

## **USE OF PARLIAMENTARY RESOURCES**

### **Executive summary**

1. A complaint has been received alleging the misuse of parliamentary resources by Christine Grahame MSP in the period up to the Scottish Parliamentary election on 6 May 2011. This paper covers a report detailing the complaint and the Member's response. The SPCB is invited to indicate how this complaint should be taken forward.

### **Issues and Options**

2. The complainant is Mr Mark Hirst, who until recently was employed on a full time basis by Christine Grahame MSP. Mr Hirst was recently dismissed from his employment by the Member, following a disciplinary process.

3. The complaint is that Ms Grahame misused PCs, printers, photocopiers, her local parliamentary office and staff for election and overtly party political purposes. In addition, the complainant states he was instructed to undertake party political work, during working hours, in preparation for the Scottish parliamentary elections of May 2011.

4. The attached report provides the SPCB with the detail of the allegations made by the complainant, the Member's response to each claim and also a consideration of the issues to assist the SPCB in reaching a decision on this matter.

5. Ms Grahame does not accept the veracity of the emails which Mr Hirst has submitted. She argues that it is very easy to re-edit or recreate emails and present them as authentic and original. She also points out that the email exchanges do not give any context to the discussions which she may have had with Mr Hirst about the particular subjects under discussion. As with the e-mails, Ms Grahame considers that the DVD recordings provided by Mr Hirst are selective and provide no context. They do not reflect discussions both before and after the recorded conversations took place.

6. The SPCB is invited to review all the material and determine whether or not there has been any misuse of resources for significant party political purposes. It is our view that the evidence presented suggests a possible breach in respect of e-mails B, E, G and H. In respect of the DVD recordings we consider that only in DVD recording 4 discloses a possible breach.

7. The attached report concludes that there have been instances of misuse of resources. Three of these amount to inappropriate use of a parliamentary email account. The fourth involves a similarly inappropriate use of a parliamentary email account and use of a parliamentary office for fund-

raising. The other concerns the production of a single document on the equipment provided in a parliamentary office.

8. If the SPCB agrees that a misuse of parliamentary resources has occurred, it will be necessary for consideration to be given to whether any sanction should be imposed.

9. In this case, it is difficult to allocate a monetary value to any of those instances highlighted above. Therefore, if the SPCB is minded to conclude that misuses have occurred as identified, issuing to the Member a letter of sanction would, in our judgement, be an appropriate course of action.

10. Should it be considered that the issue is more serious, the SPCB may refer the matter to the Standards, Procedures and Public Appointments Committee together with a recommendation for action. This could include, for example, the removal of all or part of a Member's entitlement to reimbursement of expenses in circumstances where the SPCB was satisfied that the monetary value of the misuse of resources could be ascertained.

### **Resource Implications**

11. There are no direct resource implications.

### **Governance issues**

12. In considering this complaint, the SPCB will wish to have regard to the current provisions in the Code of Conduct for Members of the Scottish Parliament, the Reimbursement of Members' Expenses Scheme, the SPCB policy on the use of resources, and guidance issued, all of which are summarised in the attached report.

### **Publication Scheme**

13. This paper and the attached report can be published although it does contain some information which is exempt under sections 38(1)(b) and (2)(a)(i) and 35(1)(g) and (2)(b) of the Freedom of Information (Scotland) Act.

### **Next steps**

14. To inform the complainant and the Member of the decision.

### **Decision**

15. The SPCB is invited to:

15.1. Review all the material and determine whether or not there has been any misuse of resources.

15.2. Consider whether any sanction should be imposed if it is determined there has been a misuse of resources.

Allowances Policy  
December 2011