of the Rules on CPGs (Section 6, Volume 2 of the Code of Conduct); and
- considering any complaints submitted to the Committee under the terms of the Code.

2. To set the work of Groups in context, the SPPA Committee's report on last year's review of CPGs notes that the CPG system forms an important part of the work of MSPs. CPGs undertake valuable work, allowing for information sharing and collaboration within the policy community and providing MSPs with information that aids them in scrutinising the Scottish Government in committees, in the chamber and through written questions¹.

Background

3. The Committee agreed, as part of its review into Cross-Party Groups, to consider a report every six months to look at how Groups were functioning. The previous SPPA Committee considered such reports annually. The current SPPA Committee agreed that considering reports at six monthly intervals would allow the Committee to keep a more active watching brief on the work of groups, thus enabling the Committee to make robust decisions about the effectiveness of the whole CPG system and, where necessary, pursue any concerns on the functioning of individual groups with the relevant Conveners.

4. The Committee can take written and oral evidence from Groups which it is concerned may not be functioning effectively and, in exceptional circumstances, may agree to remove recognition from a Group, causing it to disband.

Implementation of Review recommendations

5. As with the previous monitoring report that was presented to the Committee at its meeting on 23 May 2013 there has been a positive response from Groups to the changes introduced following the review, with a noticeable increase in the level of information readily being provided to the Standards clerks.

¹ [Standards Procedures and Public Appointments Committee, 9th Report 2012 \(Session 4\): Review of Cross Party Groups, paragraph 2](#)

6. Again, the number of annual reports submitted that inform this report is considerably higher than the number submitted to the predecessor Committee. This demonstrates that the increased monitoring role performed by Standards clerks is already proving to be effective.

7. The review gave the Standards clerks a stronger role in encouraging Groups to comply with the Code. This allowed the clerks to prompt Groups when they did not provide certain pieces of information on time, for example notifications of meetings, minutes or annual returns. It also empowered clerks to prompt Groups when the date for their Annual General Meeting was approaching.

8. Feedback from Groups demonstrates that they continue to find these reminders very useful in assisting them in complying with the Code of Conduct, as many of those providing secretariat support to Groups do this in addition to their 'day job' and often on a voluntary basis.

9. The Standards Clerks also provide assistance to Groups to ensure that the correct information on the annual return form is available to the SPPA Committee and the public.

Key facts

Overview of all Groups

10. Annexes A and B provide more details on Groups and on which of them have complied with the requirements of the Code. However, the following key facts provide an overview of how the system is operating²—

- during 2013 there were 84 groups in operation (a list of all Groups is attached at Annexe A);
- the total non-MSP membership (both for individuals and organisations) is currently 3,530 (an average of 42 non-MSP members per CPG); and
- at present one group is not compliant with MSP membership requirements. Further details are provided in Annexe B.

Since the previous report

11. The following developments have taken place since the committee considered its last review—

- 25 Groups are due to have held their AGMs, of these:
 - 21 Groups have held AGMs and their annual returns have been received;
 - two Groups have held their AGMs but the annual return forms are not yet due;
 - two groups have yet to hold their AGMs. Both of these have AGMs scheduled for later in the year;
- on average, each Group held approximately 3 meetings per year;

² This information and the information contained in the Annexes is up to date at Tuesday 12 November

- on average 5.33 MSPs attended each CPG meeting.
- 104 MSPs are members of CPGs

12. This is based on a total of 66 meetings of 21 CPGs and 356 instances of MSPs attending those meetings.

Outstanding from the previous report

13. From the last report in May 2013, 17 of the Groups who had outstanding annual returns have now submitted them. An analysis of the meetings held by those Groups shows—

- On average each of these groups held approximately 4 meetings per year;
- On average 3.33 MSPs attended each CPG meeting.

14. This is based on a total of 70 meetings of 17 CPGs and 236 instances of MSPs attending those meetings.

Work undertaken by Groups

15. One of the purposes of the new format of CPG monitoring report is to provide an opportunity to highlight some of the work that has been undertaken by Groups.

16. There are numerous examples of positive outputs from Groups detailed in the annual returns. For example, using a sample of annual returns submitted, the following activities can be highlighted—

- The CPG on Adult Survivors of Childhood Sexual Abuse held a meeting with the Cabinet Secretary for Justice to discuss corroboration and vulnerable witnesses;
- The CPG on Architecture and the Built Environment hosted an event as part of the Festival of Politics entitled “Is there a THERE here”;
- The Convener of the CPG on China, Graeme Pearson MSP held a members’ business debate in the Chamber on Enhancing Enterprise for Scotland and China;
- CPG on Food – heard a presentation on obesity and dietary goals;
- CPG on International Development – Heard from Bhopal survivors in 2012 and had a presentation on global education in Malawi; and
- CPG on Sport – held a session on elderly activity in sport

17. A number of Groups held joint meetings prior to the previous monitoring report. This time the CPG on Heart Disease and Stroke and the CPG on Palliative Care and the CPG on Health Inequalities and the CPG on Mental Health are the only Groups scheduled to hold joint meetings. The meetings are scheduled for December 2013.

Compliance with the Code

18. Annexe B provides details of meetings held by Groups, including AGMs. As detailed in the annexe, there are a few groups that have not done one or more of the following—

- notified the clerks 10 days in advance of holding a meeting;
- held an AGM within the required timescale; or
- met for over a year.

19. **The Committee is invited to consider whether it wishes to take any action in relation to any of these Groups. Depending on the nature of the non-compliance, the Committee could consider—**

- **writing to the Conveners of these Groups requesting an explanation; or**
- **inviting the relevant Conveners to appear before the Committee.**

Registration form

20. The Committee agreed to review the registration form after it had received three new applications from proposed Groups.

21. There have been applications from eight proposed Groups since that decision was taken. By considering the form as part of the monitoring report, the Committee can consider it in its broader context.

22. Those Groups were—

- Accident Prevention and Safety Awareness;
- Adult Learning;
- Culture;
- France;
- MS;
- Rare Diseases;
- Scottish Economy; and
- Towns and Town Centres.

23. The registration form is at Annexe C of this paper. A small change is proposed to the form. This is in track changes. The purpose of this change is to provide clarity for Groups completing the form.

24. **The Committee is now invited to discuss the registration form at Annexe C and confirm that it is content with the amendment to it.**

Data protection

25. Through discussions with the FOI office of the Scottish Parliament, the Standards clerks have been advised that the SPCB is responsible for any

information that Groups publish on the CPG webpage. This means that the clerks are required to check all agendas, minutes and annual return form for compliance with data protection legislation.

26. The Parliament's Head of Information Governance has provided data protection guidance for Groups and this is attached at Annexe D.

27. The Committee is invited to discuss the guidance at Annexe D and agree that it is content for clerks to send this guidance to Groups.

**Standards, Procedures and Public Appointments Committee
November 2013**

ANNEXE A

CPG
Accident Prevention and Safety Awareness
Adult Learning
Adult Survivors of Childhood Sexual Abuse
Animal Welfare
Architecture and the Built Environment
Armed Forces Veterans
Arthritis and Musculoskeletal Conditions
Asthma
Aviation
Cancer
Carers
Caribbean
Children and Young People
China
Chronic Pain
Colleges and Universities
Construction
Co-operatives
Credit Unions
Crofting
Cuba
Culture
Cycling
Deafness
Dementia
Diabetes
Digital Participation
Disability
Drugs and Alcohol Misuse
Dyslexia
Epilepsy
Fair Trade
Families Affected by Imprisonment
Food
France
Funerals and Bereavement
Gaelic
Germany
Golf
Health Inequalities
Heart Disease and Stroke

Housing
Human Rights
Human Trafficking
Industrial Communities
International Development
Learning Disability
Life Sciences
Malawi
Men's Violence Against Women and Children
Mental Health
Middle East and South Asia
MS
Muscular Dystrophy
Nuclear Disarmament
Oil and Gas
Older People, Age and Ageing
Pakistan
Palestine
Palliative Care
Park Homes
Poland
Postal Issues
Psoriasis and Psoriatic Arthritis
Racial Equality in Scotland
Rare Diseases
Recreational Boating and Marine Tourism
Renewable Energy and Energy Efficiency
Rural Policy
Russia
Science and Technology
Scotch Whisky
Scots Language
Scottish Showmen's Guild
Skills
Social Enterprise
Sport
Taiwan
Tibet
Tobacco and Health
Towns and Town Centres
Video Games Technology
Visual Impairment
Volunteering and the Voluntary Sector

ANNEXE B

Requirements to hold CPG meetings, including annual general meetings**Meetings**

- *Requirement in the Code – Groups must hold at least two meetings per year, and one of these must be the AGM. Meetings of a Group must be announced in advance via the Parliament website with meeting details notified to the Standards clerks at least 10 calendar days in advance of the meeting.*

81 Groups have met once in 2013. Of these, 72 have already had or have one, or more, further meetings scheduled for later in the year.

Of the 9 Groups that have only held one meeting and do not have a further meeting scheduled, five of these have not yet been established for a year and therefore not required to have held two meetings as yet. These are—

- Adult Learning – established 25 June 2013;
- Culture – established 4 September 2013;
- France – established 26 June 2013;
- MS – established 2 October 2013; and
- Rare Diseases – established 19 June 2013.

The four remaining Groups have been contacted by clerks to check if they intend to hold another meeting before 24 January 2014. This is the first anniversary of the new requirements coming into effect. These Groups are—

- Golf – last met 27 March 2013;
- Life Sciences – last met 21 May 2013;
- Poland – last met 1 May 2013; and
- Video Games Technology – last met 14 May 2013.

The following three Groups have not yet met since the changes came into effect in January 2013, and have no meetings scheduled—

- Dementia – last met on 8 February 2012 (this Group is now taking steps to rectify this and intends to schedule an AGM);
- Russia – last met on 28 November 2012; and
- Scots Language – last met on 12 December 2012

The following Groups have met but did not provide notification of these meetings – (all have been reminded that the Standards clerks should receive notifications of meetings 10 days prior to the meeting)—

- Cancer
- Disability
- Digital Participation

- Human Trafficking
- Palestine

Annual General Meetings

All information below is based on Groups that have been required to hold AGMs since the Committee's last monitoring report on 23 May 2013.

- *Requirement in the Code – Groups must hold an AGM once every 12 months following the date of the Group's establishment.*

25 Groups have been required to hold AGMs since 23 May 2013.

Of these 25 Groups 21 have held AGMs and submitted annual returns that were agreed at these meetings.

The remaining Groups were—

- **CPG on Malawi:** held its AGM on 29 October 2013. Its annual return form is not due until 28 November 2013;
- **CPG on Palestine:** was due to hold its AGM on 23 October 2013, and had one scheduled for 18 September 2013. The AGM was rescheduled for 6 November and the annual return is now due to be submitted by 6 December;
- **CPG on Cancer:** was due to hold its AGM on 13 September 2013. As a result of changes in staff this did not go ahead. The Group has now scheduled its AGM for 11 December 2013; and
- **CPG on Racial Equality:** should have held its AGM by 2 October 2013. The Group has now scheduled its AGM for 28 November 2013.

Annual returns still overdue from the last monitoring report

The following Groups were due to submit annual returns at the time of the Committee's consideration of its last 6-monthly monitoring report in May 2013. These returns have not been received—

- **CPG on Scots Language:** was due to hold its AGM on 27 March 2013. The Convener of that Group has advised the Standards clerks that, due to the Group considering another model of working, it has been in abeyance since December 2012. Clerks have contacted the Group on two occasions to request that it hold its AGM.
- **CPG on Dementia:** was due to hold its AGM on 22 May 2013. This was cancelled due to the resignation of the Convener, Mark McDonald, as an MSP (to fight the Aberdeen Donside by election) and none of the other MSP members of the Group were able to convene the AGM on that date. The Group was advised that it should hold an AGM as soon as possible. The Group is now taking steps to rectify this and intends to schedule an AGM.

Office Bearers

- *Requirement in the Code – Cross Party Groups must have at least 2 MSP office bearers*

The CPG on Dementia is the only Group at present that does not fulfil the requirement for office bearers. The Group only has one office-bearer. The Group is now taking steps to rectify this.

ANNEXE C

A small change is suggested to the form, to ask for Groups to provide the purpose of the Group. Currently the form asks for an explanation of the purpose of the Group but does not explicitly ask Groups to state what that purpose is.

This became apparent at the consideration of the proposed Group on the Scottish Economy where it was not obvious from the form what the purpose was.

CROSS-PARTY GROUP REGISTRATION FORM

NAME OF CROSS-PARTY GROUP	
Cross-Party Group on <SUBJECT>	
PURPOSE OF THE GROUP AND PROPOSED DISCUSSION TOPICS	
<p>1. Please state the purpose of the Group.</p> <p>1.2. Please also provide a brief explanation of the purpose of the Group and why the purpose is in the public interest.</p> <p>2.3. Please also provide details of any overlaps with the purpose of existing Cross-Party Groups and an explanation of why, regardless of any such overlap, the Group should be established.</p> <p>3.4. Please also provide an indication of the topics which the Group anticipates discussing in the forthcoming 12 months.</p>	
MSP MEMBERS OF THE GROUP	
Please provide names of all MSP members of the Group. Note that only names need to be provided, no party designation or other information is required.	
NON-MSP MEMBERS OF THE GROUP	
For organisational members please provide only the name of the organisation, it is not necessary to provide the name(s) of individuals who may represent the organisation at meetings of the Group.	
Individuals	
Organisations	
GROUP OFFICE BEARERS	

Please provide names for all office bearers. The minimum requirement is that two of the office bearers are MSPs and one of these is Convener – beyond this it is a matter for the Group to decide upon the office bearers it wishes to have. It is permissible to have more than one individual elected to each office, for example, co-conveners or multiple deputy conveners.

Convener	
Deputy Convener	
Secretary	
Treasurer	

FINANCIAL BENEFITS OR OTHER BENEFITS

Please provide details of any financial or material benefit(s) the Group anticipates receiving from a single source in a calendar year which has a value, either singly or cumulatively, of more than £500. This includes donations, gifts, hospitality or visits and material assistance such as secretariat support.

SUBSCRIPTION CHARGED BY THE GROUP

Please provide details of the amount to be charged and the purpose for which the subscription is intended to be used.

CONVENER CONTACT DETAILS

Name	
Parliamentary address	
Telephone number	

STATEMENT ON COMPLIANCE WITH THE CODE OF CONDUCT

I declare that the Cross-Party Group on <SUBJECT> is constituted and will comply with the terms of Section 6 of the Code of Conduct for Members of the Scottish

Parliament.	
Signed	
Date	

Annexe DData Protection Guidance for Cross-Party Groups

This guide is intended to provide information and practical advice about the requirements of the Data Protection Act 1998 so that all Cross-Party Group participants are informed about the standards, processes, principles and terminology required when personal data is being handled. The regulator for Data Protection is the UK Information Commissioner and you can access comprehensive information about data protection from the Commissioners Office here:

http://www.ico.org.uk/for_organisations/data_protection

Does the Act affect you?

If you or other participants in your Cross-Party Group are handling personal data from which it is possible to identify a living individual, either directly from that information or from additional information which is in (or likely to come into) the possession of anyone processing that data about an individual then you must follow the requirements of the Data Protection Act 1998.

If you think your personal data is being processed by a third party then you have rights to find out how that data is being handled and the reasons for this. If you think your personal data is being processed in a way that is inappropriate then you can ask the Information Commissioner to investigate this:

http://www.ico.org.uk/for_the_public

Terminology

Processing: The term “processing” covers almost every use of data from the moment it is obtained, to the method of recording, retrieving, disclosing and destroying the data.

Formats: Personal data can be held in many different formats, in hard copy, as e-mails or other correspondence, photographs or as a combination of these. If the data enables a living individual to be recognised then it is likely to meet the criteria to be “personal”. It makes no difference if the information is held on a computer, laptop, mobile phone, blackberry or in hard copy, if the content is personal then the data must be handled in line with the requirements of the Data Protection Act.

Data Subject: The person whose data is being considered.

Data Controller: Those individuals who determine the manner in which processing is carried out. Within your Cross-Party Group for example, the Convener may be the data controller and this should be determined and agreed when the Group is first set up.

Consent: The Data Protection Act requires you to obtain consent from an individual before processing any of their personal data. This consent may be given verbally or in writing and you may want to agree the way in which consent is supplied within your Cross-Party Group as soon as the group is established.

Sensitive Personal Data refers to the following types of personal data which require written consent from the data subject before processing:

- a) The racial or ethnic origin of the data subject,
- b) his political opinions
- c) his religious beliefs or beliefs of a similar nature
- d) whether he is a member of a trades union
- e) his physical or mental health or condition,
- f) his sexual life
- g) the commission or alleged commission by him of any offence, or
- h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings

The Data Protection Principles set out the key requirements of the Data Protection Act and state that:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Further information about the Data Protection Principles is available here:

http://www.ico.org.uk/for_organisations/data_protection/the_guide/the_principles

Rights Of The Data Subject:

Subject to Sections 8 and 9 of the Act, an individual is entitled

- (a) to be informed by the data controller whether personal data of which the individual is the data subject are being processed by or on behalf of the data controller,
- (b) if that is the case, to be given by the data controller a description of_
 - (i) the personal data of which the individual is the data subject
 - (ii) the purpose for which the individual is the data subject
 - (iii) the recipients or classes of recipients to whom they are or may be disclosed
- (c) to have communicated to him in an intelligible form-
 - (i) the information constituting any personal data of which that individual is the data subject, and
 - (ii) any information available to the data controller as to the source of these data, and
- (d) where the processing by automatic means of personal data of which the individual is the data subject for the purpose of evaluating matters relating to him such as for example his performance at work, his creditworthiness, his reliability or his conduct, has constituted or is likely to constitute the sole basis for any decision significantly affecting him, to be informed by the data controller of the logic involved in that decision making.

Data Protection Subject Access Requests

Should a member of a Cross-Party Group receive a request from an individual for information held about them, this is known as a subject access request and the data controller must respond within 20 calendar days and provide the information held about the individual by the group as set out above. Further information about subject access requests is available here:

http://www.ico.org.uk/for_organisations/data_protection/subject_access_requests

Sometimes the data subject's data is mixed in with someone else's data and cannot be separated from it. Information about what to do in those circumstances is available here:

http://www.ico.org.uk/upload/documents/library/data_protection/detailed_specialist_guides/dealing_with_subject_access_requests_involving_other_peoples_information.pdf

Security Measures

It is absolutely vital to keep any personal data held by the group in a secure way especially if the information includes sensitive personal data. Processes for securing personal data should be agreed by the group at the outset and reviewed regularly. The UK Information Commissioner has powers to impose very serious financial penalties for groups who do not secure personal data correctly. Under no circumstances should personal data held by the group ever be downloaded onto a

device such as a USB which is not secure. Further information about putting in place the correct security measures is available here:

http://www.ico.org.uk/for_organisations/data_protection/security_measures

If your group loses personal data

If a breach occurs it is very important to have a recovery process in place and to notify the breach to the UK Information Commissioner's Office. Further information about this is available here:

http://www.ico.org.uk/for_organisations/data_protection/lose

Data Sharing

In certain limited circumstances it is possible to share personal data and the UK Information Commissioner provides practical advice to all organisations, whether public, private or third sector, that share personal data and covers systematic data sharing arrangements as well as ad hoc or one off requests to share personal data. Further information about data sharing is available here:

http://www.ico.org.uk/for_organisations/data_protection/topic_guides/data_sharing

Data Protection Notification

The UK Information Commissioner requires every data controller, organisation or sole trader to notify if they process personal data. If your Cross-Party Group processes any personal data you must notify, there is a £35 fee to notify. Advice, guidance and instructions about Notification are available from the UK Information Commissioners Office together here:

http://www.ico.org.uk/for_organisations/data_protection/registration

Need Further Advice?

Comprehensive information, advice and guidance about all aspects of data protection requirements are available from the office of the UK Information Commissioner here:

http://www.ico.org.uk/for_organisations/data_protection

Information about how the Scottish Parliament processes personal data is available here:

<http://www.scottish.parliament.uk/abouttheparliament/19146.aspx>

Associated information:

The Scottish Information Commissioner is responsible for Freedom of Information (Scotland) Act 2002 which enables anyone to make a request for information held by public authorities in Scotland subject to certain exemptions and further information about this is available here:

<http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.aspx>