



The Scottish Parliament
Pàrlamaid na h-Alba

Standards, Procedures and Public Appointments Committee

Gordon MacDonald MSP
By email

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2 March 2020

Dear Gordon,

I am writing in response to your email to the Committee of 30 October 2019 in which you proposed a change to the Code of Conduct to prohibit MSPs from working for firms that primarily perform a lobbying or parliamentary advice role.

The Committee considered your request at its meetings on 7 November and 5 December 2019, and 20 February 2020.

The Committee was sympathetic to your desire to ensure that there was no ambiguity in relation to the current provisions and looked at the potential to revise the Code very closely. However, the Committee considered that the existing rules in relation to lobbying were clear and it was concerned that your proposed change might result in further ambiguity in the Code.

The Committee considered that there was a particular challenge in striking a balance that would prohibit members from working in any capacity for the types of organisation which would be likely to cause most concern to the public, without restricting Members from working in any capacity for other organisations such as charities, trusts, and trade and professional bodies which also have a lobbying function. The Committee members felt that these types of organisations should not come under any prohibition.

The Committee also had concerns about the fact that the Rule change you propose would prevent MSPs from working for firms which lobby, even if the type of work they were engaged with had no connection with their role as Parliamentarians. MSPs might provide legal or accountancy services on a remunerated basis, for example, and the Committee felt that they should not be prevented from doing this where the services do not relate to lobbying or the provision of parliamentary advice. We considered that a Rule along the lines you suggested could interfere to a degree in Members' private life, which is not covered by the Code of Conduct. While this can be justified under

certain circumstances, the Committee, on balance, did not feel that the potential problem you identify was considerable enough to merit such an interference.

In considering the issue you raised, we also reflected on the adequacy of the existing provisions in Section 5 of the Code of Conduct which relates to Lobbying and Access to MSPs. We took the view that the Rules at Section 5, paragraph 7 - which already prohibits the acceptance of paid work involving lobbying, or the provision of services as a Parliamentary strategist, adviser or consultant – provided a clear prohibition of accepting such work and minimised the risk of damage to public confidence in the Parliament. These provisions are set out below.

Section 5, paragraph 7:

This section of the Code on General Conduct sets out the standards expected in relation to acceptance of hospitality, gifts and benefits. In addition to this and the statutory provisions in the 2006 Act, members—

- should not accept any paid work which would involve them lobbying on behalf of any person or organisation or any clients of a person or organisation;
- should not accept any paid work to provide services as a Parliamentary strategist, adviser or consultant, for example, advising on Parliamentary affairs or on how to influence the Parliament and its members. (This does not prohibit a member from being remunerated for activity, which may arise because of, or relate to, membership of the Parliament, such as journalism or broadcasting, involving political comment or involvement in representative or presentational work, such as participation in delegations, conferences or other events.)

The Committee also considered the Rule in the Code at Section 5, paragraph 2, which states that, “A Member should not, in relation to contact with any person or organisation who lobbies, act in any way which could discredit the Parliament”, provided further grounds for ensuring continued confidence in the Parliament.

The Committee is satisfied that these Rules, taken together, provide sufficient clarity on the standards expected of Members in relation to lobbying and make it clear to the public that Members cannot abuse their privileged position as Parliamentarians for financial gain.

Nevertheless, the Committee agreed to keep these Rules under close review over the remainder of the session in order to ensure that public confidence in the Parliament and MSPs was not undermined by the types of work undertaken by any MSPs in addition to their parliamentary duties.

Finally, the Committee agreed to write to all MSPs reminding them of these Rules and emphasising the importance of these rules in ensuring continuing public confidence in the Parliament.

I hope this letter is of some assistance in outlining the Committee's thinking about the issue of Members accepting jobs of this nature. I am placing the letter on the Committee's webpage along with my letter to all Members reminding them of their obligations.

Yours sincerely

A handwritten signature in black ink that reads "Bill Kidd MSP". The signature is written in a cursive style and is underlined.

Bill Kidd MSP
Convener
Standards, Procedures and Public Appointments Committee