



The Scottish Parliament
Pàrlamaid na h-Alba

Minute of the Scottish Parliamentary Corporate Body (SPCB) meeting held on Thursday 30 November 2023 at 9.00am

Present:

- Claire Baker MSP (chair)
- Maggie Chapman MSP
- Jackson Carlaw MSP

Apologies:

- Alison Johnstone MSP
- Christine Grahame MSP

In attendance:

- David McGill
 - Michelle Hegarty
 - Huw Williams, Janice Crerar
 - Kenny Htet-Khin, Eric MacLeod
 - Mark Brough
 - Lisa Creamer
 - Judith Proudfoot, Secretary
- John Pullinger CB, Chair of the Electoral Commission
 - Shaun McNally CBE, CEO of the Electoral Commission
 - David Morans, Financial Controller, Electoral Commission
 - Andy O'Neil, Head of the Electoral Commission Scotland

Meeting with the Electoral Commission

1. Under the Scottish Elections (Reform) Act 2020 and since 1 April 2021, the SPCB has a statutory duty to fund the Electoral Commission's devolved Scottish activities and a proportion of its direct costs. There is a financial agreement in place which provides that the costs of the EC are to be shared between Westminster, the Welsh Parliament and the SPCB.

2. The SPCB considered a contingency request from the Electoral Commission at its meeting on 9 November and requested a meeting with the Commission to discuss that and its budget bid for 2024-25 in more detail.
3. In opening remarks, the Electoral Commission acknowledged that their financial processes had not been sufficiently robust in preparing the initial budget bid and that steps had been taken, including the appointment of a Financial Controller to increase the financial capability of the organisation, to improve this.
4. Following questioning by the SPCB, the Commission identified areas for reduction in its bid and agreed to submit a revised budget bid for 2024-25. The SPCB agreed the bid for inclusion in the SPCB's budget bid on the basis of the revised figures discussed. The SPCB also agreed the contingency request submitted for 2023-24.

SPCB investigation

5. The SPCB agreed the following remit and process for an investigation into the use of parliamentary resources by Michael Matheson MSP:

Data roaming charges having been incurred between 28 December 2022 and 3 January 2023 through the use of equipment provided by the SPCB to Michael Matheson MSP ("the Member") to support the conduct of the Member's parliamentary duties, to investigate and make findings as to whether:

- (a) an improper claim was made by the Member in respect of the charges (or any part of them) within the terms of the Reimbursement of Members' Expenses Scheme; and
- (b) the Member failed to abide by the policies adopted by the SPCB as required by Section 7.3 of the Code of Conduct for MSPs, including the policy on [MSPs: use of parliamentary resources](#).

6. The SPCB acknowledged the public interest in this matter and the need to maintain the integrity of the Scheme and the application of SPCB policies. In the interest of fairness to all, the SPCB was keen to progress its investigation expeditiously.
7. The SPCB agreed the investigation would be conducted through written submissions, with Mr Matheson being permitted up to two weeks in which to provide his substantive statement of evidence. If thereafter any meetings became necessary they would be conducted in private.
8. The SPCB also agreed that, in line with fair and due process, the Member would also be provided with a copy of a draft statement of provisional findings, together with copies of any material relied upon in making those findings. The Member would then have an opportunity to make further representations to be considered by the SPCB before finalising its findings and concluding the investigation. The expectation was that a period of up

to two weeks would again be necessary in the investigation's timeline for Mr Matheson to respond.

9. The Corporate Body noted that a robust process and timeline would ensure fairness and help mitigate potential challenge to the SPCB. The initial statement of provisional findings would likely be provided to the Member in January 2024, but the SPCB agreed that work should continue at pace. The SPCB agreed the final report would be published.

Date of next meeting

10. The next meeting of the SPCB was scheduled for 7 December 2023.

SPCB Secretariat
December 2023