The Committee will meet at 11.00 am in Committee Room 4

1. **Items in private**: The Committee will consider whether to take items 5 and 6 in private.

2. **Cross-Party Groups – Sexual Health**: The Committee will consider an application to establish a Cross-Party Group in the Scottish Parliament on Sexual Health.

3. **Cross-Party Groups – Drug Misuse**: The Committee will consider a request from the Convener of the CPG on Drug Misuse to revise the remit of the Group.

4. **Scottish Parliament and Business Exchange**: The Committee will consider a report from the Board of the Scottish Parliament and Business Exchange.

5. **Complaint**: The Committee will consider a report from the Scottish Parliamentary Standards Commissioner concerning the status of a complaint at Stage 1 of the investigative process.

6. **Complaint**: The Committee will consider a referral from the Scottish Parliamentary Corporate Body.

Dr Sam Jones
Clerk to the Standards Committee
Rm. 5.19, PHQ
Ext: 85239
email: samantha.jones@scottish.parliament.uk
Please find attached papers on the following:

**Cross-Party Groups:**
Application for a proposed Cross-Party Group in the Scottish Parliament on Sexual Health  
ST/S2/03/10/2

**Cross-Party Groups:**
Letter from the Convener of the CPG on Drugs Misuse  
ST/S2/03/10/3

**Scottish Parliament and Business Exchange:**
Cover note  
ST/S2/03/10/4

Letter from the Convener of The Exchange and the Report of the Board of the Scottish Parliament  
ST/S2/03/10/4

Official Report, 14th Meeting of the Standards Committee, 9 October 2002  
ST/S2/03/10/4

ST/S2/03/10/4

**Complaint:**
Report by the Scottish Parliamentary Standards Commissioner (private paper)  
ST/S2/03/10/5

**Complaint:**
Letter from the Scottish Parliamentary Corporate Body (private paper)  
ST/S2/03/10/6
CROSS-PARTY GROUPS IN THE SCOTTISH PARLIAMENT
(in alphabetical order and as at November 2003)

Animal Welfare
Architecture and the Built Environment
Asthma
Autistic Spectrum Disorder
Borders Rail
Business, Economy, Environment and Society
Cancer
Children and Young People
Chronic Pain
Construction
Crofting
Culture and Media
Cycling
Deafness
Drug Misuse
Epilepsy
Gaelic
Human Rights
International Development Group
International Trade and Investment
Kidney Disease
Learning Disability
M.E.
Men’s Violence against Women and Children
Mental Health
Nuclear Disarmament
Oil and Gas
Older People and Ageing
Palestine
Palliative Care
Refugees and Asylum Seekers
Renewable Energy
Scots Language
Scottish Contemporary Music Industry
Scottish Economy
Scottish Traditional Arts
Sports
Strategic Rail Services for Scotland
Survivors of Childhood Sexual Abuse
Textiles, Clothing and Footwear
Tobacco Control
Visual Impairment
Women
CROSS-PARTY GROUPS IN THE SCOTTISH PARLIAMENT

DECLARATION OF COMPLIANCE FORM – DC1

<table>
<thead>
<tr>
<th>DECLARATION FOR ESTABLISHMENT</th>
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<tbody>
<tr>
<td>An elected officer of the group who is a Member of the Scottish Parliament must sign this declaration.</td>
</tr>
<tr>
<td>This Member will be held primarily responsible for ensuring that the group complies with the Rules on Cross-Party Groups in the Scottish Parliament, including those on registration.</td>
</tr>
</tbody>
</table>

Failure to comply with or contravention of the Rules on Cross-Party Groups in the Scottish Parliament may result in a group’s loss of recognition as a Cross-Party Group and loss of access by the group to the Parliament’s facilities and any privileges generally accorded to recognised Cross-Party Groups. Such failure could also lead to penalties being imposed on a Member by the Parliament.

I declare that the Cross-Party Group in the Scottish Parliament on Sexual Health is constituted in accordance with the Rules on Cross-Party Groups in the Scottish Parliament as set out in the **Code of Conduct, Section 8.3**.

<table>
<thead>
<tr>
<th>NAME</th>
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<tbody>
<tr>
<td>Susan Deacon MSP</td>
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<tr>
<th>SIGNED</th>
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<tbody>
<tr>
<td></td>
<td>5th November 2003.</td>
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</tbody>
</table>
1. GROUP NAME  
Code of Conduct 8.5.6
Groups that have undertaken to comply with the rules on Cross-Party Groups may use the words *Cross-Party Group in the Scottish Parliament* in their title.

Cross Party Group in the Scottish Parliament on Sexual Health

2. GROUP PURPOSE  
Code of Conduct 8.2.5 and 8.3, Rule 1
A brief statement of the main purpose of the group. Groups are reminded that the Standards Committee will look very carefully at the proposed purpose of a group to satisfy itself that its purpose is Parliamentary in nature and of genuine public interest.

1 To raise awareness and to promote a broad understanding of sexual health issues, both in the Scottish Parliament and elsewhere.

2 To provide a forum for discussion of ideas and new developments in the field of sexual health, and share information and expertise.

3 To explore and research developments in sexual health policy and practice.
### 3. GROUP MEMBERS  
*Code of Conduct 8.3, Rules 2, 3, 8, 9 & 10*

When listing members, who are MSPs, only the MSP’s name need be given. For members from outwith the Parliament, the name of the member and any employer they represent must be given.

<table>
<thead>
<tr>
<th>MSPs</th>
<th>Non-MSPs</th>
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</thead>
</table>
| Susan Deacon  
Helen Eadie  
Linda Fabiani  
Marilyn Glen  
Robin Harper  
Patrick Harvie  
Carolyn Leckie  
Marilyn Livingstone  
Margo MacDonald  
Maureen MacMillan  
Keith Raffan  
Mary Scanlon  
Eleanor Scott  
John Scott  
Elaine Smith  
Margaret Smith  
Jean Turner | Ann Henderson, Parliamentary assistant, Susan Deacon MSP  
Mary Blackford, parliamentary assistant, Margo Macdonald MSP  
Catherine Murphy, parliamentary assistant, Elaine Smith MSP  
Dr. Gordon Scott, G.U.M. consultant, New Edinburgh Royal Infirmary  
Dr. Alison Bigrigg, Family Planning and Reproductive Health Care, Sandyford Initiative, Glasgow  
Shirley Fraser, co-ordinator, Sexual Health and wellbeing, National Learning Networks, NHS Scotland  
Yvonne Neilson, NHS Liaison officer, Organon Laboratories |

<p>| Organisations |</p>
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<tr>
<th>Organisation</th>
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<tbody>
<tr>
<td>Royal Pharmaceutical Society – Scottish Department</td>
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<tr>
<td>Royal College of Nursing (RCN)</td>
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<tr>
<td>Royal College of General Practitioners</td>
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<tr>
<td>British Medical Association (BMA)</td>
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<td>PHACe Scotland</td>
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<td>Family Planning Association Scotland (fpa Scotland)</td>
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<tr>
<td>LGBT Centre for Health and Wellbeing</td>
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<td>Zero Tolerance Trust</td>
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<td>Children in Scotland</td>
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<td>Healthy Respect</td>
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<td>UNISON Scotland</td>
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<td>Waverley Care Trust</td>
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<tr>
<td>LGBT Youth Scotland</td>
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<td>Childline Scotland</td>
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<tr>
<td>Sexual Health Team. Health Promotion Department, NHS Lanarkshire</td>
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<tr>
<td>Sexual Health Team, Health Promotion Dept, NHS Greater Glasgow</td>
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<tr>
<td>Non-MSPs (contd.)</td>
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</tr>
<tr>
<td>Individuals</td>
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</tbody>
</table>
4. GROUP OFFICERS *Code of Conduct 8.3, Rule 4*

Please amend titles as necessary e.g. to indicate joint office holders, or preferred titles.

<table>
<thead>
<tr>
<th>Role</th>
<th>Name(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Co-convenors</td>
<td>Susan Deacon MSP and Patrick Harvie MSP</td>
</tr>
<tr>
<td>Vice-Conveners</td>
<td>Carolyn Leckie MSP, Mary Scanlon MSP, and Margaret Smith MSP</td>
</tr>
<tr>
<td>Secretary</td>
<td>Secretariat to be provided by Katrina Mitchell at Phace Scotland</td>
</tr>
<tr>
<td>Treasurer</td>
<td>TBA</td>
</tr>
</tbody>
</table>

5. FINANCIAL OR OTHER BENEFITS RECEIVED *Code of Conduct 8.4.8*

The group must register any financial or other material benefit received by the group from whatever source, where the value of the financial sum or benefit from any single source exceeds £250 in any one calendar year. This includes donations, sponsorship, subscriptions, hospitality, gifts, visits, provision of services or accommodation or staff assistance. The value of use of Parliamentary facilities need not be registered.

The details requiring to be registered include a brief description of the benefit, the approximate monetary value, the date on which it was received and the source from which it came. Where a consultancy organisation provides benefits, the client on whose behalf these are provided should be named.

<table>
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<tr>
<th>Date</th>
<th>Amount</th>
<th>Description</th>
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</table>
6. GROUP SUBSCRIPTION  
*Code of Conduct 8.3, Rule 7*
Where a group charges or proposes to charge a subscription, this must be reasonable and the same for all members. The amount of the subscription should be registered and the purposes for which it is intended to use the subscription.

| Amount per group member per year | £10.00 for administration and meeting arrangements |

7. GROUP STAFF AS PARLIAMENTARY PASS HOLDERS
If a group makes use of staff issued with a Parliamentary pass, any paid activity undertaken by those staff where the employer benefits from the pass holder’s access to the Parliament must be registered. There is no need to state the amount of remuneration. The requirement relates both to staff employed directly by the group and to staff employed by an outside organisation to provide assistance to the group.

| Staff name | N/A |
| Title of post |
| Name and address of employer organisation |
| Type of employer organisation |
8. GROUP CONTACT  *Code of Conduct 8.4.4 and 8.5.1 – 8.5.5*

Please give the full details of an elected official of the group who is an MSP who will be the contact for registration matters for the group. Initially this must be the Member who signs the declaration on compliance with the rules on behalf of the group. If a group subsequently changes the designated contact, the office of the Standards Clerk must be informed within 7 days of the change.

<table>
<thead>
<tr>
<th>Name</th>
<th>Susan Deacon MSP</th>
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<tbody>
<tr>
<td>Parliamentary address</td>
<td>Room 4.6</td>
</tr>
<tr>
<td></td>
<td>PHQ</td>
</tr>
<tr>
<td>Telephone number</td>
<td>0131 348 5753</td>
</tr>
<tr>
<td>Constituency Office</td>
<td>0131 669 6446</td>
</tr>
<tr>
<td>telephone number</td>
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</table>
TENTH MEETING OF THE STANDARDS COMMITTEE
CROSS-PARTY GROUP – AMENDMENT TO REMIT

1. A copy of a letter from Keith Raffan MSP, Convener of the Cross-Party Group on Drugs Misuse is attached.

2. Mr Raffan wishes to extend the remit of the Cross-Party Group (CPG) to include alcohol misuse.

3. Also attached is the Group’s original application form for approval by the Committee, which was considered at its meeting on 28 June 2000.

4. Members will note that in accordance with the Rules on Cross-Party Groups, proposals to establish Cross-Party Groups must be submitted to the Standards Committee for approval. Whilst the Rules are silent on the amendment of a Group’s title and purpose, Members may consider it appropriate for the Committee to approve changes to a Group’s original purpose.

5. Members are invited to consider Mr Raffan’s request to amend the purpose of the Cross-Party Group on Drugs Misuse.

STANDARDS COMMITTEE CLERKS
NOVEMBER 2003
CROSS-PARTY GROUPS IN THE SCOTTISH PARLIAMENT

REGISTRATION FORM – RG2

1. GROUP NAME  *Code of Conduct 8.5.6*

Groups that have undertaken to comply with the rules on Cross Party Groups may use the words *Cross-Party Group in the Scottish Parliament* in their title.

Cross-Party Group in the Scottish Parliament on Drug Misuse

2. GROUP PURPOSE  *Code of Conduct 8.2.5 and 8.3, Rule 1*

A brief statement of the main purpose of the group. Groups are reminded that the Standards Committee will look very carefully at the proposed purpose of a group to satisfy itself that its purpose is Parliamentary in nature and of genuine public interest.

The aim of the Group is to examine the current policy – and practice – in responding to drug misuse in Scotland and to advise on, and promote, the development of realistic, evidence-based responses, which could assist in the reduction of the damaging consequences of drug misuse in Scotland.
3. GROUP MEMBERS *Code of Conduct 8.3, Rules 2, 3, 8, 9 & 10*

When listing members, who are MSPs, only the MSPs name need be given. For members from outwith the Parliament, the name of the member and any employer they represent must be given.

<table>
<thead>
<tr>
<th>MSPs</th>
<th>Non-MSPs</th>
<th>Organisations</th>
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<tbody>
<tr>
<td>Brian Adam</td>
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<td>Scott Barrie</td>
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<td>Dennis Canavan</td>
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<td>Cathie Craigie</td>
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<td>Alex Fergusson</td>
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<td>Donald Gorrie</td>
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<td>Christine Grahame</td>
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<td>Adam Ingram</td>
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<td>Sylvia Jackson</td>
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<td>Margaret Jamieson</td>
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<td>Johann Lamont</td>
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<td>Lyndsay McIntosh</td>
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<td>Kate Maclean</td>
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<td><strong>Scottish Drugs Forum</strong></td>
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<td>– David Liddell,</td>
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<tr>
<td>Graeme McArthur</td>
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<tbody>
<tr>
<td>Convener</td>
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</tr>
<tr>
<td>Vice-Convener</td>
<td>Brian Adam MSP, Sylvia Jackson MSP</td>
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<tr>
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| Name | Keith Raffan MSP |
| Parliamentary address | Room 3.5 PHQ |
| Telephone number | 0131 348 5800 |
| Constituency Office telephone number | 01738 566 100 |
TENTH MEETING OF THE STANDARDS COMMITTEE
THE SCOTTISH PARLIAMENT AND BUSINESS EXCHANGE

Background

2. The Exchange launched its own stocktaking exercise in February 2003 and, as part of this, examined the Committee’s recommendations. In a letter to the Deputy Convener on 1 July 2003, the Convener of the Exchange indicated that details of its response to the Committee’s report would be available in September. The report of the Board of the Exchange and a letter from its Convener are attached for the Committee to consider.

The Concerns of the Standards Committee
3. The Standards Committee’s concerns, as set out in its 9th Report 2002, related to three areas:
   - accountability;
   - confidentiality agreements and support to Members;
   - lobbying.

4. These concerns are addressed by the Board of the Exchange at paragraph 11 of its report:

   “Accountability: The Committee questioned the Exchange’s hybrid status as a separate company whilst being inextricably linked to the Parliament. It also felt that there were inadequate lines of accountability to the Parliament. The Strategy for the Way Forward addresses these issues.

   Advice to Members: The Committee held that an MSP had been given inadequate guidance in agreeing to sign a confidentiality agreement with the host company which had been potentially inconsistent with her obligations under the Code of Conduct. The Committee acknowledged, however, that procedures were now in place to ensure that confidentiality agreements were consistent with Members’ obligations under the Code of Conduct (set out in Annex 2).

   Lobbying: Whilst recognising the Exchange’s commitment to being non-lobbying, the Committee argued that there were insufficient arrangements in place to ensure that it remained so. Annex 3 shows the safeguards now in place. The Committee’s views will be sought.”

Conclusion
5. The Committee will wish to note that the Convener of the Exchange is inviting the Standards Committee to scrutinise the procedures of the Exchange Board (which have been developed to safeguard Members’ interests during participation in Exchange activities). This scrutiny could be carried out by the Committee through the receipt of written or oral evidence
or both. The Convener of the Exchange is also offering to copy the quarterly reports of the Exchange to the Standards Committee for scrutiny.

The Committee is invited:

-to note the contents of the letter from the Convener of the Exchange and the report of the Board on *The Way Forward for the Exchange* and to consider whether it wishes to respond to the Exchange’s conclusions;

-further to any decision to respond to the report of the Board, to consider and agree whether the Committee should take further written submissions or hear oral evidence;

-to consider and agree whether it wishes to receive a copy of the quarterly reports from the Exchange to the SPCB.

STANDARDS COMMITTEE CLERKS
NOVEMBER 2003

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1 The Official Report of the oral evidence session can be found on the website of the Scottish Parliament at: http://www.scottish.parliament.uk/S1/official_report/cttee/stan-02/st02-1401.htm

2 The 9th Report 2002 can be found on the website of the Scottish Parliament at: http://www.scottish.parliament.uk/S1/official_report/cttee/stan-02/str02-09-01.htm

The Board has concluded that the best way forward is to sustain and build upon the current structure in recognition of the value to be gained from the partnership that is developing between the Parliament and business and related interests. However, the Board also wishes to seek to strengthen accountability to Parliamentary interests. A key plank of the forward strategy is to broaden the base of opportunities available to MSPs as an early priority. I trust the Report conveys the thinking behind these conclusions but I am very happy to elaborate in discussion. Members of the Board would also be very happy to attend and answer any questions that Members of the Standards Committee would wish to pursue during the Committee's consideration of this Report.

The Board would welcome the opportunity of submitting to the Standards Committee its' existing, and thereafter any new, procedures developed to safeguard Members' interests during participation in Exchange activities. The Board would wish to invite the Committee to endorse these procedures. Additionally, the Board would wish to offer to the Committee, a copy of the quarterly reports which it submits to SPCB.

I look forward to hearing from you.

P E Grice
Convener
The Scottish Parliament and Business Exchange

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I look forward to hearing from you.

P E Grice
Convener
The Scottish Parliament and Business Exchange
THE WAY FORWARD

Report of the Board of The Exchange

September 2003
THE SCOTTISH PARLIAMENT AND BUSINESS EXCHANGE

THE WAY FORWARD

THE STRATEGY

The Strategy for the Way Forward for the Exchange has been developed from wide-ranging stakeholder consultation.

The Strategy reflects:
- perceived value in a Parliamentary/non-Parliamentary partnership of interests working together to develop and deliver opportunities for promoting mutual understanding
- recognition of the real achievements of, and support for the potential of, The Exchange.

Strategy for The Way Forward

Overall Strategy

The overall strategy is to build on the current structure and broaden the membership base with development funding support from SPCB.

It reflects the need to build on the Exchange’s founding principle as an open organisation promoting a better understanding between Parliamentarians and business people.

The key strategic aims are to:

Build on the Successes

Rebuild confidence and recapture growth momentum, reflecting the interests of MSPs and the business community in Scotland

Broaden the Base

Whilst continuing the development of business-oriented programmes in commercially-focussed organisations, the aim is also to develop a broader base as an early priority:

- to develop programmes in the small and community business sectors, and other areas, with the aim of meeting MSPs’ interests;
- to develop MSP-led programmes where there is likely to be a need for pump-priming resource allocation; and
- to direct SPCB development funding towards these needs.
Strengthen Accountability within the Parliament

For example, by:

- The SPCB reviewing Exchange activities through quarterly reports and an annual meeting with the Exchange Board;
- The Standards Committee being invited to scrutinise Exchange Board procedures, including taking oral evidence from Board MSP Directors where appropriate;
- Copying quarterly reports to the SPCB to the Standards Committee and the Enterprise and Culture Committee.

Convert Confidence into Participation

By refocussing the communication strategy, with stronger reliance on the Website and Intranet as sources for information on all aspects of The Exchange and its programmes.

By encouraging MSPs to report on programme modules rather than the whole programme at its end.
REPORT OF THE BOARD

1. The following report looks at achievements for the Exchange so far and, following the wide ranging stakeholder review carried out, suggests how it should move forward in the future, to meet its overall aims.

2. A summary of the key points in the full report is attached at Annex 1.

Real Achievements

Participation

3. The Board can look back over a period of real achievements.

4. With three MSPs on major placement programmes so early in its evolution, The Exchange has exceeded the achievements of the equivalent scheme at Westminster, the Industry and Parliament Trust, when it was at the same age twenty-five years ago. In year one, The Exchange achieved 9% engagement of its MSP target participants, 16% of those MSPs who only participated as hosts in the Inward Parliament Programme are also included. The average for mature schemes across Europe and New Zealand is 12%, with IPT at Westminster along with Spain, Belgium, and the Netherlands each achieving 10%. Finland is best with up to 35%.

5. Member organisations have reached the target level of 20, with membership from large organisations, particularly those in the energy sector, remaining predominant. Rather than expecting regular placement activity, many organisations have joined to see improved links and understanding between the legislature and business.

Programme Range

6. A total of 21 MSPs have participated in Exchange programmes; a further 9 have expressed interest in doing so and more have kept in touch through attending AGM and Launch receptions. Of the 21 participants, Sector Programmes on energy and tourism are underway, involving 4 MSPs. 5 MSPs have taken part in 5 different Topic Programmes and 12 MSPs joined the Inward Parliament Programme as Parliamentary and/or Constituency/Regional hosts to 8 people from member organisations.

7. It has not been possible to meet the aspirations of 4 MSPs because there are no matching organisations within the Exchange. Efforts are, however, continuing to be made to find appropriate solutions.

Issues facing The Exchange

8. There has been a slight tailing off more recently in the number of MSPs and organisations registering with the Exchange. This is most likely a result of them holding off until the Standards Committee had completed its report on the Exchange (9th Report, 2002 SP Paper 694) and a clear way forward had been mapped out. There was also some negative media coverage in the latter part of 2002.
9. Media coverage around the time of the launch of the Exchange and throughout the latter part of 2002 has tended to pursue the following themes:

- The scheme facilitates preferential access to MSPs by companies. The membership subscription policy by which companies pay to join the scheme suggests "cash for access".
- The attendance of a number of public affairs/government relations professionals on the only inward Parliamentary programme to date has heightened the perception that the scheme could be used by corporate interests as a means of lobbying Members.
- MSPs participating in the scheme may be exposed to conflicts of interest with their Parliamentary duties, particularly where confidentiality agreements are in play.

10. In addition to this coverage, there has also been adverse press comment, particularly early on in Business am, that too few MSPs had been willing to engage with The Exchange. Critics claimed that this was indicative of a Parliament which allegedly had little interest in the private sector or business interests. Although a good rapport was later developed with Business am and positive news releases were published, articles given to them did not always find space in the paper. Holyrood Magazine carried positive articles but when "the Sundays" found no had outcomes, a news item was not carried.

The Standards Committee’s Report

11. The Standards Committee’s report (9th Report, 2002 SP Paper 694) contained three core comments on the structure and operation of the Exchange.

- Accountability: The Committee questioned the Exchange’s hybrid status as a separate company whilst being inextricably linked to the Parliament. It also felt that there were inadequate lines of accountability to the Parliament. The Strategy for the Way Forward addresses these issues.

- Advice to Members: The Committee held that an MSP had been given inadequate guidance in agreeing to sign a confidentiality agreement with the host company which had been potentially inconsistent with her obligations under the Code of Conduct. The Committee acknowledged, however, that procedures were now in place to ensure that confidentiality agreements were consistent with Members’ obligations under the Code of Conduct (set out in Annex 2).

- Lobbying: Whilst recognising the Exchange’s commitment to being non-lobbying, the Committee argued that there were insufficient arrangements in place to ensure that it remained so. Annex 3 shows the safeguards now in place. The Committee’s views will be sought.
12. The Committee's recommendation for the future of the Exchange is at paragraph 22 of its report:

The Committee is ... of the view that there should be a review of the structure of the Exchange and that the Exchange should be reconstituted as part of the Parliament with direct and robust lines of accountability to the Parliament. Following the review, which should be carried out within three months, any new structure and constitution for the Exchange or new system of arranging exchanges with business and other sectors should be subject to the approval of the Parliament so that the Parliament can be satisfied that it complies with Standing Orders, the Code of Conduct and the principles which underpin the Parliament.
STOCKTAKE: VIEWS AND IDEAS

13. The Exchange was always committed to carrying out a stocktake after an initial period of operation. The Standards Committee's recommendation set out in the paragraph above is in line with this. The views of the Corporate Body were taken at its 28 January 2003 meeting and from business/public agency members at the 29 January Events Advisory Committee, the bi-monthly activity planning meeting of all Exchange member organisations. Their views are set out below:

a) The SPCB agreed that The Exchange should be supported and suggested that the membership base be strengthened by encouraging the inclusion of small businesses. It also asked the Exchange to look for suitable opportunities to promote the programmes available.

b) Non-Parliamentarian (NP) members generally expressed continued support for The Exchange, but some were of the view that the Parliament should be seen to endorse The Exchange more strongly. A number of operating models were suggested, but there was no consensus of opinion.

14. Views of Members who responded to the Presiding Officer's invitation to comment fall into four categories:

- recognition that an organisation in its first year in a new arena will have teething problems which should be addressed without being allowed to overshadow the benefits and opportunities created

- belief in the value of the scheme; acknowledgement that those who have engaged with it have found the experience positive and rewarding; in acknowledging that Members will be provided with confidential information, the view was expressed that such confidentiality should not be challenged.

- barriers to participation, for example there being no perceived need for an organisation to arrange visits that a Member's own office can arrange and fear of being subject to negative and persistent media attention.

- participation could be encouraged further, for example by legitimising the scheme and broadening the opportunities offered such as the police and prison services.

15. In addition, there is evidence of some lack of understanding of the particular kind of in-depth experience and learning to be gained during placements within companies.

16. By addressing the issues and recommendations raised in the Committee's report, the Exchange should be able to rebuild confidence in the scheme, not only amongst the wider public but, more critically, within the
Parliament and within the current and potential membership of the Exchange.

Securing the Future

17. The present operating model is structured in terms of finance such that member organisations meet the running costs on the basis of their size and in terms of policy such that MSPs' programme interests can only be satisfied if matched by opportunities available through member organisations.

18. The Exchange intends to consolidate its financial base as soon as practicable. More effort is needed, however, to retain and attract member organisations, especially those who have not been involved in Westminster's Industry and Parliament Trust (IPT). (One point to note is the view of one member company that it should not have to pay twice to belong to both The Exchange and the IPT). An increase in members is needed to fund the lead-in period for extending into new areas of interest such as small business or not-for-profit sector programmes.

19. The Exchange has therefore concluded that the current kinds of programmes and methods of income generation should be reviewed. IPT has developed a range of income streams: it charges member companies for attending the inward Parliamentary programme and the European Parliament Programme which it organises, and it runs the International Association of Business and Parliament. In addition, its initiative in running a European-funded programme of IT training for MPs' staff (available also to MPs) has enhanced and strengthened its links with MPs.

Options

20. There is clear consensus that the Parliament ought to engage more effectively with business. The challenge in practice is to find a way forward which meets the concerns expressed in Parliament especially in relation to "openness and accountability" but which respects businesses' position as separate from Parliament and retains the values of the partnership model adopted by the Board and modelled on IPT at Westminster.

21. The Board of the Exchange considered two options:

- Reconstitution as part of the Parliament
- Building on the current structure

22. These are discussed in more detail in Annex 4.

Financial Implications

23. The Parliament currently holds 50% of Board places, has majority voting rights, and has contributed in kind some 10% of the operating resources (which total £100,000). This includes SPCB's contribution of some £5,000 in kind during 2002/3. MSPs' costs within the UK are met by the SPCB and are just over £3,000. MSPs' costs of overseas visits approved
by the Board as part of a qualifying programme are met from The Exchange's operating resources. Member organisations meet their own people's travel and overnight costs in participating in, or hosting, programmes. If this were to continue to be the practice, the likely operating budget for 2003/4 would be in the region of £115,000. £50K of this would need to come from new member organisations.

24. Reconstituting the Exchange as part of the Parliament, would require a budget of some £19,000 less than this (ie £96,000) due to savings achieved by no longer operating as a separate company and through economies of scale. Activities could be directed to priority interests of MSPs, with external organisations only consulted in the design of programmes rather than running income-dependent membership drives. The full operating budget would, however, in this case be payable by the Corporate Body, leading to a rise of £96,000 in costs to the Parliament. This additional burden on the public purse could seem inappropriate when private and public sector interests are willing to contribute.

25. Building on current structure would lead to a 2003/4 budget in the region of £120,000. To reflect the desire to make an early impact on developing new programmes in areas that are of interest but have a lead-in time before any additional funding will be forthcoming, £40,000 would be allocated specifically for new sectors programme development.

26. Apart from differences in budget provision for the three options, the other difference lies in the way staff resources can be allocated: currently, the priority is to work to raise income streams, whereas if it is decided to build on the current structure, there would be capacity to support the development of new areas.
CONCLUSION

Structure and Relationships

27. The Board of The Exchange recognises that retention of the current separate company/charitable status model is difficult to reconcile with the conclusion of the Standards Committee’s report that the hybrid status of The Exchange is unacceptable and that The Exchange should be reconstituted as part of the Parliament. Bringing The Exchange within the Parliament, however, is likely to be unacceptable to business (and to some MSPs) and would significantly increase the financial burden on the Parliament.

28. The Board believes that building on the current model, and strengthening lines of accountability to the Parliament as outlined in Annex 4, should address Parliamentary concerns and help to overcome barriers to MSP recruitment. Moving forward in these ways would also enable The Exchange to continue to be developed through a partnership between the Parliament and representatives of external member organisations.

Broadening the Membership Base

29. The Board recognises the benefits of the Exchange quickly developing a broader base of member organisations (and, in recognising this, acknowledges the need to consider whether the current membership of the Board is appropriate).

30. The Board acknowledges the effort in terms of staff time that goes into signing up new member organisations and the relationship between size and number of organisations and income stream. An income-level generated from small businesses takes much more staff time to realise than the same income from larger concerns. This time has to be met from the funds contributed by existing members, as external borrowing against potential income is not an option.

Visibility and Awareness

31. The Board agrees that visibility should be maximised in as cost-effective a manner as possible, through, for example, the posting of programme and other information on the website and providing reports from programmes as they progress rather than waiting until the end of a programme.

Active Participation

32. The Board recognises the importance of marketing Exchange opportunities to MSPs and in signing them up to placement programmes. Time spent on these activities reduces the potential for revenue streams but is an important element towards perception change.
Balanced, Accountable, Partnership

33. The Board proposes to steer a course which strengthens accountability whilst maintaining a balanced partnership with both sides contributing financially to the Exchange.

34. The Board endorses the periodical review of activities by the Parliamentary authorities and the scrutiny of Exchange Board procedures through reports to the SPCB and relevant committees and their continuing to have the opportunity to influence Exchange procedures via the MSP representatives on the Board.

Rebuild Confidence

35. The Board recognises the imperative of rebuilding confidence and recapturing growth momentum, capturing the interests of MSPs and the business community in Scotland.

The Strategy

Influences

35. The Strategy for The Way Forward for The Exchange has been developed from wide-ranging stakeholder consultation. Activity areas in support the strategy are set out in Annex 5.

36. The Strategy reflects:
   - perceived value in a Parliamentary/non-Parliamentary partnership of interests working together to develop and deliver opportunities for promoting mutual understanding
   - recognition of the real achievements of, and support for the potential of, The Exchange.

Strategy for The Way Forward

Overall Strategy

The overall strategy is to build on the current structure and broaden the membership base with development funding support from SPCB.

It reflects the need to build on The Exchange’s founding principle as an open organisation promoting a better understanding between Parliamentarians and business people.

The key strategic aims are to:

Build on the Successes

Rebuild confidence and recapture growth momentum, reflecting the interests of MSPs and the business community in Scotland.
Broaden the Base

Whilst continuing the development of business-oriented programmes in commercially-focussed organisations, the aim is also to develop a broader base as an early priority:

- to develop programmes in the small and community business sectors, and other areas, with the aim of meeting MSPs’ interests;
- to develop MSP-led programmes where there is likely to be a need for pump-priming resource allocation; and
- to direct SPCB development funding towards these needs.

Strengthen Accountability within the Parliament

For example, by:

- The SPCB reviewing Exchange activities through quarterly reports and an annual meeting with the Exchange Board;
- The Standards Committee being invited to scrutinise Exchange Board procedures, including taking oral evidence from Board MSP Directors where appropriate;
- Copying quarterly reports to the SPCB to the Standards Committee and the Enterprise and Culture Committee.

Convert Confidence into Participation

By refocussing the communication strategy, with stronger reliance on the Website and Intranet as sources for information on all aspects of The Exchange and its programmes.

By encouraging MSPs to report on programme modules rather than the whole programme at its end.

Anne Mearns
Director, The Exchange
September 2003
Summary

Recognition of Real Achievements

Participation of MSPs
- 9% active engagement of MSPs
- Mature schemes across Europe and New Zealand average 12%.
- IPT at Westminster, Spain, Belgium, the Netherlands each achieve 10%

Programme Range
- 3 MSPs on major placement programmes of up to 25 days.
- 5 1-day Programmes on diverse topics eg biotechnology, airports, PFI/PPP
- Energy Sector programme offering visits and discussions over the range of energy industries and issues.
- Seminar Series of 1-hour briefings on Finance and Business Growth

Results of Stakeholder Review

- Recognition of the potential of, and support to, The Exchange to offer worthwhile learning experiences across a broad spectrum of interests
- Need to rebuild confidence following negative publicity
- Need to recapture growth momentum reflecting the interests of MSPs in planned priorities for development.
- Value in being educational charity as this facilitates the coming together of Parliamentary and non-Parliamentary interests to share the costs of designing and delivering learning opportunities synergistically and cost-effectively.
- Demand for broadening the membership base as an early priority:
  - embracing more small organisations including community business
  - widening sectoral coverage encompassing for example agricultural interests and services such as police and prisons.
- Reliance on standard membership contributions is an inadequate basis for enabling The Exchange to broaden out into new areas as an important early priority.
- Need overtly to satisfy the Standards Committee as to the compliance of The Exchange with all principles and procedures relating to the Parliament and the Members’ Code of Conduct.
- Value in strengthening the links with Parliamentary interests in addition to the relationship with SPCB.
- Need to communicate better:
  - the types of learning experiences which MSPs gain during placement programmes which also offer opportunities for longer-term engagement, not just one-off visits.
  - future plans for topic programmes (1/2 to 1-day events) and seminars to make it easier for MSPs to plan for participation.
  - the safeguards in place to protect both The Exchange’s and the Parliament’s principles as well as MSPs’ interests in relation to their Code of Conduct.
Confidentiality Provisions

The policy of The Exchange in relation to confidentiality is as follows:

- MSPs participating in a placement programme within an organisation are asked to sign a letter of undertaking to The Exchange.

- A model letter of undertaking has been agreed with the Clerk to the Standards Committee and the Parliament's Directorate of Legal Services: it is consistent with an MSP's obligations under the Code of Conduct for Members of the Scottish Parliament.

- Host organisations should not require MSP participants to enter into separate confidentiality agreements.

- Instead, host organisations should consider - only if absolutely necessary - the inclusion of an additional paragraph on confidentiality in the MSP letter of to The Exchange.

- Any such additional paragraph:
  - must relate directly to the aims and objectives of the particular programme and set out the nature of commercial sensitivity.
  - requires to be agreed by The Exchange and the MSP.
  - will be subject to advice from the Clerk to the Standards Committee and the Parliament's Directorate of Legal Services.
  - will be consistent with MSPs' obligations under the Code of Conduct for Members of the Scottish Parliament.

The experience of The Exchange since determining this policy approach is that no host organisation has insisted upon a special confidentiality clause: organisations are accepting The Exchange as broker of mutual trust.

* The model letter given to MSPs to sign:
  - is recognised as a means of ensuring that there is clarity of understanding across the three parties involved - MSP, host company, The Exchange.
  - is discussed at programme planning stage between the Director of The Exchange if the MSP. If the MSP is uneasy about any part of it The Exchange will negotiate alterations with the organisation and clear these with the Clerk to the Standards Committee and the Parliament's Directorate of Legal Services.
  - acknowledges that MSPs, as well as requiring to raise any concerns about a programme immediately with The Exchange, may simultaneously take up the matter directly with the appropriate Parliamentary authorities.
ANNEX 3

Safeguarding the Principles of The Exchange

Principles

Five principles guide the operations of The Exchange:

- non-lobbying and non-partisan
- transparent and open
- inclusive and flexible
- responsive to the needs of MSPs and member organisations
- mutual trust

Policies

Operational policies safeguard each principle. These are set out below.

Some exceed the usual requirement: The Exchange encourages additional disclosure so that costs of UK based programmes are voluntarily declared in the Register of Members' Interests.

1. Non-lobbying and non-partisan

   a) Organisations sign up to these principles when applying for membership and when hosting a placement programme

   b) MSPs sign up to these principles when undertaking a placement programme

   c) Programmes for MSPs are MSP-driven: MSPs set the agenda for their own-designed placement programmes and where The Exchange offers ideas for programmes, the full suggested programme is distributed to each MSP and content may be adjusted as required by each MSP wishing to participate

   d) The Exchange, in arranging learning exchanges, aims to act as the broker of mutual trust between hosting organisations and MSPs and between hosting MSPs and external participants:

      (i) both parties to a company placement programme confirm they will immediately contact The Exchange if they become uneasy about any aspect of the programme

      (ii) in the case of MSPs, 'uneasy' is further qualified: '...in terms of potential impact on obligations as an MSP or in relation to the principles of The Exchange...'

2. Transparent and open

   a) Guidance is available to Members from the Clerk to the Standards Committee regarding declarations in the Register of Members' interests.

   b) The Exchange encourages declaration of costs of UK Programme although this is not required in terms of Parliamentary procedures
c) Programme information will be available on The Exchange’s website including the content and end-of-programme costs together with the value of any hospitality or benefit-in-kind (expected to be minimal).

d) Host organisations are asked to provide this information at the end of each module.

e) Until the website is fully developed, information is available from The Exchange Director.

3. Inclusive and flexible

a) Contribution levies are designed to enable a wide range of organisations to become involved, across and within sectors, representing a variety of type, size, geography. Several organisations may represent one sector.

4. Responsive to the needs of MSPs and member organisations

a) MSPs are encouraged to let The Exchange know about their interests so that programmes may be developed in response to these.

b) Member organisations contribute to the development of The Exchange and shape its activities through bi-monthly meetings of the Events Advisory Committee.

5. Mutual Trust

The Exchange acts as the broker of learning exchanges encouraging mutual trust between MSPs and organisations.
Future Effective Engagement with Business

Reconstitution as Part of the Parliament

The Standards Committee’s report suggests that a review should conclude that the Exchange’s status as a separate company with charitable status should be ended and that the scheme should either be brought within the Parliament or perhaps reconstituted as a Cross Party Group.

The Cross Party Group (CPG) framework does not appear to be an appropriate means of facilitating Exchange activities. Whilst it would permit the formal partnership arrangements to continue, with representatives of external organisations being elected as officers of the Group, there are strict controls on the use of Parliamentary resources. Moreover, the CPG system is aimed at stimulating debate on issues of public interest through public meetings rather than operating a placement programme. Arguably, because the current CPG framework is focussed on ensuring only that meetings are transparent and open to the public, it would provide less transparency of placement programmes than the current Exchange structure since, for example, CPG visits (generally funded by external organisations working in the topic area) are private.

By assigning responsibility for Exchange activities to the Parliament, it would be difficult to continue to develop the scheme in a formal partnership with non-MSP members of the Exchange, although arguably some form of consultative, advisory, or steering group mechanism could be developed. The Exchange would also have to rely solely on SPCB funding and resources, the provision of which may not be guaranteed in the face of competing priorities. It is also questionable whether sole reliance on public money is appropriate. However, the strength of this option would be that it would fully address the concerns of the Committee and the recommendations of its report to the Parliament. Moreover, greater SPCB funding and support might put the Exchange on a more stable financial footing, perhaps reducing the need for it to rely on membership subscriptions which can generate a perception of ‘cash for access’. Nevertheless, issues around continuing to operate the Exchange on a partnership basis would seem to militate against bringing the Exchange within the Parliament.

Building on the Current Structure

It ought to be possible to address Parliamentary concerns by building on and enhancing the current model of the Exchange as a separate company with charitable status. The following actions may help to assuage the Standards Committee’s disquiet and overcome reluctance on the part of some MSPs to engage with the scheme.

1. Current structure and constitution of the Exchange

The current model enables Exchange schemes to be developed through a partnership between Parliamentarian and Non-Parliamentarian members (currently business, public agency, and trades union interests) of The Exchange.
All income is directed to promoting its educational aims, an aspect that the annual audit must confirm in terms of charity law.

The Exchange's success must, to a large degree, depend on an equal partnership of effort and the delivery of benefits to both sides. It is therefore also arguable that drawing the Exchange closer to the Parliament would mean that the SPCB would shoulder the majority of the burden in supporting it in terms of resources and administration. The Northern Ireland Assembly, whilst instigating its scheme within the same legal framework as The Exchange and as IPT, determined to fund the staffing of the scheme during its early years to ensure a stable foundation.

2. Develop clear and robust lines of accountability to the Parliament

This is fundamental in advocating the continuation of the separate company/membership model. In addition to providing a quarterly report to the SPCB, the Board determined to report on a similar basis to the Standards Committee with the option of an MSP Board member attending a Committee meeting to present the report. The Board also considered whether a member of the Standards Committee should be offered membership of the Board, or perhaps be accorded observer status, but felt that this would not be compatible with a formal reporting relationship to the Standards Committee.

The Board also considered whether it should submit its procedures to the scrutiny of the Standards Committee. This was considered to be prudent in relation to safeguards applied to sustaining the principles of The Exchange, particularly non-lobbying, as this remains a matter of concern to the Committee despite its acknowledging that media speculation on the potential for member organisations to gain preferential access to MSPs is unfounded. It may help the "legitimising" process that anecdotal evidence suggests is important.

3. Broaden Membership of the Exchange

In part, the media's negative perception of the Exchange is fuelled by the composition of the current membership, with a high proportion of its members representing large business interests. Broadening the membership beyond such companies, to encompass small businesses and possibly also to other sectors (though there are significant issues around what constitutes a 'business') could do much to restore confidence in the Exchange and dispel the erroneous perception that it is a forum for big business to gain access to MSPs. The Exchange indicated at the outset that it intended to develop placements with other communities once it was fully operational. The SPCB has also indicated support for membership of the Exchange being broadened, in particular to small and community businesses.

Membership could be offered to small and community businesses, community trusts, housing associations and community land buy outs. Placements could also be developed with the university sector, arts organisations and other organisations (there has been strong interest from the police and armed forces in the scheme). The interests of some local small organisations (including the arts) have been notified by Board members. Representative bodies such as SCD have identified the next tranche of strong marketing possibilities in the university and business world. Direct marketing will take place once the future is determined.
Whilst many organisations might be reached through umbrella organisations and representative bodies, the feasibility of engaging directly with the businesses and organisations listed above should be investigated (for example Exchange material could be displayed at committee meetings outside Edinburgh, in the Visitor Centres, the proposed Parliament 'roadshows'). Conventional advertising could also be considered, although the current strategy is to seek newspaper articles (such as Tavish Scott's report of the Gulf of Mexico visit) and positive discussions have been held with Holyrood Magazine in this regard.

The expansion of the Exchange in this way would not only mesh with the Parliament's developing external communications strategy but also with the recommendations of the Procedures Committee report on the CSG Principles which emphasise the importance of the Parliament consolidating its links to civil society. It would also be likely to lead to higher levels of MSP recruitment.

The Board concluded that a case be put to SPCB for enabling a broader base of programmes to be developed as a matter of priority. SPCB would be kept in touch, through an annual presentation and quarterly reports, with the Board's development policies and performance: it may wish to contribute views to the Board of the Exchange on these. As income streams permit, it may not be necessary to draw down the full amount of the contribution. The Board determined to request such a contribution for a two/three year development period for the Exchange.

4. Greater use of sector and topic programmes

Greater use of sector and topic programmes should be considered as this may give some reassurance that the Exchange is non-lobbying. Topic programmes, though, should be restricted to ones that run with sufficient notice to reach a group of MSPs rather than one or two. Resolution to some of the lobbying issues does however lie in shifting perceptions. Some see obvious dangers in a Member being seen to spend a four week programme with a single company, particularly if it is wrongly perceived that a significant proportion of the placement takes place overseas. On the other hand, by being given unfettered access to an organisation, MSPs are able to form their own views on various issues in ways beyond those possible in a presentation-based topic programme. Again, the publication of safeguards was seen as important, for example the Board's policies on restricting the overseas elements of programmes. This would avoid 'junket journalism' but could be seen as being parochial.

5. Enhance communication flow

The availability of information about the Exchange and placement programmes could be stepped up. The website is to be enhanced to include information about ongoing programmes as well as end of programme reports. A more prominent link to the Exchange website from the Parliament's own website will also be sought.