

**Commission on  
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Reform**

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Do Ghuth*



**Report on the  
Scottish Parliament**

20 JUNE 2017

**Aithisg air  
Pàrlamaid na h-Alba**

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# Report on the Scottish Parliament

## Foreword

It is now difficult to imagine Scotland without its own Parliament. Since it was ‘re-convened’ in 1999 it has embedded itself in the life of the country. Its powers and responsibilities impact on the everyday lives of all those who live here and what it does dominates political debate. The Parliament has achieved much in its first 18 years. It is now a mature institution, supported wholeheartedly by the public.

We have been given an insight into how the Parliament and MSPs work. We saw, first hand, the impressive range – and amount - of work MSPs undertake, in meeting the needs of Parliament and their party, as well as their constituents. It was heartening to hear the positive experiences of people who told us how the intervention and support of their MSP had made a significant difference to their lives, making the Parliament relevant to them.

In noting the Parliament’s success to date, it is now time to look to the future and build on the examples of good practice to make it as effective as possible as it takes on new responsibilities.

Over its first four sessions (1999-2016), the practices and procedures of the Parliament have been tested by different electoral outcomes that have produced coalition, minority and majority governments. This was not anticipated by the Consultative Steering Group (CSG) which recommended that the business of the Parliament should be conducted in a way that was, “as far as possible, consensual”. This hope was repeated by Winnie Ewing as she opened the Parliament in May 1999 “that we all try to follow the more consensual style of the European Parliament and say goodbye to the badgering and backbiting one associates with Westminster”. Expectations were high.

In accepting the invitation of the Presiding Officer to review the work of the Parliament, my colleagues and I on the Commission were aware that our main task was to ensure that the Parliament was equipped to meet the challenges ahead. Our work has convinced us that there is a need for reforms to be implemented speedily.

In reviewing the effectiveness of the Parliament and its ability to cope with social change and additional powers, we tested it against the founding principles set out by the CSG of power-sharing, accountability, openness, participation and equal opportunities. We have studied the evidence from the first four sessions and spoken to many of those directly involved; we have compared how things are done here with other legislatures; we have benefitted from the advice of a range of academics and public bodies and from those with experience of working with the Parliament or contributing to the work of its committees as well as from those who would have liked to do so but who found the process inhibiting.

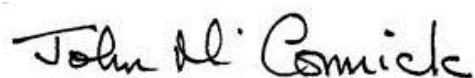
Our recommendations are aimed at increasing the effectiveness and efficiency of the Scottish Parliament as a single chamber, elected body keeping faith with its founding principles. Taken together they reinforce the crucial role of the committees and the chamber in scrutinising legislation and holding government to account and seek to improve the participation of people across the country.

We recognise that additional powers stretch the existing resources of the Parliament but we believe that it would not be justified to recommend a second chamber or an increase in the number of MSPs unless it can be demonstrated that the Parliament is currently working at peak efficiency. We have made recommendations as to how this might be achieved.

We recognise, too, that the creation of a second chamber or a significant increase in the number of MSPs could mean changes to the electoral system and a number of those who made submissions believe that the two go together, taking many years, and more reviews, to bring about. We do not rule out any of these options. We do, however, recommend that all the options to maximise the capacity of the existing Parliament must be tried before more radical proposals are considered.

In submitting our recommendations for consideration by the Parliament, I want to express my thanks to the secretariat team who provided briefings, expert advice, patience and, importantly, good humour and to all my colleagues on the Commission for their commitment, enthusiasm and wise counsel throughout the process. We are grateful to Professor Paul Cairney who, as our adviser, has challenged our thinking and whose knowledge has been invaluable in bringing the report together.

We are grateful, too, to all those who made written submissions or discussed their concerns with us and to all those who hosted, organised or took part in our events across Scotland. Your views and experience have informed this report. I trust you are happy with the outcome and are able to support the recommendations.

A handwritten signature in black ink that reads "John McCormick". The signature is written in a cursive, slightly slanted style.

John McCormick  
Chair

## Report summary

*The Presiding Officer established the Commission on Parliamentary Reform to test how the Scottish Parliament has responded to the developments of the last 18 years and how well placed it is to deal effectively with its enhanced policy responsibilities.*

*Travelling across the country we heard that the Parliament is well regarded. Since 1999, it has made good progress in delivering the vision of an open, participative, power sharing, accountable Parliament with equal access for all. More could be done, however, to realise that vision.*

*In our report, we make a substantial number of detailed recommendations that, taken together, would deliver significant improvements in the effectiveness of Parliament. Crucially, these changes can be delivered this session when, arguably, the Parliament could face its greatest scrutiny challenge. Our recommendations, while holding fast to the principle of a unicameral elected Parliament, would deliver a Parliament which is a more successful and stronger force for good in improving policy, legislation and outcomes for the people of Scotland.*

### A STRONGER PARLIAMENT ENGAGING WITH THE PEOPLE OF SCOTLAND

Our recommendations would deliver:

- More flexibility and spontaneity in the business of the chamber, improving opportunities for participation in debates and increasing ministerial accountability.
- An enhanced legislative scrutiny process with mandatory pre- and post-legislative scrutiny and the creation of a Legislative Standards Body.
- Smaller and stronger committees, led by conveners elected by the Parliament to underline their independence and authority, more able to set the political agenda rather than simply respond to the Government.
- A more efficient Parliament, allowing committees and chamber to meet at the same time and making better use of the rhythm of the parliamentary year.
- An enhanced role for individual MSPs to influence, and contribute to, parliamentary business and encouraged to be parliamentarians first.
- A stronger role for the Presiding Officer to direct parliamentary business and ensure more effective scrutiny, accountability and debate.
- A renewed vision for an equal and diverse Parliament, with benchmarks for MSP recruitment from under-represented groups, while ensuring diversity issues become a more systematic part of scrutiny.
- Becoming a leader in public engagement, experimenting with new ways to gather views and evidence and opening up more opportunities for people to become involved, where they want and how they want.
- Providing enhanced support to committees, including the creation of a Committee Engagement Unit.
- Working with young people to encourage greater knowledge of the Parliament, removing barriers to people's understanding of what the Parliament does and exploiting digital technologies to improve communication with people across the country.
- More effective monitoring and evaluation of the work of the Parliament, with better feedback to those who get involved, to provide self-sustaining improvement and engagement.



*Photo: Members of the Commission on Parliamentary Reform*

*Front Row (left to right): Fiona McLeod, Katie Burke MSYP, John McCormick (Chair), Geoff Mawdsley,  
Insert: Pam Duncan-Glancy  
Back Row (left to right): John Finnie MSP, Johann Lamont MSP, Professor Boyd Robertson, The Very Rev. Dr Lorna Hood, John Edward, Jackson Carlaw MSP*



## Our report

1. The Scottish Parliament is now a mature institution. It is therefore time to start looking to the future, to note the Parliament's success to date and build on examples of good practice to make it as effective as possible as it takes on new responsibilities.
2. In this report, we set out a series of recommendations which we believe would deliver a stronger, more agile, inclusive and effective Parliament. This vision can be delivered within this session. Our recommendations represent a package of measures that are challenging, yet realistic and practical, and would deliver a Parliament fit for the future.
3. The Commission was charged with reporting to the Presiding Officer by the end of June 2017. It will then be for the Presiding Officer and Scottish Parliament to consider and implement the recommendations in the report.
4. A list of all our recommendations is included in Annexe A while the Commission's membership and a summary of its approach are contained in Annexe B. We have also included a summary of the likely cost and resource implications of our report in Annexe C. A glossary of the parliamentary terms most commonly used in this report is provided in Annexe D.

## Background

5. The Scottish Parliament was established – or re-convened – by the Scotland Act 1998 following a referendum in 1997 and met for the first time on 12 May 1999. The institutional design of the Parliament was largely influenced by the report published by the Consultative Steering Group (CSG) in December 1998.<sup>1</sup> The CSG had been established by the UK Government to consider how the Scottish Parliament would work in practice and develop proposals for the rules of procedure and Standing Orders.
6. The CSG adopted four key principles which would underpin the working practices and Standing Orders of the Scottish Parliament—
  - The Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the Parliament and the Scottish Executive;<sup>2</sup>
  - The Scottish Executive should be accountable to the Scottish Parliament and the Parliament and Executive should be accountable to the people of Scotland;

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<sup>1</sup> The CSG report can be found online [here](#).

<sup>2</sup> The term Scottish Executive was used by the CSG. The term Scottish Administration was used in the Scotland Act 1998. Scottish Executive was also the term used in sessions 1 and 2 but Scottish Government has been used since session 3.

- The Scottish Parliament should be accessible, open, responsible and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation; and
  - The Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all.
7. The CSG believed these founding principles should stand as a symbol of what the Scottish people would reasonably expect from their elected representatives.
  8. Since the Parliament was established in 1999, the social and political landscape in Scotland has changed considerably. New technology and social media has revolutionised the way many people communicate and, since 2015, 16 and 17 year olds have been eligible to vote in Scottish local and parliamentary elections.
  9. Through the Scotland Acts 2012 and 2016, the Scottish Parliament gained significant increased responsibility for a range of policy areas, including tax-raising and borrowing powers and social security. Alongside these additional powers, the 2016 referendum result in favour of the UK leaving the European Union will inevitably lead to substantial changes in the decision making processes in a number of policy areas. While the exact implications of 'Brexit' are uncertain, what is clear is that the impact on the policy making processes could be extensive.
  10. The Scottish Government's call on the UK Government for the power to hold a second referendum in Scotland on Scottish independence may also result in further changes to the constitutional and political landscape in Scotland.
  11. It is against this background that the Commission has carried out its review and has made recommendations to ensure the Parliament is ready to face the changes ahead.

# Part 1: A stronger and more effective Scottish Parliament

12. A strong and effective parliament is good for democracy. It holds government to account to develop better policies to improve the lives of the people in Scotland. It fosters greater understanding in its citizens of why parliament is there and how they can be involved and supports its parliamentarians to represent the views of constituents on the issues that matter to them.
13. We consistently heard that the Scottish Parliament has been a success in embedding itself into the Scottish political and democratic landscape. From the beginning, it has been nurtured to become valued and trusted by almost all those we met. We also heard concerns, however, that to become a mature parliament, it needs to improve to get closer to embodying the power sharing and scrutiny model envisaged in its founding principles.
14. In this section, we set out the challenges people told us the Parliament is facing and our recommendations for how the Parliament can address these most effectively. Two key aims are to establish a distinctive role for the Parliament through its Presiding Officer and committees and to engage in new ways with the public to ensure it has a stronger voice.

## More effective committees

15. The core of the CSG's vision was that the Scottish Parliament should have a single, elected chamber and for the day-to-day business to be carried out in committees which were to be the 'engine room' of the Parliament. These committees were to be at the heart of legislative scrutiny and of holding Government to account. It is crucially important that, in a unicameral parliament, the committees are robust and seen to be independent of government.
16. The committee structure currently in place largely reflects the CSG's recommendations with all-purpose committees designed to scrutinise both legislation (primary and secondary) and policy within their remits. The expectation was that MSPs on these committees would develop an expertise in their particular policy areas and bring an informed view to the consideration of legislation and scrutiny of Government.
17. A wide range of sources explained that, while the committees have on occasion been robust in their scrutiny of Government and others, overall they have not been as effective as the CSG anticipated in holding government to account.
18. Different explanations were given for this, including:
  - a. party discipline used to co-ordinate votes on legislation has been enforced during inquiries on non-legislative issues; some suggest this has hindered a committee's ability to develop cross-party consensus;

- b. some committees have seen so much legislation they have been unable to develop their own agenda with fewer opportunities to hold inquiries or focus on long-term or cross-cutting issues;
- c. committees have also undertaken little pre- or post-legislative scrutiny; and
- d. turnover of membership has been too high and prevented the realisation of the CSG's ambition that members would develop an expertise in their subject area over the course of a parliamentary session.

19. We are clear that measures must be put in place to support the independence, identity and role of the committee system. We recommend, therefore, changes designed to empower committees to be more effective and active in undertaking scrutiny. Our recommendations should be seen as a package of measures which, taken together, would deliver more successful committee scrutiny.

### **Elected conveners**

20. The role of convener is critical in positioning a committee as independent from Government and in delivering its purpose of holding the Government to account. At present, convenerships are distributed around the parties using the d'Hondt formula to ensure there is a party balance. The parties then decide which of their members on a committee should be nominated as convener and the committee then agrees that nomination (an election which, in practice, is rarely contested).

21. In session 4, the Standards, Procedures and Public Appointments Committee (SPPAC)<sup>3</sup> considered the election of conveners by Parliament and concluded that Parliament should first focus on strengthening committees. It subsequently reported that it had not heard anything to persuade it that elected conveners would result in more effective committees or conveners.

22. We received a large number of comments about the merits of parliament electing conveners, with many people supporting it. Dr Marc Geddes and Professor James Mitchell, in their submission argued—

“One simple but arguably also the most effective way to enhance the power and status of Scottish Parliament committees is to loosen the control of political parties over committee membership, especially convenerships.”

23. A number of those who recommended conveners elected by Parliament did so on the basis of its reported success in the House of Commons, the Dáil Éireann<sup>4</sup> and National Assembly for Wales. Our research, highlighted, however, that many other legislatures do not elect their conveners.

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<sup>3</sup> The Standards, Procedures and Public Appointments Committee is one of the Parliament's mandatory committees and its remit covers topics such as—

- (a) the rules and procedures for how the Scottish Parliament operates;
- (b) the rules on how MSPs should behave, including what interests they should register;
- (c) whether MSPs have followed these rules;
- (d) what should be in the Code of Conduct for MSPs; and
- (e) Appointments to public bodies and regulation of lobbying.

<sup>4</sup>The Dáil Éireann is the lower house of the Irish Parliament

24. It was put to us that the direct election of conveners by fellow parliamentarians, rather than nomination by party whips, would emphasise the independence of committees and give conveners a mandate for pursuing their scrutiny agenda. Parliamentary elected conveners would encourage the convener to take a strategic approach to holding the Government to account and provide a public focus for the committee's profile. It was suggested the election of conveners by Parliament would provide an additional opportunity for progression for MSPs other than becoming a government minister, particularly for those in parties less likely to be in government.
25. We are of the view that elections would empower conveners and help committees to deliver more effective scrutiny when provided as part of a package of measures. We recognise that in each session there have been robust, even-handed conveners who have ensured that their committees deliver meaningful scrutiny. For us, however, a key benefit of conveners elected by Parliament is the openness and transparency it brings to the appointment process with the nominees made public in advance of any election.
26. We see the procedure working in the following way. Once the party of the convener is agreed by Parliament a nomination period should be available for candidates to put themselves forward for election. There would then be a limited period of time for the candidates to campaign before the election was held in the chamber by secret ballot. Following the election, the committee membership could then be agreed.
27. The fact nominees for convener would likely be required to secure cross party support to be elected would encourage competing candidates to share their views and vision about the committee's future work in order to persuade others to vote for them. In contrast to the current practice, election by Parliament would also provide the opportunity for more than one nominee from a party to put themselves forward, thus empowering individual MSPs especially where they may otherwise only have one representative on a committee.
28. We recognise that the number of MSPs available to vote might mean the result is not that different to what it would be under the current system. We accept, too, that there are challenges in holding an election when new MSPs may be unfamiliar with the candidates and that there is the potential for political parties to 'engineer' the success of the candidates of their choice. Similar arguments, however, could be made for the election of the Presiding Officer and Deputy Presiding Officers who are elected by Parliament.
29. The following could be considered to address the above concerns:
- a. whether all MSPs would vote in the secret ballot (for example, whether cabinet secretaries and ministers should have a vote);
  - b. whether all committee conveners should be elected by Parliament (should any distinction be drawn between mandatory and subject committees);
  - c. the consequences of only one candidate being nominated for election (or indeed no candidate being elected or standing for election); and
  - d. whether this procedure should also be extended to deputy conveners.

30. We do not see the parliamentary election of committee conveners as a panacea to address all the perceived weaknesses of the committee system. We are clear, however, that an effective committee starts with a strong and authoritative chair with a clear and strategic agenda for the committee's approach to scrutiny and an authority granted by Parliament, independent of that of their party. Adopting our recommendation embodies the founding principles of openness and transparency by making public the electoral mechanism and vision of those who seek office as convener. Consideration should also be given to ensuring that those who are successful reflect the diversity of all MSPs.
31. Currently Standing Orders state the convener of the Public Audit and Post-Legislative Scrutiny Committee cannot be from the governing party. This was recommended by the Financial Issues Advisory Group (FIAG) in its report.<sup>5</sup> It also reflects the practice in most local authorities in Scotland and in other parliaments.
32. There is an argument for extending this limitation to other Scottish Parliament committees and some have suggested it would further strengthen scrutiny and challenge.
33. While we have differing views on the merits of this approach, we suggest it is considered as part of any deliberations on the procedures for the election of conveners by Parliament. For example, it might be considered that the SPPAC should have a convener from an opposition party given it can recommend changes to Standing Orders, thus influencing Parliament's ability to hold the Government to account.

### **Remuneration and resources for conveners**

34. Our research identified that, while only a few parliaments elect their conveners, many more provide them with additional remuneration.
35. The rationale given for the remuneration of conveners is that it strengthens their status and position and reinforces the active role of a convener in driving a committee's scrutiny agenda, as well as its status as an alternative to a ministerial post. Select committee chairs in the House of Commons receive an additional payment of £15,235. Other legislatures which remunerate their conveners include the Parliament of Finland, the National Assembly for Wales and the Parliament of Victoria, Australia.
36. Previous committee conveners explained to us that the role is much more time and resource intensive than being a member of a committee. Conveners need to make time outwith committee meetings to represent the committee, such as meeting with relevant stakeholders, speaking at conferences and promoting the committee's engagement and reporting activities. Such activities, therefore, come at a cost to constituency and other parliamentary work. Some have advocated that conveners should receive additional resources rather than remuneration

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<sup>5</sup> The Financial Issues Advisory Group was established by the Scottish Office in February 1998 to advise it and the Consultative Steering Group on procedures and practices for the Scottish Parliament in the handling of financial issues. Its report was published in January 1999.

which could support the delivery of other activities displaced by convener work. Payments may also support those MSPs from under-represented groups to stand for election by enabling costs such as those arising from caring responsibilities to be met.

37. The Commission had differing views on the issue of remunerating conveners. It is a choice for each MSP (and currently their parties) whether they seek to become a convener. Some MSPs might be discouraged from putting themselves forward by the additional workload. If Parliament is to seek to strengthen its committees through strong and effective conveners, then it needs to ensure that such deterrents are recognised and, where appropriate, addressed.
38. Any consideration of additional remuneration should be accompanied by clear accountability and understanding of why it is provided.

### **Recommendations: Conveners – elections and remuneration**

**R1:** Parliament should put in place procedures for the election of conveners from the start of the next session.

**R2:** Whether conveners are then remunerated and/or receive additional resources for this role should be based on an objective assessment of their workloads and the expectations of their roles. This assessment should be part of a wider exercise considering additional remuneration for other parliamentary positions (such as party leaders) as referred to later in this report.

### **Remit and size of committees**

39. The number of MSPs on Scottish Parliament committees has been highlighted as another reason why committees do not operate as effectively as they could. This aspect was considered by the SPPAC in session 4 when it recommended committees should normally have a maximum of seven members.
40. Critics argue that party dynamics are more likely to be replicated within larger committees (roughly interpreted as being eight members or more), thus preventing its members from developing a distinct committee identity. It is also argued larger committees are too unwieldy to discuss detailed and complex policy issues effectively. Supporters of larger committees, however, argue they enable all the parties in Parliament to have a voice and can provide additional scrutiny capacity if more diverse means of inquiry are adopted (such as sub-committees and reporters).
41. We believe a balance needs to be struck between party representation and ensuring committees are effectively constituted. We are also aware some MSPs are 'juggling' the workloads of two or more committees as a consequence of a smaller party securing a seat on a committee.

42. Over the sessions, the size of committees has varied, ranging from 15 to five on mandatory and subject committees. Generally, over the sessions, the numbers have been decreasing and in this session range from 11 members to five members.
43. In its report, the CSG expected the committee structure to mirror ministerial responsibilities and, largely, this is what has happened since devolution with the remits of subject committees changing each session to reflect the ministerial portfolios established by the Government at the start of each session.
44. We heard the changing nature of committee remits (and names) can cause confusion among stakeholders, organisations and individuals as each session they must identify where their interests sit within the committee structure.
45. In its report on committee reform, the SPPAC in session 4 concluded there was not a case for significant changes to the way in which the remits of subject committees were decided.

#### **Recommendations: Remit and size of committees**

**R3:** While overall committee membership should represent the balance of parties in Parliament, we agree with the SPPAC's recommendation that committees should normally have a maximum of seven members. We recognise this means that some smaller parties will not be represented on some committees.

**R4:** Parliament should agree and make public a set of principles to inform:

- a. the decisions taken about the size of committees; for example, consideration might be given to larger committees where it is felt hearing all the parties' voices is important, such as in relation to constitutional issues; and
- b. how committee remits and names are agreed; greater transparency in this process would assist public understanding of the basis upon which committees are established.

46. We heard some committees have more recently broadened their scrutiny work to include public bodies and parliamentary office holders and that this should feature more often in committee work programmes. In particular, some proposed committees should have a role, similar to that held by select committees in the House of Commons, in confirming the appointment of chairs to public bodies or annual evidence sessions to consider their performance and spending of public money.
47. Others have suggested committees should agree a more strategic focus to their work and we note that some committees have started adopting this approach. A



committee may wish to agree a strategic plan for the forthcoming parliamentary session or, alternatively, agree a one year strategic plan following the First Minister's annual legislative statement.

48. We recognise committee time is finite but our recommendations made later in this report regarding when committees can meet would allow committees to undertake wider scrutiny work.

**Recommendation: Broadening scrutiny work**

**R5:** We recommend the Conveners' Group takes a greater role in developing a more strategic approach to scrutiny across committees.

**Evidence within local communities**

49. We heard from various groups that they find engaging with the Scottish Parliament easier and more accessible than other legislatures. People were quick to highlight positive experiences of meeting with committee members in their communities and commended MSPs for taking time to understand their concerns. There is, however, still more that could be done. During our engagement events around Scotland, many people told us they would feel more connected to the Parliament if it visited their community more often. This chimes with the CSG recommendation that committees should "meet from time-to-time at locations throughout Scotland so that people in all parts of Scotland could see how their parliamentarians worked and interact with them".
50. Being visible in the community promotes and connects the Parliament with people around Scotland. It is a vital counterbalance to committee scrutiny which has, arguably, over time become too focused on seeking views at committee meetings allowing those with time and resources a potentially greater influence on scrutiny and decision taking. This has been at the expense of hearing from those more 'remote' from Parliament whether because of time, geography, language, finances, culture or accessibility. We were told these groups were not 'hard to reach' just 'easy to ignore'.
51. Most committee business and legislative scrutiny is undertaken during formal meetings held in the Scottish Parliament. Used well, such meetings can be a productive and effective method of evidence gathering and holding ministers to account. There are other benefits, such as an Official Report of the meeting being produced and meetings being accessible to members of the public and media to attend, ensuring a level of transparency and accountability.
52. These meetings, however, can be intimidating to those people with little experience of parliamentary procedure. The room layout and parliamentary language used, perhaps seen by some as jargon, can make the Scottish Parliament a daunting and unfamiliar environment. In addition, Parliament's location in Edinburgh and meetings during business hours make it challenging, if

not impossible, for some communities to attend and participate. We heard repeatedly that these barriers mean that certain groups of people, such as those who use public services, who have 'lived experience', or those who deliver front line public services, are considerably less likely to speak directly to committees.

53. Committees already use other, less formal evidence gathering techniques to supplement the evidence they take during committee meetings. Formal evidence is taken "on the record", in public, often broadcast and an Official Report is produced. Evidence can also be taken "off the record", usually in private and no official record of the discussion is produced, although often a summary note of what was said is provided later. This evidence is usually but not always taken within the community, rather than in the Scottish Parliament.
54. Committees have had to work harder to engage with those groups who are more remote from the Parliament. Introducing a better balance with less formal evidence taking sessions in the Scottish Parliament and more at a local level is one way committees can connect more directly with those who are hard to reach and should be used more regularly during committees' evidence gathering. We recognise not all committee inquiries would involve seeking the views of those who are not engaged with Parliament but, where they do, efforts must be made to ensure all voices are heard.
55. This would require a cultural change in the value committees and members place on evidence taken in local communities and more informal settings. We believe evidence taken during committee meetings is, currently, valued more as it is taken on the record in a committee room setting. Our recommendations later in the report regarding a Committee Engagement Unit would also mean a wider range of engagement methods could be promoted to committees at the start of each major inquiry.
56. We are aware of the particular pressures on MSPs who sit on multiple committees. Adjusting the balance between committee meetings and less structured events, where all members may not be required to attend, could also have a positive impact on MSPs' workloads.
57. There are resource implications of this approach, such as additional travel costs. Consideration should also be given to monitoring the diversity of those MSPs who participate to ensure that there are no other unintended barriers to participation. The focus, however, should be on the quality of the engagement as opposed to the quantity. The success of any engagement should not be judged solely on the number of people spoken to but the value of hearing a diverse range of views.
58. Formal committee meetings are the appropriate place to hold the Scottish Government and public sector organisations to account but we believe that Parliament, and committees in particular, should give greater emphasis to seeking the views of those who use or deliver public services and the hard to reach in their communities.

## **A regional focus to scrutiny and engagement**

59. During our engagement work we heard about the changing nature of public sector delivery, with different public sector organisations increasingly working together at local level to deliver services. This can create challenges for committees when scrutiny focuses on the national delivery or impact of a policy or bill as it can overlook the regional perspective of how a national policy or bill is delivered across different local services.
60. While this focus can mean that different perspectives (such as rural, urban or island) can be provided at the one time from the same organisation, it was suggested it risks missing out on the collective view of how a specific region or community might be impacted.
61. The growing level of collaborative working at local or regional level should feature more in evidence gathering by committees. By seeking the views of a range of key organisations in one region or area, committees would gain a better understanding of the impact of a policy or bill.

### **Recommendations: Evidence in local communities and at regional level**

**R6:** Greater weight and more time should be given to seeking views by alternative methods to committee meetings. (More information on those alternative methods is contained in part 4 of this report.)

**R7:** Committees should consider undertaking regionally focused scrutiny as a way to enhance their understanding of the impact of national policies or legislation at local or regional level.

## **Better resourced and informed committee scrutiny**

62. The Commission heard that, along with increasing powers for the Scottish Parliament, there should be a commensurate increase in its resources to ensure committees are well equipped to undertake their scrutiny work. In that regard, the Scottish Parliament's ability to exercise meaningful scrutiny is influenced by the depth, expertise and capacities of those available to support parliamentarians, impacting on committees' overall capacity for scrutiny.
63. Additional resources have been suggested in relation to committees' ability to gather knowledge by way of:
- a. enhanced business planning capacity and greater support to members on scrutiny options;
  - b. enabling committees to interrogate more effectively the evidence cited as underpinning and supporting policy and legislation;
  - c. enabling committees to undertake their own research to inform their views and to identify particular issues for further scrutiny; and

- d. legal advice to support committees to understand the nuances of bills and the effect of amendments, primary and secondary legislation.
64. Recommendations later in this report regarding a Committee Engagement Unit would go some way to increasing committee resources and enhancing the deliberative and participative engagement committees undertake.
65. Additional resources for committees would, some argue, also rebalance the scrutiny ability of the Parliament when compared with the policy resources of the Scottish Government. This is especially important following the further devolution of powers resulting from the Scotland Act 2016, as well as the significant tranche of additional scrutiny required as a result of 'Brexit'.
66. Others have advocated increasing committee capacity by making better use of external expertise and advice to supplement, or enhance, the scrutiny being undertaken by MSPs. Committees currently can formally appoint advisers to provide advice, expertise and challenge but it has been suggested the Parliament should consider alternative less formal appointments of external experts to committees.
67. We see a benefit of this approach being the inclusion of voices from public service users, or communities, rather than policy professionals; for example, they may provide their experiences of accessing or delivering services at community level. It also offers the potential to address the limited progress made in securing greater diversity amongst elected representatives by allowing committees to harness the experiences and expertise from groups which are under-represented in the Parliament. Such options could include:
- a) representatives of organisations 'seconded' to specific committees for particular pieces of work;
  - b) meeting other costs, such as employment costs, to facilitate their availability; and
  - c) utilising informal groups of citizens who may be called upon to provide an external scrutiny mechanism for a specific policy or bill.
68. Greater flexibility to incorporate external expertise and advice could balance the technical evidence provided by officials and policy professionals with a more personal view about how legislation or policy impacts 'on the ground' at an individual or community level. We acknowledge that an external perspective is one person's, or one group's, perspective and not necessarily representative of the wider community. We recognise, therefore, it is vital that appropriate checks and balances are in place to ensure those fulfilling these roles are clear about their accountability and responsibilities and the circumstances under which they have been asked to participate.
69. Cross-Party Groups (CPGs) also provide opportunities for MSPs, outside organisations and the public to meet and discuss a shared interest in a particular cause or subject. These groups are valued by both MSPs and the external stakeholders and citizens we met who participate. They provide a degree of continuity in the relationships that can be built between parliamentarians and external groups and individuals over a number of years.

70. Such mechanisms as outlined above could give committees an insight into how legislation or policy impacts on communities and is a way to include the voices of those who may not have had access to the committee scrutiny process.

### **Recommendations: Committee resources and expertise**

**R8:** The Parliament should review the dedicated resources available to committees to determine whether they are able to meet the future needs of parliamentary business and support more effective scrutiny.

**R9:** It should also review the range of mechanisms available to committees to benefit from expertise and experience other than through the formal appointment of an adviser.

## Effective use of chamber time

### **First Minister's Questions**

71. Each week 45 minutes is devoted to First Minister's Questions (FMQs), when MSPs can question the First Minister on Government business. This is an important opportunity for individual members to hold the Government to account.

72. One issue that attracted frequent and widespread comment, more than might be expected, was the use of scripted diary questions used by party leaders to open FMQs. We heard these scripted questions were "pointless" and a waste of time and, for some, seemed an archaic practice that did not present the Parliament as a modern institution or make any sense to the wider audience.

73. The SPPAC, in its 2011 report on remodelling the parliamentary week, recommended the first question asked by party leaders at FMQs should no longer be required, suggesting instead that party leaders move straight to spontaneous and unscripted questioning. The Parliamentary Bureau did not agree with this recommendation as it believed the time-saving would be minimal while important benefits of the current system would be lost by removing the requirement for published questions from party leaders. Such benefits, it argued, related to the ability of back bench MSPs to ask constituency related questions as a supplementary.

74. We agree with the approach recommended by the SPPAC that party leaders should no longer be required to use a scripted diary question to open FMQs. We consider this is not about time saving but about the openness, spontaneity and attractiveness of parliamentary proceedings, particularly for the Scottish public for whom accessing FMQs on radio, television or online may be their only contact with the Parliament.

75. We also considered whether questions submitted by back bench members selected by the Presiding Officer for FMQs should also be published. At present the Presiding Officer selects questions submitted by back bench MSPs according to the d'Hondt formula. Those questions are then published in the Business Bulletin.
76. In addition to those back bench members who submit a question for selection by the Presiding Officer, others may also request to ask questions at FMQs because of urgent constituency issues which they may intimate to the Presiding Officer in advance. While these members will be uncertain if they will be called to ask their question, they are not required to ask their question exactly as originally intimated to the Presiding Officer nor are their questions published in advance (and the First Minister may have no prior knowledge of what their question might relate to).
77. We consider the approach taken in relation to urgent constituency questions should be adopted for those back bench MSPs who wish to be selected to ask questions at FMQs. This would give those back bench MSPs selected the same degree of flexibility as those who are called to ask an urgent constituency question. In considering how the Presiding Officer might select those back bench MSPs to ask questions, we suggest the current process whereby members submit their names and questions for selection by the Presiding Officer could continue but with only the name of the MSPs selected then being published, not their question. Back bench members selected would be expected to ask the question submitted to the Presiding Officer (except in exceptional circumstances).
78. As FMQs is about the scrutiny of the wide range of matters within the First Minister's responsibilities, we do not consider our changes would limit the range of questions back bench MSPs may wish to ask as a supplementary.

### **Recommendations: First Minister's Questions**

**R10:** The practice of using scripted diary questions by party leaders should cease, with party leaders moving straight to their questions. As a result, the Business Bulletin would reference only the names, and not the first question, of the party leaders.

**R11:** The opening question of other MSPs who are selected to ask a question at FMQs should also no longer be published, to ensure parity of approach. As a result, the Business Bulletin would only reference the names, and not the question, of those MSPs selected for a question at FMQs.

### **Portfolio and general questions**

79. Portfolio questions and general questions take place once a week giving an opportunity for MSPs to ask questions of ministers related to a particular portfolio. One or two portfolios are usually selected each week. MSPs who wish to ask a

question submit their names which are then selected randomly in the order the questions will be asked. Opposition spokespeople are not automatically selected if they request to ask questions during the relevant portfolio question time.

80. We consider that if an opposition spokesperson from each party makes a request to ask a question they should be selected. We held differing views on the extent to which their question should relate to the topic of the preceding question or to any part of the relevant portfolio.
81. MSPs selected then provide their question and it is published in the Business Bulletin. More names are selected than time will allow so a significant number of MSPs are not called to ask their question. Selecting fewer questions for answer at portfolio and general questions would allow more time for follow up and supplementary questions from MSPs who have a specific issue to pursue, supporting scrutiny over point scoring. It would also provide more time for the Presiding Officer to call those MSPs who request to speak during portfolio and general questions and who have an interest in the area being questioned, thus increasing spontaneity.
82. Currently portfolio or general questions must, under Standing Orders, be taken in the same order as the MSPs' names are selected irrespective of whether they are on the same or a similar issue. The Presiding Officer should have the discretion to group such questions.
83. Each portfolio area is covered every six weeks or possibly longer, depending on when recess falls. As more portfolio areas become devolved, it is anticipated each area would be covered less frequently unless a change to parliamentary time is agreed.

### **Recommendations: Portfolio and general questions**

**R12:** The focus of questions in the chamber should be on quality of scrutiny rather than the quantity of questions asked. We recommend, therefore, the number of portfolio questions selected and published in the Business Bulletin be reduced.

**R13:** The relevant opposition spokesperson from each party who requests to speak during portfolio questions should automatically be selected.

**R14:** In view of the further devolution of powers and our proposals above, Parliament should review the range of question times available (portfolio and general) with a view to ensuring each portfolio area is scrutinised more frequently.

## Enhancing legislative scrutiny

84. While it is generally recognised that many aspects of the legislative process work effectively, there are ways in which it could be improved. We are cognisant of the considerable work undertaken by the session 4 SPPAC and recognise that many of its recommendations have yet to be tested in the current session.

### **Pre-legislative scrutiny**

85. As we heard repeatedly, it is easier to influence the outcomes of the policy process before the detail of the policy has been agreed, rather than after the policy has been signed off and a bill has been drafted. When we spoke with those who engage frequently with Parliament, they agreed that influencing Government policy during its formulation was where they could secure the greatest influence.

86. This raises the issue of Parliament's role in influencing and improving legislation. There has been some unease about the appropriateness of a parliament engaging with government before a bill is introduced on the basis that a parliament should not be part of both the policy making and scrutiny processes. The Conveners' Group considered and rejected this type of scrutiny in its session 3 legacy report on that basis. The SPPAC recommended it should be a committee's decision whether to undertake pre-legislative scrutiny.

87. We believe, however, there is considerable scope for Parliament to engage with the policy making process before a bill is introduced without compromising its scrutiny role in the legislative process. We consider Parliament should take a more proactive role. Pre-legislative scrutiny allows a committee (and wider society) to prepare ahead of a bill's introduction, especially in terms of keeping a 'watching brief' on the issue and enabling proactive planning of background briefings or engagement activities which may be useful in informing members of the key issues. It also provides the opportunity to clarify the outcomes the bill is expected to achieve.

88. We suggest the Government, or the bill proposer, should speak at committee or in the chamber to announce the launch of a consultation on proposals for legislation. This approach endorses Parliament's founding principle of power sharing, providing Parliament and the Scottish people with an understanding of the purpose of such proposed legislation, the range of issues being proposed for consideration and the outcome it is hoped to achieve. We recognise that, in some cases, consultations do not always result in a bill being introduced.

89. Greater pre-legislative scrutiny would also provide a national platform for the Scottish Government (and MSPs) to publicise their consultations which might enhance the range and quality of views it receives.



## Accompanying documents

90. In 2015, the SPPAC recommended committees work with the Scottish Government, when required, to review and improve the documents provided with bills when they are introduced to Parliament (called ‘accompanying documents’).<sup>6</sup>
91. We heard that, if the Parliament is to enable all aspects of bills and their impact to be scrutinised upon introduction, more information should be provided in the accompanying documents. We received requests for the following documents to be provided at the time of introduction: business and regulatory impact assessments; equalities impact assessments; and key outcome measures which enable the success of any legislation to be assessed.
92. In particular, we heard that for committees to scrutinise the policy intent of a bill effectively, they should be able to consider the research or evidence underpinning it. Some suggest this ‘evidence check’ mechanism has been employed successfully in other parliaments to scrutinise the outcomes expected from the proposed policy.
93. We recognise the SPPAC’s concerns about adding to the volume of documents required following the introduction of a bill. Given the resources and time Parliament expends on scrutinising legislation, we consider that greater transparency and openness about its impact, its evidential basis and the outcomes that will demonstrate its effectiveness can only facilitate effective scrutiny and the clarity of intent. We acknowledge that for members’ bills and committee bills a more proportionate response may be required, given the resources available.
94. Providing this information supports people to engage with the legislative process on a more informed basis. Including measurable outcomes would also enable Parliament to be better placed to judge, post-implementation, whether legislation has been implemented effectively and the policy intent achieved.

### Stage 1

95. Stage 1 is, currently, the first opportunity people have to engage with the committees about the impact of a bill. It represents the substantive phase when people can influence a bill in Parliament and we heard the key to enabling effective engagement is to allow sufficient time for a committee to plan its engagement and scrutiny activity.
96. The main criticism the Commission heard about stage 1 of the legislative process related to the timetable for completing scrutiny of the bill. The length of time agreed for the completion of stage 1 impacts on the length of time available for a committee consultation; the length of time available for oral evidence (especially if a committee wishes to wait to consider the written views before agreeing the oral evidence panels); the ability to recruit an adviser or organise external

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<sup>6</sup> The rules in relation to accompanying documents are set out in [Rule 9.3 of Standing Orders](#).

engagement activities; and the length of time available to draft, consider and agree its report.

97. At present, the Scottish Government, or the bill proposer, will consult committees (principally the convener and committee clerk) about the timetable for completing consideration of the bill and before proposing deadlines for completing stages 1 and 2 to the Parliamentary Bureau. The Parliamentary Bureau then seeks the views of the convener before proposing the timetable to be agreed by Parliament. As committees are the principal mechanism by which the details and underpinning policy are scrutinised and by which those affected by the bill can engage directly with MSPs, we consider they should have a greater role in recommending the appropriate timescale for completing the key committee stages of the bill.

98. We expect that discussions between the Scottish Government (or bill proposer) and committees would continue to take place but this approach supports Parliament considering a different timescale where the committee considers it is in the best interests of effective scrutiny. It supports Parliament taking a greater role in deciding its business and provides committees with greater control over their work programmes.

99. We would expect that, where the Parliamentary Bureau departs from a committee's recommendation, it should explain its reasons for doing so.

### **Stages 2 and 3**

100. Concerns were also expressed about the lack of time for scrutiny at stages 2 and 3 and, in particular, the challenges for members and citizens alike to understand the meaning and consequences of amendments passed in the time available. In its 2015 report on legislation, the SPPAC made a recommendation to improve the way that certain types of amendments were presented to make it easier for MSPs and the public to identify their policy intention. We note the approach where packages of linked amendments would be presented is being trialled in the current session.

101. The SPPAC also made recommendations aimed at improving understanding at stage 3 by providing for the convener of the lead committee to summarise, at the start of stage 3, those amendments agreed to at stage 2. The Parliament also agreed to pilot the SPPAC recommendation that stage 3 be split over more than one day to provide an opportunity for Parliament to reflect on the impact of the amendments before its final debate and to create time for the bill to be checked to ensure it is technically correct.

102. Concern was expressed to us about the lack of a mechanism to consider the whole bill at stage 3 where the cumulative effect of agreed amendments might give rise to significant unintended consequences. We consider that such a mechanism would support better law making.

## Post-legislative scrutiny

103. Another criticism levelled against committees is that they do not allocate sufficient time to post-legislative scrutiny. In the early years of devolution, this was to be expected, but the case for evaluating the impact and effectiveness of Scottish Parliament legislation grows as the Parliament develops and more legislation is enacted.
104. For some committees, especially those with a heavy legislative workload, lack of time was the reason given for not undertaking post-legislative scrutiny. Our research, however, has highlighted that even for those periods when less legislation was introduced to the Parliament and there were more opportunities for undertaking post-legislative scrutiny – session 3, for example, or the years immediately following an election – committees have not undertaken more inquiries such as post-legislative scrutiny.
105. In the current session, the Public Audit Committee's remit was widened to include post-legislative scrutiny, thus becoming the Public Audit and Post-legislative Scrutiny Committee. It is envisaged this change would not restrict the ability of other committees to undertake post-legislative scrutiny and note that some committees have undertaken post-legislative scrutiny, albeit on an ad hoc basis.
106. The session 4 SPPAC considered the issue of post-legislative scrutiny in its 2016 report on committee reform. The Committee recommended that, within 3-5 years of Royal Assent, the Scottish Government should be required to publish a post-legislative report on the implementation of each act of the Scottish Parliament. This approach was commended to us by some, based on their experience in the UK Parliament. In its response to the SPPAC, the Scottish Government did not agree with this recommendation on the grounds they considered it neither proportionate nor flexible.
107. Our starting point for considering this issue is what is most in keeping with the Parliament's founding principles of openness, transparency and power sharing. We have concluded that, if a key purpose of parliament is to scrutinise legislation, then accountability to parliament for how those legislative powers are then enacted and delivered, and the outcomes they deliver, must be a key component.
108. We propose, therefore, that a statement should be provided by the Scottish Government or, in some circumstances, the relevant public body, which details the extent to which the legislation has been enacted, what outcomes have been achieved and the cost of implementation. Committees would then consider this statement as part of the legislative process.

## **Recommendations: Legislative scrutiny – a five stage process**

**R15:** The current three stage legislative process should be replaced with a five stage process to include pre-legislative and post-legislative scrutiny. While the existing three stage legislative scrutiny process would remain at its core, committees should include pre- and post-legislative scrutiny in their work programmes. We recommend:

- a. Scottish ministers (or indeed members' or committee bill proposers) should provide a short statement in the chamber or relevant committee every time a consultation on proposed legislation is launched (potentially a new stage 1 of the five stage process);
- b. the accompanying documents published with bills should provide more detail about the research and evidential base used to underpin that legislation; the following accompanying documents should also be provided upon introduction: business and regulatory impact assessments; equalities impact assessments; and key outcome measures which will enable the success of any legislation to be assessed;
- c. committees should be invited by the Parliamentary Bureau to set the timescale for completing their consideration of a bill;
- d. in addition to the SPPAC recommendations regarding presentation of amendments at existing stages 2 and 3, and a pause mechanism at stage 3, we recommend the rules relating to the stage 3 referral back to the lead committee be changed; we recommend it should be possible, in exceptional cases, to refer a bill back to the lead committee and the Delegated Powers and Law Reform Committee at stage 3; and
- e. the Scottish Government (or other relevant public body) should be required to provide the Parliament with a post-legislative statement a set period after a bill is passed (potentially a new stage 5 of our five stage process).

## **Parliament's role in legislative standards**

109. We believe the Parliament should have a greater role in championing the principles that underpin good legislation—

“Legislation is one of the most powerful tools available to the Government and should only be considered when there is a proper need. Legislation or provisions in legislation that have no legal effect and that are not intended to be enforced

are a waste of Parliament's time, a needless expenditure of public funds, and bring the law into disrepute."<sup>7</sup>

110. This quote from the Legislative Design and Advisory Committee in New Zealand sets out the purpose of legislation and, for us, sets out the reasons why the Scottish Parliament should play a greater role in driving forward legislative standards in Scotland.

111. While we heard from people how good legislation can bring about real and sustainable improvements in their lives, we also heard how unclear, aspirational or poorly drafted legislation can make lives worse, damage the reputation of parliament and make people less willing to engage with it on a future occasion. Wide ranging concerns were raised with us, including unclear purposes for proposing legislation and the inappropriate use of 'framework' bills which delivered significant policy changes via secondary legislation. Some also suggested there should be more use of 'sunset clauses' to limit how long ministers have to use powers granted by Parliament.

112. We recognise the work of the Scottish Government in seeking to drive up drafting standards through its guidance '*Drafting Matters*'<sup>8</sup> and through greater consultation and engagement. We consider that the time is right for a wider view to be taken on what makes for good legislation. We believe the Parliament is well placed to lead collaborative working with the Government and other stakeholders as part of a standards body whose purpose is to develop guidance on the attributes of good legislation. This approach would enable all those involved with making law to establish a set of Scottish standards for designing, developing and drafting good quality and effective legislation from bill inception to introduction. It would also enable a Scottish approach to be agreed to evolving drafting styles and reduce the potential for conflict over drafting styles and approaches by enabling a shared understanding and agreement on what makes a bill fit for purpose.

113. In considering the roles and responsibilities of this body, consideration should be given to the Legislative Design and Advisory Committee in New Zealand which has been highlighted to us as a model of good practice.

### **Recommendation: Legislative Standards Body**

**R16:** To provide a Scotland-wide approach and understanding of what constitutes good legislation, the Parliament should establish a Legislative Standards Body.

<sup>7</sup> <http://ldac.org.nz/guidelines/lac-revised-guidelines/>

<sup>8</sup> <http://www.gov.scot/Publications/2016/08/6015/downloads>

## A greater role for the Presiding Officer

114. The Presiding Officer is a key figure in promoting the Parliament's identity and protecting its reputation and founding principles. When the CSG set out the founding principles of the Scottish Parliament, it envisioned this role as commanding the respect of the whole Parliament and that "the Presiding Officer's authority must be respected at all times to preserve the dignity of the Parliament and the integrity of the Office".
115. The Scotland Act 1998 gave the Presiding Officer powers to apply considerable influence on the operation of Parliament but there have been few opportunities to reflect on how the Presiding Officer should use them.
116. We learned the role of Presiding Officer, or speaker, in other parliaments (such as the Dáil Éireann and the House of Commons) has evolved to keep pace with the changing nature of political culture. In particular, they have taken a more active and robust approach to maintaining the reputation of parliament and the effectiveness of parliamentary time than has previously been the case.

### **Conduct in the chamber and during question time**

117. It was suggested to us that the Presiding Officer should have a greater role in the conduct and content of chamber business. Most of the time, members are respectful in their exchanges with one another. We heard from former and current MSPs, however, that conduct in the chamber during questions to ministers (including FMQs) can be far from satisfactory with complaints that too much time is taken asking lengthy questions and that ministers do not answer questions adequately.
118. We heard from people around Scotland that questions in the chamber (particularly FMQs) are seen as rowdy and bad tempered. It adds to the perception of MSPs being poorly behaved and puts people off the Parliament, and politics more generally. Conversely, the broadcast media told us it values the 'lively' debate of FMQs while the print media said it finds little to report given the nature of the exchanges.
119. The principal purpose of parliamentary questions (PQs), both oral and written, is to scrutinise the work of the Scottish Government. FMQs, however, also provides an opportunity, once a week, for the main party leaders to 'joust' with each other. It provides a valuable opportunity for political debate from which others can judge each leader's views, policies and debating skills. A balance, therefore, needs to be struck between political debate and its primary purpose of scrutiny.
120. The extension of time to give back bench MSPs more opportunity to ask questions during FMQs has been welcomed.<sup>9</sup> We heard, however, that such

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<sup>9</sup> FMQs was extended from 30 minutes to 45 minutes by the Presiding Officer at the beginning of the session 5.

additional time may become focused on ‘point scoring’ rather than on scrutiny if back bench MSPs are only permitted to ask one question rather than additional follow up questions.

121. Having considered all the views we received, we conclude that the Presiding Officer should have a stronger role in balancing the need for political debate with that of effective scrutiny.
122. Some areas where this might be appropriate include:
  - a. requesting shorter statements before questions;
  - b. reducing waffle in questions and answers (the new procedure in the Dáil Éireann might provide a procedural approach to this);
  - c. ruling out responding to questions with questions (other than for clarification) or with reference to issues outside the remit of the minister; and
  - d. ruling out those questions which do other than seek to genuinely scrutinise the minister.

### **Quality of written and oral answers**

123. Questions and answers in the chamber generally works well in delivering scrutiny of national and local issues. We heard calls, however, for the Presiding Officer to rule on the accuracy of oral and written answers in Parliament as part of his or her role as its custodian and advocate. Inaccurate or poor answers damage the reputation of Parliament as an effective accountability mechanism and limit the ability of MSPs to perform their scrutiny function. They also damage people’s trust in Parliament. A cross-party agreement to allow the Presiding Officer to perform this function could also reduce the perceived need for MSPs to make multiple points of order during debates.
124. The Scottish Ministerial Code of Conduct and Guidance on Procedures includes the principles that ministers “have a duty to Parliament to account, and be held to account, for the policies, decisions and actions taken within their field of responsibility;...give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity; and,... be as open as possible with the Parliament and the public, reflecting the aspirations set out in the Report of the Consultative Steering Group on the Scottish Parliament”.<sup>10</sup>
125. Provision exists in the Procedures Committee of the House of Commons to rule in relation to the accuracy, detail and timeliness of written answers and in the Dáil Éireann in relation to inaccurate responses in the chamber. These could provide a basis upon which to explore the exact detail of a similar procedure in the Scottish Parliament.
126. In relation to such a procedure, consideration could be given to the following:
  - a. who can raise a complaint;

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<sup>10</sup> <http://www.gov.scot/Publications/2016/08/1393>

- b. requiring the complainant to meet some basic criteria in order to be considered (for example, if the question asked is misleading, not clearly expressed, or unreasonable) and for evidence to be provided setting out the basis for any claim that a response is inaccurate, not truthful or inadequate;
- c. providing a referral mechanism for further investigation, such as the SPPAC, should the Presiding Officer consider this is merited;
- d. ensuring the procedure cannot be used as an alternative way to seek information (or indeed 'fish' for information) where other existing mechanisms can be used; and
- e. ensuring there is some consequence where it has been found that a response is inaccurate, inadequate or untruthful or where there are persistent inappropriate complaints.

127. These checks and balances should go some way to mitigate the concern that such a mechanism might 'open the flood gates' and result in considerable resource being expended investigating such complaints. Consideration should be given to monitoring the overall number, type and outcome of complaints to determine if there are recurring issues which the Parliament might address by offering wider guidance or support.

128. If there is to be meaningful sharing of power, transparency and accountability in the exchange of information, there must be a mechanism to address those responses which fall short of the quality expected, no matter how frequently or infrequently they may arise.

129. A complaints mechanism can also bring benefits to Parliament by supporting the Government and MSPs to improve the drafting of questions and answers and could, therefore, have an impact on improving the overall quality of scrutiny in Parliament.

### **Responding to urgent issues**

130. The introduction of topical questions at the start of chamber business on Tuesdays has been widely seen as a positive development, providing an opportunity for Parliament to respond earlier to issues emerging on the days when Parliament does not meet.

131. It was questioned, however, why there has not been greater use of the emergency question procedure. This was, in part, based on a recognition that in other parliaments, for example in the House of Commons, the use of urgent questions has been seen as a successful way in which chamber business can be made more relevant and responsive to important issues arising on the day.

132. The Scottish Parliament may be considered slow to respond to emerging issues. A mechanism to allow Parliament and Government to respond more quickly to a significant issue would be of benefit to Government, Parliament and the Scottish public.



### **Recommendations: Chamber conduct, questions and answers and the role of the Presiding Officer**

**R17:** The Presiding Officer should have a stronger role in ruling on the conduct and content of parliamentary business and, in particular, oral questions and answers in the chamber to ensure a better balance between political debate and scrutiny in parliamentary business.

**R18:** A mechanism should be provided to enable MSPs to raise concerns with the Presiding Officer about any answers to written or oral questions which they do not consider meet the expectations of being accurate, truthful or where the response is inadequate. Such a mechanism would support the Presiding Officer in reducing unnecessary MSP interventions on this same theme.

**R19:** There should be a shift in focus from emergency questions to urgent questions to reflect more on significance or timing (rather than a crisis, which the use of the word emergency suggests).

**R20:** It should be for the Presiding Officer to agree whether any urgent questions should be taken in the chamber and for business *on the day* to be amended accordingly. Guidance on what could qualify as an urgent question should be provided.

**R21:** Parliament should agree and publish a more detailed description of the Presiding Officer's expanded role and responsibilities.

### **Proposals for the Parliament's programme of business**

133. Another key role for the Presiding Officer is to lead the Parliamentary Bureau in agreeing the proposals for the programme of business to be put to Parliament for agreement.
134. The current approach is that the Scottish Government proposes the forward programme of business for debate in the chamber. This is put to the Parliamentary Bureau by the Presiding Officer for consideration at a private meeting. The agreed programme is then proposed in a business motion to Parliament for approval and, on most occasions, it is not voted on by the Parliamentary Bureau or Parliament. Standing Orders provide for 16 half days each year for business chosen by opposition parties.
135. This approach by the Parliamentary Bureau creates circumstances where any changes to business are considered in the context of the Scottish Government's proposals. The identity of the Parliament is strongly linked to what takes place in the chamber. Currently, the proposals for parliamentary business originate from the Government. While requests from opposition parties for changes are usually

agreed, this approach does not reinforce the role of Parliament as distinct from that of Government.

136. As it is the Parliament's programme of business, we consider it should be proposed by the Parliamentary Bureau in a way that encourages the parties and groups to work together in deciding what business is most relevant and topical for debate.

**Recommendation: Proposals for Parliament's programme of business**

**R22:** We recommend that each party or group represented on the Parliamentary Bureau should submit their proposals for the programme of business for the forthcoming weeks to the Presiding Officer before such proposals are then considered by the Bureau. This would replace the current practice where the Scottish Government proposes the programme of business for consideration by the Parliamentary Bureau.

## Regular reviews of Parliament's rules

137. Standing Orders are the Parliament's rules. The Parliament's approach to changing these rules is that, in general, they are designed to be permissive, rather than restrictive and to reflect modern working practices. Reviews of parts of Standing Orders are undertaken by the SPPAC on a periodic basis, usually following a request from another committee or MSP or an issue or concern arising in Parliament.
138. We learned about the sessional reviews of the New Zealand Parliament's rule book every three years whereby its Standing Orders Committee conducts a general review in the latter part of each parliamentary term and reports, with recommendations, to Parliament before the term ends. Assuming the amendments are adopted, they come into force the day after Parliament is dissolved. The Speaker of the New Zealand Parliament explained how this process has helped to ensure parliamentary rules are updated incrementally, rather than in response to a crisis, and is commonly agreed as a very effective way of looking at how well the Parliament is working.
139. We heard it also has the advantage that changes are considered in a measured way in light of the session's experiences, with changes recommended as a package. This is in contrast to specific changes being recommended in the 'heat of the moment' in response to an issue.
140. In our engagement activities we received comments that the mechanism of using an independent commission to review how Parliament is working should be repeated in some planned way over future sessions.

### **Recommendation: Regular reviews of Standing Orders**

**R23:** We recommend that the Standing Orders of the Parliament be reviewed, in their entirety, towards the end of each session. This would utilise the knowledge and experiences of members as they approach dissolution and would enable a measured and holistic approach to rule changes.

## Parliament's role in supporting diversity

141. The founding principle that the Parliament should promote equal opportunities for all underpins what the Parliament does. Our analysis of the Parliament's statistics shows that some success has been achieved, with both the Parliament's and MSPs' staff reflecting a gender balance. The Modern Apprenticeship Scheme, the political shadowing scheme operated by the Coalition for Racial Equality and Rights Scotland and the internship programme operated by Inclusion Scotland are also focused on redressing the under-representation of some groups in Parliament. We also acknowledge the Parliament's *Diversity and Inclusion Strategy*.
142. One area where progress has been much slower has been in the diversity of the members elected to Parliament, highlighted by many of those we met. They commented that the Parliament would be more effective if its elected representatives better reflected the diversity of voices and experiences found across Scotland.
143. Currently only two MSPs have a black and minority ethnic background, (1.6% compared with 4% nationally). The Parliament has one MSP out of 129 self-identifying as having a disability compared with 1 in 5 nationally and, although still comparing well with many other parliaments, only 35% of MSPs are women.
144. The diversity of elected members is dependent, to some extent, upon the candidate selection policies of individual parties and the candidates' subsequent success at the ballot box. We are aware that other parliaments have taken a more proactive approach to addressing a lack of diversity amongst their members, with some using statutory quotas for female members. Others have gone further, linking funding for political parties to gender balance, such as the Dáil Éireann where parties can lose 50% of their state funding if they don't achieve a certain level of female candidates (30% at the election in 2016 rising to 40% in seven years).
145. We note the Parliament's rules have been changed recently to ensure gender is considered when appointing members to the Parliamentary Bureau and Scottish Parliamentary Corporate Body (SPCB). In addition, the rules governing conveners have been changed to enable the appointment of an acting convener during a period of parental leave by the convener.

146. We also acknowledge the Access to Elected Office Fund pilot administered by Inclusion Scotland and funded by the Scottish Government. This financial assistance scheme for disabled candidates offers funding to pay for those additional costs faced by disabled candidates and provides adjustments, assistive technology or personal/communication assistance as needed. The aim is to try to ensure that disabled candidates can compete in an election campaign on a fair basis. Thirty nine candidates at the Scottish local government elections in 2017 were supported by the fund, 15 of whom were subsequently elected, representing four political parties in 12 different councils.
147. Parliament should take a greater role in promoting the policies and behaviour others should adopt and can take a lead by encouraging all political parties to work on increasing diversity amongst their candidates. Having a truly diverse pool of representatives would enable Parliament to represent all the people of Scotland more effectively.
148. If sufficient progress is not made in the long-term, we suggest Parliament considers the extent to which party funding provided by Parliament (and therefore tax payers) should be linked to each party's progress in selecting a more diverse range of candidates for Scottish Parliamentary elections.

**Recommendations: Diversity – representatives, rules and procedures.**

**R24:** A systematic review of Standing Orders should be undertaken to ensure that it is diversity sensitive and inclusive to facilitate equal and effective participation by MSPs in all business.

**R25:** As a first step, committee membership should reflect the gender balance of MSPs in the Parliament. This approach should then be expanded to other protected characteristics<sup>11</sup> once better diversity in representatives is achieved.

**R26:** Parliament should report on key aspects of parliamentary business and MSPs by protected characteristic. Subsequently the Parliament, political parties and others should work together to agree benchmarks for what is desirable in terms of diversity in candidates for Scottish Parliamentary elections and set a realistic timetable for achieving this.

**R27:** Parliament should also be proactive in promoting a range of measures to bring diversity into the Parliament.

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<sup>11</sup> The Equality Act 2010 sets out 9 protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

149. Approaches suggested to us which we consider merit further consideration include:
- a. providing all MSPs each session with an opportunity to meet with a wide range of communities and groups which are under-represented in Parliament through a networking event; this could be considered part of all MSPs' continuous professional development (CPD), to help develop members' understanding of some of the issues facing these communities and groups; and
  - b. developing with MSPs a work shadowing programme for under-represented groups, for the former to gain more insight into the need for diversity and the latter to gain practical experience of elected office.
150. Since its opening in 1999 the Scottish Parliament has tried to ensure that all people can participate in its work. We heard many examples of how the Parliament has supported people to contribute, particularly those who experience additional barriers such as language, accessibility, finance, culture or geography. Some committees were identified as having overcome these barriers in relation to specific pieces of work (for example the session 4 Welfare Reform Committee's *Your Say* work).
151. These barriers can limit the diversity of views the Parliament, and committees in particular, receive when undertaking scrutiny. We heard about the importance of putting in place practical measures such as meeting travel costs for under-represented groups, providing refreshments for committee witnesses who are being asked to attend long meetings and adapting the way committee meetings are run, including slowing down the pace of exchanges to assist people understand better what is being considered.
152. Despite the progress made, we consider that there is more that can be done. In particular, we recognise the concerns we heard that committee scrutiny work can be interpreted narrowly in that diversity issues tend to be considered only in relation to equalities policies and legislation. The potential for this issue to arise is increased given MSPs are not representative of wider society.
153. We are aware of the approach previously taken by the Parliament of bringing in expertise for a fixed period to provide more focus and scrutiny capacity in areas such as sustainable development and human rights. This, we learned, has resulted in increased scrutiny of these issues across committees in a more systematic way. It has also enhanced the knowledge available to committees to call on to support such scrutiny.
154. A similar approach could be adopted to provide expertise in diversity issues to support its systematic consideration across the wide range of topics into which committees inquire. Such expertise could support the Committee Engagement Unit in its work and provide a contact point for under-represented groups.
155. The Parliament has been proactive in seeking to widen the diversity of people involved with the Parliament in relation to scrutiny. We consider that, as part of the challenge of increasing diversity in the Parliament, it needs to have a better understanding of those who currently access it. We note that elsewhere (in the

House of Commons) recommendations have been made to monitor the diversity of those in receipt of media passes given their role in reporting on the Parliament.

156. At present the diversity of SPCB staff is reported. This practice should be extended to all those issued with Scottish Parliament access passes as a first step towards Parliament being more accountable for its role in increasing diversity (and delivering better representation) in all aspects of its work.

#### **Recommendations: Diversity in committee scrutiny and access**

**R28:** The Parliament should ensure that additional diversity expertise is available for a fixed period to enhance committees' awareness of diversity issues when undertaking scrutiny work.

**R29:** The Parliament should report on the diversity of all those who have special access to the Parliament through the provision of parliamentary passes.

## Taking forward human rights in the Scottish Parliament

157. The Scotland Act 1998 requires that all legislation it passes must comply with the European Convention of Human Rights (ECHR). The Parliament from the outset, has integrated equal opportunities into many of its operations and procedures.

158. The Parliament has always had an Equal Opportunities Committee (latterly its remit was widened to explicitly include Human Rights), recommended by the CSG to ensure a proper focus on equality issues during the early years of the Parliament's life. The Parliament has also demonstrated its commitment to deliver on its founding principles such as through its engagement with diverse stakeholders. We have been told, however, that the Scottish Parliament now needs to move on from its early achievements to keep pace with the increasing recognition of the importance of parliaments and parliamentarians taking an active role in the implementation of human rights standards and judgements. In some parliaments, committees include in their remits specific functions such as the vetting of legislation for compliance with domestic or international commitments and oversight of European Court of Human Rights judgements.

159. We received a number of detailed written submissions outlining the role and responsibilities Parliament should now consider adopting to reflect better this changing international context. We understand the Equalities and Human Rights Committee has agreed to undertake an inquiry into its extended remit with a view to gathering information on how best to scrutinise human rights in committee and, more widely, in Parliament. This is being conducted in a phased approach. Thus far, a literature review has been conducted and some general awareness raising

has taken place. The next phase, a specific research project, is being scoped and the Committee will take evidence thereafter and look to report during the autumn.

160. Given the time available to us, we recognise that we cannot do justice to the complex and important issues raised with us in relation to the Parliament's role, such as becoming an effective human rights guarantor as called for by the Scottish Human Rights Commission.

**Recommendation: Referral of human rights issues**

**R30:** We refer the proposals raised with us on the Parliament's role as a human rights guarantor to the Equalities and Human Rights Committee to inform its inquiry work on this matter. We recognise the importance of the proposals made to us and consider that some of our other recommendations may also promote the delivery of a stronger human rights role for the Scottish Parliament.

## Strengthening the Parliament's identity

161. It is clear that the issue of a parliament's identity being confused with national or local government is not unique to the Scottish Parliament. Parliaments, in general, don't have a distinct identity. While there is no detailed evidence that there is a particular problem in relation to the identity of the Scottish Parliament, there is evidence that suggests a low level of public knowledge and understanding about the UK's political institutions and their responsibilities.
162. Our recommendations relating to a stronger role for parliamentarians should provide more clarity about the role of Parliament as distinct from that of Government. The more visible scrutiny role envisioned for committees, with wider community engagement, would also help strengthen its identity.
163. The work currently carried out by the Parliament's education and outreach services is valued by all those to whom we have spoken, including MSPs, educationists and the third sector. Their role in educating people about how Parliament works, who represents them, and facilitating ways to get involved, is strongly endorsed by the Commission. We heard that those who have participated in activities provided by the Parliament's Education and Outreach services could play a greater role, as ambassadors, in encouraging others to also become involved in the Parliament.
164. A strong message we heard is the importance of educating young people at an early age about the role of the Scottish Parliament. The Devolution (Further

Powers) Committee<sup>12</sup> considered this issue in its 2015 report on the Scottish Elections (Reduction of Voting Age) Bill.<sup>13</sup> This Bill led to the extension of voting to 16 and 17 year olds. The Committee concluded that more should be done by Education Scotland, local authorities and the Electoral Commission to support the discussion and education of politics and the Scottish Parliament in all schools throughout Scotland. We have been told greater progress needs to be made, especially for those about to become eligible to vote, so that they understand the role the Parliament plays in their lives and, as a consequence, the importance of voting. We believe that tackling this issue can deliver enduring benefits.

### **Recommendations: Promoting Parliament's distinct Identity**

**R31:** Building on the success of the Parliament's outreach work, the Parliament should empower those people already engaged with it and active in their local communities to act as advocates for the Parliament.

**R32:** Parliament should also provide greater and easier access to information about the Parliament in a variety of formats. Such information should be able to be displayed locally and updated with the contact details of newly elected regional and constituency MSPs. (This was a regular request made to us by organisations with whom we met).

**R33:** In addition, Parliament should work with the education sector and others to explore how education about the role and purpose of Parliament can be enhanced in primary and secondary schools, including the 14+ age group who do not opt for a Modern Studies course, so that all young people have adequate information before voting for the first time.

### **The role of the media in the Parliament's identity**

165. When speaking to people about the identity of Parliament, we often heard how people's views and understanding of the Parliament were influenced by the media and what it said about the Scottish Parliament. A well informed media can play a valuable role in enabling people to connect with Parliament and encourage them to become more engaged. We also heard how the impact of diminishing resources can make it more challenging for the media to report on complex or less controversial work undertaken in Parliament.

166. For many, the Scottish Parliament building is an iconic image and the backdrop for Scottish politics. We heard from broadcast and print media about the frustration of being prevented from using the building when undertaking

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<sup>12</sup> The Referendum (Scotland) Bill Committee was established by the Parliament on 23 October 2012 to scrutinise the legislation that would provide the basis for the referendum on Scottish independence. Its name was changed to the Devolution (Further Powers) Committee on 29 October 2014. The Committee was only established for session 4.

<sup>13</sup> <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/89684.aspx#a11>



interviews not directly involving parliamentary business or of the limited spaces, or facilities, in which they could undertake interviews when they did wish to cover parliamentary business. In relation to reporting on parliamentary business, this meant that interview or reporting decisions had to be made, in advance, on the basis of the published agenda rather than on the subsequent discussions in the committee meeting. This reduced the flexibility of the media to respond to emerging evidence at committees.

167. One of the most persistent complaints from those we met was about the use of the term 'Holyrood'. People thought its use was confusing and unclear and was generally understood to refer to anything related to Scottish politics be it Parliament, Government or the political parties. We heard from broadcast and print media how they have used style guides to ensure that they use the term 'Holyrood' to refer solely to the Scottish Parliament.
168. Despite these reassurances and since meeting with media representatives in March 2017, we have noted a continuing confusion by many broadcasters and publications in the use of this term with references including 'Holyrood ministers', 'Holyrood dragging its feet' or 'Holyrood staff' all of which were used when referring to the Scottish Government or its policies.
169. A considerable number of broadcasters, print and online media enjoy access to the parliamentary campus, with office space and facilities provided. In turn, we consider it should be expected that those who enjoy greater access to Parliament (and are better informed) should strive to be accurate in reporting what the Parliament (or 'Holyrood') is.

### **Recommendations: Working with the media**

**R34:** The Parliament should improve facilities for the media to provide greater flexibility as to where they can interview people within the Parliament building and we welcome the Scottish Parliamentary Corporate Body (SPCB) review of this policy.

**R35:** As part of its media protocol, the Parliament should agree with the Government and the media a clear understanding of the terminology to be used when referring to Parliament and Government.

## Part 2: Creating greater capacity for parliamentary scrutiny

170. A consistent and recurring concern expressed to us has been that, although the Parliament's powers have increased over the last 18 years, its capacity has not kept pace. Further powers are being devolved as a result of the Scotland Act 2016, as well as a potentially significant tranche of scrutiny arising as a result of the Brexit process. Capacity relates to parliamentary time, MSP numbers, staff and infrastructure resources, as well as the knowledge and expertise of MSPs and staff.
171. We heard committees, in particular, have struggled to find a balance between the scrutiny of legislation and other important aspects of their remit, such as inquiry work, and that this has hampered their effectiveness. As committees are the key means by which wider Scottish society can engage with Parliament directly, time constraints and congested committee work programmes have been highlighted as reasons why there are fewer opportunities for engagement with those more remote from Parliament.
172. Capacity for us means:
- a. the ability and scope of committees to scrutinise policy and legislation;
  - b. the ability of the parliamentary week to accommodate effectively all the issues before it; and
  - c. the ambition of the Parliament to engage with the people of Scotland, especially those affected most by the issues it considers.
173. In considering issues around capacity, we are mindful of some key principles:
- a. fully utilising existing capacity before additional capacity is sought;
  - b. upholding equal opportunities and providing family friendly working conditions, which recognise the value of a work/life balance for MSPs and staff; we acknowledge the family friendly aspirations are less achievable for those MSPs who represent areas outside the Central Belt but we believe family friendly hours should remain the ambition; and
  - c. increasing capacity must be managed in a planned and strategic way to ensure adequate notice of additional parliamentary time is given to allow committee and chamber business to be scheduled appropriately; it is also important that any approach to maximise capacity has the flexibility to respond in those circumstances when additional capacity is required at short notice without disrupting planned business.
174. If Parliament is to scrutinise the wider range of policies now devolved to it, and those it might receive in future, it is clear it needs to be able to increase its capacity to do so.
175. Our conclusions set out in this section should be seen in the context of the principles set out above. Our recommendations are provided as a suite of options with those of most immediate benefit and a higher priority explored first.

## Fully utilising the existing capacity

176. We received a wide range of proposals for increasing capacity, many of which relate to extending the parliamentary week or increasing the number of MSPs. Suggestions for extending the parliamentary week included extending chamber business later into the evening and utilising Mondays and Fridays on a more regular and planned basis for committee and chamber business. Mondays and Fridays are currently used occasionally by committees to undertake visits but are generally considered members' days in their constituencies or regions. Some also suggested fundamental changes to the electoral system in relation to electing additional MSPs.
177. A few others suggested a second chamber or some form of civic forum would provide additional capacity by widening the number of people able to engage with, and directly scrutinise, parliamentary business. These proposals for a second chamber or forum, however, raise questions relating to how members are selected, who they represent and how the cost and resource implications would be met. They would also fundamentally change the nature of the Scottish Parliament as a unicameral elected body.
178. While we recognise these proposals may have some merit, they would require detailed research, review and engagement with wider Scottish society and, as in the case of electoral reform, might take years to deliver. We consider that the Scottish Parliament should fully utilise its existing capacity before such options are considered further.

### **Committees should be able to meet at the same time as the chamber**

179. It was the ambition of the CSG that Scotland should have a unicameral parliament with its committees being the 'engine room' of Parliament delivering the function of the second chamber seen elsewhere.
180. We also heard committee time is limited and the reactive element of scrutinising legislation can sometimes lead to other proactive inquiry work being crowded out. The Justice Committee is frequently cited as an example of this.
181. In 2011, the SPPAC undertook a series of reviews of how well Parliament was working, beginning with its report on remodelling the parliamentary week. Its view was that, while the time provided for committee and chamber business in the parliamentary week was adequate, changes to sitting patterns would enable the Parliament to be more responsive to emerging issues. Parliament agreed the SPPAC's recommendation that committees should meet on Tuesday, Wednesday and Thursday mornings, with the chamber meeting in the afternoons. This, the SPPAC considered, protected the esteem of both chamber and committee business. Rule changes were also recommended to enable committees to meet at the same time as the chamber, subject to Parliament's approval.

182. Since then, there have been significant changes to the Parliament's powers, with more to be implemented under the Scotland Act 2016. We have also heard repeated concerns that more committee time for scrutiny, consideration of long-term issues and engagement needs to be provided if committees are to deliver the high quality, robust scrutiny originally envisioned for them.
183. Conversely, some chamber debates were seen as 'padding' to fill chamber business time because of a perceived need to adhere to the current sitting pattern. We also acknowledge the views expressed to us about the negative impact on scrutiny whereby Thursday morning committees have to curtail business at 11.40 am when the chamber meeting starts.
184. The rule changes recommended by the SPPAC mean committees can meet at the same time as Parliament, subject to various approvals. In reality, however, we heard the current procedure of securing approval has meant this has happened infrequently as it requires considerable negotiation and planning.
185. While we recognise the importance of parity of esteem between committee and chamber meetings, we consider that committees need much greater flexibility in order to meet at the same time as the chamber to deliver their valuable scrutiny and engagement work. Greater flexibility would enable committees to meet the demands of their changing workloads more easily, to undertake engagement with communities at a greater distance from Parliament and could also encourage greater relevance in chamber debates. It would also foster closer working relationships between committees and the Parliamentary Bureau and lead to more innovative scheduling of, and links between, committee and chamber business.
186. In considering how this might work in practice, we recognise MSPs would be required to exercise their judgement about whether to attend committee or chamber meetings. We consider that some procedural safeguards would mitigate the risk of competing demands:
- a. committees should be required to agree, formally, to meet at the same as the chamber;
  - b. committees should inform the Parliamentary Bureau, in advance, of their decision to meet and provide it with an indication of the nature of the business they propose to undertake, for information;
  - c. the Parliamentary Bureau could then take these meetings into account when scheduling business and liaise with any committee where it considers that chamber business might be overly disruptive, for example, stage 3 consideration of a bill; and
  - d. committee and chamber meetings would have to be more flexible about how MSPs contribute to proceedings when they have competing demands on their time.
187. This approach also reinforces recommendations made elsewhere in this report that the Parliamentary Bureau should take a long-term view of chamber business which would become more necessary as committees plan their future meeting timetables.

188. We recognise that additional resources may be required to enable committees to meet at the same time as chamber business when the committee is meeting in public. We also recognise, on occasion, committees may have to suspend an afternoon meeting to allow MSPs to attend votes in the chamber.

### **Parallel debates**

189. Another proposal put to us as a way of providing greater flexibility in parliamentary business was the potential for some debates to be held in a committee room at the same time as, or in parallel to, debates in the main chamber.

190. This proposal often related to the perceived success of the Westminster Hall debates at the House of Commons. Similar to the advantages cited for Westminster Hall debates, it has been suggested that having a parallel chamber at the Scottish Parliament would allow greater opportunities for members' business debates, offer more opportunities for committees to debate their reports, as well as provide opportunities for discussing other issues which are less likely to be debated in the chamber, such as long-term issues. We heard Westminster Hall debates are well attended with no diminution in interest as a result of being held outside the main chamber.

191. We consider there is merit in the Parliament being able to hold parallel debates in the main chamber and a committee room to create additional capacity. It may provide more flexibility for parliamentary debates during times of high demand, for example enabling two members' business debates to be held at the same time when demands on chamber time might have otherwise curtailed those opportunities. The introduction of parallel debates would, of course, impact on parliamentary resources.

192. We recognise the potential opportunities for parallel debates would be reduced if, under our recommendation above, committees were also meeting at the same time as the chamber or when there was business in the chamber which was high profile or likely to require MSPs to vote.

### **Different meeting patterns for committees and chamber**

193. As part of our research we identified the changing pattern of parliamentary business over each session. One trend was that most bills, including members' bills, were introduced in the last 15 months of each session; that bills took longer to be considered as the session progressed and that, unsurprisingly, bill consideration took up more time in the chamber towards the end of a session. These trends were observed in every session.

194. We also recognise these trends, when combined with other annual scrutiny currently required of committees (such as budget scrutiny), mean it is possible to predict at which points of a session committee and chamber capacity will be especially stretched.

195. The second report of the SPPAC in 2011 considered different sitting patterns at different times of the session and concluded that “deciding when committees take priority over the chamber and vice versa would be a very challenging judgement call to make”.<sup>14</sup> In light of our research, there is now greater predictability about when such demands might arise over a session and the following options merit further consideration for implementation over the last year of session 5:

- a. some parliamentary weeks could be dedicated to committee meetings enabling more time to be allocated to budget scrutiny alongside other inquiry work and legislation scrutiny;
- b. dedicating some weeks towards the end of each session to chamber business to provide more time for completing stage 3 scrutiny of bills in advance of dissolution; (we note that this already happens albeit it may not be agreed until much nearer the time); and
- c. considering a mixed pattern of meetings towards the end of each session, (an approach taken by the New Zealand Parliament) whereby committees meet in one week, followed by the chamber in the next; this would enable committees to undertake more wide-ranging engagement work and not unduly delay scrutiny of other work, such as subordinate legislation.

196. We recognise the concerns expressed by the SPPAC regarding the unpredictability of committee workloads and their variation between committees. Agreeing different sitting patterns well in advance would, however, provide greater opportunities for committees to plan more innovative and wide-ranging engagement and scrutiny. It would also provide those committees with a high workload with the opportunity for the in-depth, focused scrutiny which perhaps would not be achievable in their regular morning slots. In relation to the chamber business weeks, there would be more opportunity for consideration and debate of stage 3 amendments and time for other debates in the run-up to the following Scottish Parliamentary election.

**Recommendations: Different meeting patterns for committees and chamber**

**R36:** Committees should be able to decide themselves whether to meet at the same time as the chamber.

**R37:** While committees should have priority in using committee rooms, the Parliament should also consider using a committee room to hold parallel debates as a way of providing additional opportunities for chamber business.

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<sup>14</sup> [2nd Report, 2011 \(Session 4\): Reform of Parliamentary Business Inquiry. Phase 1 report: remodelling the parliamentary week](#), paragraph 33

### **Recommendations: Different meeting patterns for committees and chamber**

**R38:** Different committee and chamber meeting patterns should be considered over the session to enable the Parliament to address the changing requirements for additional committee or chamber scrutiny time.

**R39:** Once our recommendations in relation to fully utilising the existing capacity are in place, the Scottish Parliament should set a timetable to review whether the Parliament is working at peak effectiveness and, if so and if necessary, what the next steps to increasing capacity should be.

## More opportunity to consider long-term issues

197. Parliaments struggle to consider long-term issues and, although some Scottish Parliament committees have attempted this, we heard that often other, more immediate issues, such as legislation or new policies, become the focus of scrutiny instead. Thus, it is argued, the capacity of committees in particular to consider long-term issues is limited. It was suggested to us the Scottish Parliament has a key role to play in identifying long-term issues, particularly as the electoral cycle means that this can have less traction with political parties and that committees should re-prioritise their workloads to address this.
198. Concerns have also been expressed to us about the potential for any 'institutional memory' about work on long-term issues to be lost between sessions, when committee membership and remits change.
199. Mindful of our recommendations elsewhere regarding the range of matters committees should scrutinise, and given long-term issues are those which persist over sessions, we consider that additional means of providing capacity to take on this important role should be explored.
200. We heard about the use of ad hoc committees, such as those used in the House of Lords or the Committee of the Future in the Parliament in Finland, as a way of providing particular parliamentary focus and scrutiny to long-term issues. While these approaches have merit, they would generate additional time and resource demands on existing MSPs and would not address the challenges of retaining institutional knowledge across sessions.
201. Another solution is to make better use of Scotland's Futures Forum, the Scottish Parliament's think-tank, which was created in 2005. It works on a non-party basis to promote research and to stimulate debate on the long-term challenges and opportunities that Scotland faces. It aims to inform MSPs and others to enable them to consider the effects of decisions taken today on Scotland's long-term future.

202. The Forum is well regarded and has a proven track record in stimulating debate on the challenges facing Scotland in the long-term.
203. We consider more could be done to capitalise on the work of the Forum in Parliament and to provide for greater connection between MSPs, committees and the Forum's work. As an external company, it has the potential to consider issues unconstrained by Parliament's rules and timescales and can act as an institutional knowledge bank over sessions, available to be used by future MSPs.
204. One of the advantages of the Forum is that it draws on a diverse range of expertise and knowledge when identifying its work programme. A possible concern may be that demands for parliamentary scrutiny could crowd out its more innovative work.
205. Given the importance that any work is of benefit to members, a process of regular engagement between the Forum and MSPs should be considered, including chamber or committee time for debating the outcomes of any work. This approach also offers opportunities for the Forum to commission research and be innovative in how, and with whom, it engages in its work.
206. The Forum is a company wholly owned by the SPCB and appoints its non-executive board members and invites party nominations for its MSP membership.

### **Recommendations: Working with Scotland's Futures Forum**

**R40:** The Parliament should work with Scotland's Futures Forum to develop a programme of specific proposals for engaging with and considering long-term issues. There should be a role for cross-party back bench MSPs in particular to identify, promote and decide proposals for consideration by the Forum.

**R41:** As part of this approach, the Parliament should fund a specific number of proposals to be agreed by cross-party MSPs for taking forward by the Forum. The Parliament should identify the key elements and outcomes of any proposals to be made to the Forum before funding is agreed.

**R42:** The SPCB and the Scottish Futures Forum should provide transparency about the nominations and appointments process for its board members.



## Part 3: Rebalancing the role of MSPs as parliamentarians and members of political parties

207. Another key aspect in the effectiveness of parliament is the ability and willingness of it, and its elected members, to exercise the powers they have.
208. We heard many of the drivers of parliamentary business reflect the relative strength of each political party in the Parliament – from the balance of members on committees and the party affiliation of conveners, to how business is proposed for debate in the chamber. It is, of course, legitimate that the electorate’s decision as to who represents them should, in turn, influence the business of the Parliament.
209. However it was suggested to us that rigid application of proportional party balance to drive business had become more of a constraining rather than facilitating influence on debates and business than was originally envisaged. We acknowledge the frustration expressed to us that the balance of power between the political parties and individual MSPs in the Parliament is too heavily weighted in favour of the parties. We heard this imbalance manifests itself in less effective committee scrutiny, less dynamic debates and speeches in the chamber and the perception the Parliament is reactive rather than proactive in its scrutiny of national issues. It also impacts on the public’s perception of individual MSPs as being distinct from their role as representing a particular political party.
210. In this part of the report, we make recommendations to empower individual parliamentarians and Parliament. Our recommendations are aimed at providing greater openness, relevance and better balance in decision making on what is considered and debated in Parliament.
211. For us a parliamentarian is a politician who is able to balance respect for scrutiny with party allegiance and any perceived dominance of executive power. A parliamentarian is also a politician who acts for the better interest of the Parliament and it is this role that attracted considerable comment when we engaged with people across Scotland. MSPs should honour their responsibilities to the Parliament, to engage in parliamentary work as parliamentarians, not simply as representatives of their parties, and help improve the quality of Scottish policy, not simply criticise policy from the Scottish Government.
212. Some cautioned us that procedural change can only have a limited impact on political culture. In that regard we recognise that much of the success of what we propose in this part of the report is dependent on the extent to which the political parties are willing to embrace new methods of working and provide more freedom for MSPs to act as parliamentarians.

## The parliamentary business programme

213. The CSG believed “the arrangements for the programming of business in the Scottish Parliament should be inclusive and transparent, and should provide reasonable time for business initiated by non-executive parties, by individual members and by committees, and for committee work”. We heard these goals of transparency and inclusiveness have not been fully realised.
214. Only those parties or groups which have five or more MSPs are able to attend, speak at and vote at the Parliamentary Bureau and we heard concerns about the impact of this on MSPs from smaller parties who cannot otherwise participate in discussions on the Bureau. In these circumstances, their views cannot be heard or influence discussions. Business managers felt this impact was disproportionate and regrettable.
215. Given that no members can observe the proceedings of the Bureau, we heard this lack of transparency over its discussions means that MSPs can feel distanced from Bureau decisions with limited opportunity to understand the reasons why business was proposed the way it was.
216. We also heard concerns that, where a number of MSPs form a group either from a number of smaller parties or those unaffiliated to a party in order to secure representation, they can experience challenges in fully participating in the Parliamentary Bureau, in ministerial statements and in chamber debates.
217. Another frequently highlighted concern was that the business motion only details the nature of chamber business for the following week meaning, at most, MSPs and the public have one week’s notification of the subject of debates in the chamber. We heard this can limit the ability of people to engage meaningfully with MSPs on issues to inform debates, can result in MSPs being less able to reflect in debates the concerns of their constituents and may constrain the ability of MSPs to contribute more vibrant, thoughtful speeches in debates.
218. We heard the recent changes in the House of Commons to provide for a question time at the end of each parliamentary week on the business programme has been successful in enabling MPs to highlight the business that is important to them and facilitated greater understanding of why issues were being proposed for debate.
219. Not all our recommendations here would require rule changes, and the most challenging elements would require parties to change how they work with each other in the Bureau. However, we consider it important that it is the Parliament which owns and is accountable for how it uses its time.

### **Recommendations: Parliamentary Bureau procedures**

**R43:** The procedures of the Parliamentary Bureau should be reviewed to:

- a. enable MSPs to observe parts of its proceedings;
- b. ensure that the views of either individual MSPs not represented on the Parliamentary Bureau or groups of mixed affiliation MSPs are taken into account (including providing for them to have speaking rights at the Bureau and in the chamber);
- c. enable each party or group to open and close debates but with the time allocated reflecting their party balance in Parliament (we recognise that, for small parties, this may mean they have less speaking time than those in open debate);
- d. enable all parties or groups to be able to ask a question following a ministerial statement (as a result we consider that the time available for a ministerial statement should enable all parties or groups on the Parliamentary Bureau to ask a question); and
- e. provide a more detailed business motion for the forthcoming three weeks of chamber business.

**R44:** In order to foster a greater sense of ownership of the business programme, any member of the Parliamentary Bureau should be prepared to propose the business to the chamber and where necessary respond to questions on it.

**R45:** Time should be provided in the chamber at the end of each week for questions on the forthcoming business programme.

## **Opportunities for back bench MSPs to influence parliamentary business**

220. We heard concerns about the limited opportunities for back bench members to influence the business programme proposed by the Parliamentary Bureau. Some contended that business managers, in proposing business to the chamber, represented the views of their party leaders rather than back bench MSPs.

221. Some former and current MSPs also suggested greater recognition should be given to the valuable role back bench MSPs have in relation to scrutiny and that

this should be recognised in the Parliament's rules. This would provide a counter balance to the party culture which some suggest is overly dominant at the Scottish Parliament.

222. One example highlighted to us was the procedure by which members' business is selected. The current procedure is that members' business is scheduled by party according to the d'Hondt formula, with the relevant business manager then confirming which eligible motion will be debated. We heard this approach maintains the perception of party dominance in circumstances when it would not, nor should not, be expected.
223. We note that back bench members at other parliaments can directly influence some aspects of parliamentary business. Members of the House of Lords can establish ad hoc committees to examine long-term issues and members of the House of Commons can propose debates in the House through the Backbench Business Committee.
224. We agree with others that a back bench committee or group would be one way to address these concerns and give MSPs a greater sense of ownership over the business in Parliament. A back bench committee or group could:
- a. act as an advocacy body for back bench MSPs on issues such as agreeing, at the start of session, the speaking times for debates;
  - b. act as a consultative body for the Parliamentary Bureau, SPCB and Conveners' Group on the implications of significant changes to business and resources for back bench MSPs;
  - c. identify and promote resolution of issues facing back bench MSPs;
  - d. play a role in agreeing the proposals for long-term issues to be recommended to Scotland's Futures Forum for consideration;
  - e. agree the motions to be selected for members business, in accordance with the d'Hondt formula; and
  - f. propose parliamentary debates which reflect the interests of back bench MSPs.
225. We recognise the risk that, if members of the back bench committee were to reflect the party balance in the Parliament, then the concerns regarding party dominance expressed above could be replicated. To mitigate these concerns the following procedural safeguards should be considered:
- a. which MSPs are considered back bench MSPs;
  - b. membership should include a representative from each of the parties or groups in Parliament and be elected by the back bench MSPs of the Parliament early in each session;
  - c. each member of the committee should have one vote; and
  - d. only decisions agreed unanimously would be implemented to encourage consensual working and avoid any interparty allegiances from dominating over others.
226. Given the nature of the remit proposed above, we would envisage the committee would not need to meet as frequently as the scrutiny committees and, therefore, would require limited additional time and resources. Consideration

should also be given to the diversity of the membership of the Committee or group.

### **Recommendation: Establishing a back bench committee or group**

**R46:** The Parliament should establish a back bench committee or group to provide these MSPs with a voice in how parliamentary business is determined.<sup>15</sup>

## Greater variety in chamber business

227. Over the sessions, a number of successful innovations have created greater variety in chamber business, such as the introduction of topical questions.

228. Both former and current MSPs, however, have expressed concern regarding the mix of business in the chamber, with some suggesting that chamber business currently does not reflect the depth and wide ranging nature of parliamentary scrutiny. Some external organisations have also expressed concern the Parliament does not give sufficient regard to some of the external levers which may give rise to future legislation, such as Scottish Law Commission (SLC) reports.<sup>16</sup>

229. At the National Assembly for Wales, innovations have been adopted to bring greater 'vibrancy' and relevance to Assembly debates, including statements from committee chairs announcing inquiries and direct public involvement in the setting of some Assembly business.

230. One of the concerns expressed to us was about the limited opportunities, aside from debates, for committee business to be announced in the chamber and the extent to which all MSPs are made aware of new committee inquiries or reports. Under the current system, committees are able to bid to the Conveners' Group for a debate on one of the 12 half days allocated each year for such business under the Parliament's rules. The successful bids are then timetabled for debate by the Scottish Government and the Parliamentary Bureau. This process requires planning and it can take time to bid for, and secure, debates. While we don't propose any changes to this system, we consider a more responsive 'light touch' alternative should also be available to committees to announce the launch of inquiries or findings from reports.

231. The following measures could be considered which would avoid disrupting already planned chamber business or circumventing the existing committee debate procedure:

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<sup>15</sup> Jackson Carlaw MSP did not support this recommendation.

<sup>16</sup>The Scottish Law Commission was established under the Law Commissions Act 1965 to consult and make recommendations to government to simplify, modernise and improve Scots law.

- a. the time provided at a chamber meeting should be limited in some way, for example, the equivalent time of a back bench speech;
- b. the committee should agree any such request in advance and it should be notified to the Parliamentary Bureau in sufficient time to allow it to be planned for the next available committee announcement time slot; and,
- c. the content of any speech should reflect the views of the committee.

232. We have recommended elsewhere greater variety in chamber business through ministerial announcements at the time bill consultations are launched and believe this can be further enhanced if committees are similarly empowered. We consider this approach would bring greater relevance to the business of the chamber while also providing a national platform for committees to announce significant items of business. It would also foster closer working relationships between committees and the Parliamentary Bureau.

**Recommendation: Committee announcements in the chamber**

**R47:** Time should be set aside at each chamber meeting to allow committees to announce the launch of significant or urgent inquiries or to set out the findings from a recently published committee report.

**Scottish Law Commission reports**

233. SLC reports are made to the Scottish Government recommending changes to update Scottish law, often following wider engagement and consultation by the SLC on proposals for reform. This work adds external scrutiny capacity to the Parliament and fulfils a valuable role in ensuring that Scots law remains up to date.

234. We note the Parliament has a procedure in place to consider SLC bills following Government agreement to an SLC report. In keeping with our recommendations made elsewhere about encouraging greater pre-legislative scrutiny, we consider there is merit in Scottish ministers informing Parliament when they receive an SLC report.

235. While we recognise that, at this stage, ministers may not have formed a view on whether to take the reform proposals forward, we consider a brief statement about the nature of the reform and the timescale for a decision would raise awareness amongst MSPs of potential forthcoming legislation and may also generate interest in pre-legislative scrutiny.

### **Recommendation: Scottish Law Commission reports**

**R48:** The Parliament should provide a mechanism for ministers to announce to Parliament (either in committee or in chamber) when they receive Scottish Law Commission reports proposing law reform.

### **Ministerial accountability to the chamber**

236. Another concern expressed to us related to the consequences for the Government of losing a vote on a debate in the chamber. Except in the case of legislation, we heard that there is no procedural consequence for the Government when faced with a motion being passed which criticised its policy or performance or losing a vote on a motion which supported its policy direction. We heard this led to the perception such decisions in Parliament were not important and devalued the votes taken after debate.

237. We consider there should be consequences other than reputational damage. As one former First Minister said to us, an understanding of what a vote means is important in appreciating parliamentary accountability.

238. The mechanism we propose is that the relevant minister should be required to come back to the chamber and address the points raised in the debate. This reinforces the role of the Parliament in holding the Government to account and embodies the founding principle of accountability. It also provides greater transparency and openness as there would be an automatic opportunity for the Government to inform MSPs and the Scottish people of what action it might take.

### **Recommendation: Ministerial accountability to the chamber**

**R49:** In response to losing a vote in the chamber, the relevant minister should be required to return to the chamber to address any concerns raised in the debate within an appropriate timescale agreed by the Parliamentary Bureau.

## **Increased flexibility in chamber business and speaking times**

239. We received a number of comments that debates have become too managed, too predictable and too rigid in the content and format of speeches. Some sought greater flexibility in the type of business being debated and in the time given for debate, as well as greater recognition of the skills and experience that back bench MSPs can bring to debates.

240. Some explained the approach whereby parties nominate speakers in debates maintains a system of party patronage which may not favour those speakers

whose views are more divergent or less supportive of their party. We recognise it remains the case that any MSP can request to speak in a debate, irrespective of whether they are on the party speaking list but understand this happens only occasionally. The Presiding Officer has the final decision on who is called to speak.

241. Another area of concern has been that the fixed speaking times (usually six minutes) are too short. We heard this can result in some debates becoming more about political point scoring, with not enough time for the formulation of arguments. This time limit was also seen to unfairly limit the speeches of members with significant experience or knowledge of an area, as one MSP cannot give some of their speaking time to another. There was support for a mechanism whereby speaking time can be given by one MSP to another, either by allocating parties the total speaking time or enabling members to agree between themselves to reallocate time.

242. Speaking times for back bench MSPs and party spokespeople are agreed by the Presiding Officer following consultation with the Parliamentary Bureau at the start of each session and the times agreed reflect party balance. There is a difficult trade-off between ensuring decision time is at a set time each week (enabling MSPs to plan their other business) and providing flexibility in debates. A particular concern, frequently expressed to us, was about the impact of fixed debate lengths which meant sometimes debates were 'padded out' to meet the allotted time by parties nominating speakers to the debate, irrespective of members' interest.

243. We acknowledge different issues are important to different MSPs and one MSP's 'padded' debate may be a vital debate for another. The frequency with which such concerns have been expressed to us by former and current MSPs of all parties and from all sessions, however, leads us to consider the current approach is too heavily weighted in terms of predictability and doesn't allow for enough spontaneity.

244. The measures we propose, when combined, should provide the opportunity for better quality speeches in Parliament. We accept that this may result in fewer speakers in debate but that in itself would provide a more accurate representation of the demand to speak in debates. In time, these measures would support the Bureau improve its ability to schedule time for debates. Our recommendations would support greater flexibility in allocating time for speeches to reflect better the nature of the debate.

## Party discipline and committees

245. As set out in the first part of this report, one of the reasons given for committees not fully realising their scrutiny potential is the enforcement of party discipline (often referred to as 'whipping') on committee members. It is argued that a member's ability to participate fully and objectively in committee deliberations can be constrained by party loyalty.



246. A former First Minister said he believed “committees are more partisan and reactive than was expected”. We heard the nature of the Scottish Parliament’s committee system inclines parties to enforce party discipline on committee members to ensure the effective support – or opposition – to Government legislation. The impact of party discipline on scrutiny was commented on by the FIAG, when it noted—

“A committee's legislative role is quite different to its role as a scrutineer. If committees are to be all purpose, then it will be important to ensure that, in their scrutiny role, they are seen as independent i.e. not whipped and not partisan.”

247. Members must see their role on a committee as a valuable and important aspect of being a parliamentarian and be as committed to their committee work as to their constituency and other parliamentary duties. The political parties must give committee members the freedom and space to carry out their scrutiny role effectively. It is important that party discipline does not inhibit members’ ability to deliver the scrutiny vital to improving policy and legislation.

#### **Recommendation: Party discipline**

**R53:** The Presiding Officer should meet with party representatives and agree key principles of when party discipline is appropriate in parliamentary business.

## **A more collaborative approach to members’ bills**

248. While the Government secures a mandate to pursue its legislative programme at an election, members (and committees) are also able to introduce legislation on devolved policy matters themselves. The opportunity for members to put forward their own legislative proposals is an important way for MSPs to pursue issues which they feel passionately about.

249. Before a member can introduce a bill, they must first lodge a draft proposal and seek views on the draft proposal or a statement of reasons where they feel a consultation is not required. The final proposal must then secure at least 18 signatures from at least half of the parties or groups represented in Parliament and the Scottish Government has confirmed that it, or the UK Government, does not intend to legislate itself on the proposal within the same session. Only then does the MSP gain the right to introduce a bill. This right may be exercised until the beginning of June in the penultimate year of the session. After a bill has been introduced, it follows the same legislative process as Government legislation.

250. The members’ bills process is supported by the Non-Governmental Bills Unit (NGBU) within the Parliament. Many of the written views we received spoke highly of the members’ bills process and the NGBU and former MSPs especially referred to the members’ bills process as an important mechanism for back

bench members to pursue issues of interest or concern. Our research highlights that most members' bills are introduced (and most fall) within the final 15 months of each session but we have heard concerns that overall the members' bills process has not been as widely used as was originally envisaged.

251. A particular concern expressed to us about the process relates to the option open to the Scottish Government to prevent a member's bill from progressing at the final proposal stage because it or the UK Government intends to legislate to 'give effect to' the member's proposal. We recognise the practical aspects of this part of the process but feel it represents the point at which control of the members' bill process is taken away from MSPs. The Government should not be able to act as gatekeeper to the legislative process.

252. Where there is a shared purpose, there is scope for greater collaborative working between MSPs and the Government to take forward these legislative proposals and we support the removal of this power to stop members' bills progressing. We believe our recommendation would empower individual MSPs although we recognise this may lead to a greater demand on NGBU resources.

#### **Recommendations: Members' bills**

**R54:** Where the Scottish Government proposes to legislate on the same proposal for a member's bill then a member's bill should not be automatically stopped from progressing. In those circumstances, the parliamentary procedure should encourage collaborative working.

**R55:** Once this change in approach is implemented, the Parliament should review, and if necessary increase, NGBU resources available to support the members' bills process.

## **MSP development**

253. We believe the Scottish Parliament has a responsibility – as well as a vested interest – in ensuring there is a comprehensive and on-going training programme available to MSPs to ensure they have the necessary skills to represent their constituents effectively and scrutinise Government policy and legislation. For many of those we spoke to, their only engagement with the Parliament was contact with their MSPs. They considered that regional and constituency MSPs were best placed to promote the role of the Parliament and the value of engaging further with it. We heard that more could be done to support MSPs with this role.

254. This has been recognised by the SPCB and, over successive sessions, a CPD programme has been developed, especially for MSPs new to the Parliament. It provides knowledge about the Parliament and its procedures as well as support in areas such as questioning techniques and managing

challenging behaviour. There are some areas, nevertheless, that the current CPD programme does not fully address.

### **Recommendations: Continuous professional development for MSPs**

**R56:** The current CPD programme for MSPs should be extended to support MSPs in fulfilling their role as parliamentarians as distinct from that of representing their party and community. It should include training in:

- a. diversity and equalities;
- b. financial and analytical skills; and
- c. human rights (we note that the Equalities and Human Rights Committee is already considering this issue).

**R57:** Early in each session MSPs should receive support (and practical resources) to enable them to proactively promote the role of the Parliament and the value of engaging with it.

## Support to MSPs and parties

255. Politics is a unique profession which places many demands on MSPs. We should be realistic about what we can expect from the MSPs we elect. They should be paid fairly and should not have to be apologetic about claiming legitimate funds to support their important work.

256. MSPs deserve comparable employment rights to any other public employees, including the positive moves – such as parental leave and workplace flexibility – that help us operate at peak capacity at work and at home. The Scottish Parliament should be a beacon of best practice, turning its founding commitment to equal opportunities and to a ‘family friendly’ culture into best practice for all MSPs.

257. Members’ ability to carry out their constituency and parliamentary duties are, as we would expect, hugely boosted by the resources to which they have access. Having emphasised the need for changes to improve the effectiveness of the committee system and legislative process, we want to ensure members have enough support in place to allow them to carry out their parliamentary duties.

258. While we note that funding for MSP staff was increased recently, we consider there should be a more strategic look at the range of funding to support MSPs. In particular, consideration should be given to increasing the resources for MSP staff to assist members in relation to their committee workload or legislation which is passing through the Parliament.

259. Members should not be required to make a decision between funding staff in their constituency or regional offices, who will primarily work on constituency

cases, and employing staff based in Edinburgh, who primarily focus on their other parliamentary duties. In addition, adequate funding and support for MSPs is an important mechanism to encourage greater diversity in candidates.

260. The amount of money allocated to the opposition parties for the purposes of assisting with supporting their parliamentary duties, travel and accommodation expenses and the running costs associated with the opposition party leaders' offices has been raised with the Commission.
261. Section 97 of the Scotland Act 1998 allows the SPCB to provide assistance to opposition parties by making payments to registered political parties in the Parliament "for the purpose of assisting members of the Parliament who are connected with such parties to perform their parliamentary duties". In the event of a coalition government, the rules may be different as the smaller party in that coalition would be entitled to such assistance, providing the party has no more ministers or junior ministers than one fifth of the total number of ministers and junior ministers within the Scottish Government.
262. In 2015-16, the annual entitlement per member per year was £7,851.75. Payments are only made for expenses incurred and claims must include a breakdown of what is being claimed and a statement that the expenses claimed were incurred by the party exclusively for the purpose of assisting members of Parliament to perform their parliamentary duties. A certificate must be provided annually to the Parliament by an independent professional auditor.
263. A party leader allowances scheme provides an allowance for opposition party leaders to support the extra duties of this role. The party must have a minimum of 15 MSPs for the leader to qualify and the scheme can be used for employing staff, office accommodation and meeting travel and overnight expenses of the party leader and staff (including those arising for travel outside the UK). The maximum amount that can be claimed in a year is £15,224 for those parties between 15 and 29 MSPs and £29,015 for those parties with 30 or more MSPs.
264. We heard concerns that this funding does not adequately address the additional expenses party leaders and MSPs incur in undertaking their parliamentary duties. We note that the House of Commons, Northern Ireland Assembly and National Assembly for Wales take different approaches to remuneration and allowances for MSPs and parties (see Annexe E).

## **Recommendations: Funding, allowances and remuneration for MSPs and parties**

**R58:** The Presiding Officer and SPCB should establish a working group to consider the case for increasing resources for MSPs as part of a strategic review of funding for the different roles MSPs can undertake (such as committee convener).

**R59:** The working group should also consider the extent to which any additional funding or resources would support more diverse range of MSPs.

**R60:** This should be undertaken after the Scottish Parliament has decided whether to accept and action our other recommendations, so that the case for additional resources can be considered with an accurate picture of members' workload.

**R61:** As part of any strategic review the working group should also consider whether the amount of funding, allowances and payments available to party leaders and parties should be increased.

## Part 4: More opportunities for parliamentary engagement

265. The CSG was clear its principles should “aim to provide an open, accessible and, above all, participative Parliament, which will take a proactive approach to engaging with the Scottish people - in particular those groups traditionally excluded from the democratic process.”
266. Since that time, people’s expectations about the kind of participation they might expect to have with their decision makers has changed. Citizens are now better educated and more knowledgeable about the issues that affect them and less deferential to those who decide on their behalf and they expect to be able to engage in a more diverse range of ways.
267. One growth area has been in digital engagement where the now widespread use of online and social media has contributed to a rapid evolution in the ways people can discuss, deliberate and engage on the issues that matter to them.
268. Failing to engage meaningfully with citizens can lead to dissatisfaction with democracy and a lack of trust in the decision takers. Effective engagement, particularly using more deliberative methods, can improve transparency and policy making by bringing different perspectives, knowledge and skills to the scrutiny process.
269. Since the Commission first met in November 2016, we have been heartened by the high regard and value that people have expressed for much of the engagement work that the Parliament has undertaken. In particular, the Parliament’s education and outreach work were often cited as exemplars. The Scottish Parliament, quite rightly, has been seen as leading the way in terms of how proactive it has been in ensuring that all parts of Scottish society have an opportunity to learn about the Scottish Parliament and its work.
270. There are many examples of committees undertaking innovative and successful engagement activities. Two examples from session 4 give a flavour of some of the approaches. The Equal Opportunities Committee’s work into Age and Social Isolation included a ceilidh held on Islay to meet and hear people’s views on loneliness. As part of its inquiry into the decision making around whether to take children into care, the Education and Culture Committee worked with Who Cares? Scotland to facilitate the involvement of young people in care. This culminated in a conference for young people and social work and care providers to develop policy recommendations. It began with a short play from young people about their experiences of being in care.
271. It appears that, more recently, the early ambition of committees meeting in communities from ‘time to time’ has stalled. Our research highlighted that overall they have undertaken fewer fact finding visits and external committee meetings

compared with session 1, partly due to a reduction in the Scottish Parliament budget. We accept this activity does not reflect the whole picture of committee engagement activities.

272. In this section, we make recommendations aimed at delivering a step change in engagement to put committees in a better position to embrace the opportunities to improve scrutiny that more dynamic, innovative and targeted engagement can bring.

## More focused and sustainable committee engagement

273. People have been quick to highlight to us examples of the effective and meaningful involvement they have had with committees. They have highlighted the value of speaking directly with MSPs in their communities about the issues they are concerned about and of the impact they consider it has made in improving the outcomes for policies and bills. For many, the experience made them keen to learn more and become involved in the work of the Parliament.

274. We have also heard, though, that such experiences can be ad hoc, dependent upon committee time, members' interest and the capacity of staff to be proactive in proposing such approaches. Given these circumstances, we heard that, under time or capacity constraints, committees are likely to revert to the more traditional approach of seeking written views and discussing issues in formal committee meetings as the main way to engage with Scottish society. Such approaches, we heard, are likely to elicit responses from those already engaged with the Parliament and who have the resources to respond in a format and language familiar to MSPs.

275. The Scottish Parliament is not alone in facing such challenges and public engagement is still a relatively new activity for parliaments in general. We heard that, for public engagement to be successful, committees require a clear understanding of why the engagement is being undertaken, what it might add to the committee's scrutiny, who the committee wants to hear from, whose views are missing and how the engagement outcomes will be used. The skills required to deliver successful engagement are now more sophisticated and often complex.

276. One success story raised with us repeatedly was the National Assembly for Wales' outreach team. Factors which contribute to its success include:

- a. engagement is valued by staff and members (it is one of three strategic goals for the Assembly);
- b. its ability to engage early in the process (using an integrated planning team and not always requiring Members to participate in activities);
- c. having the 'freedom to fail';
- d. the flexibility to work across committees rather than in committee silos;
- e. embedding the idea that each and every engagement opportunity provides a further opportunity for third party advocacy; and
- f. using a mixed approach to engagement, minimising the ability of particular interest groups to dominate.

277. While we note support from the Scottish Parliament's outreach team has been provided to each committee which has, in turn, led to further innovation and progress, that team has to balance this support against its other activities of delivering community based programmes. Greater progress needs to be made by committees on a systematic basis, especially in light of the demands of further devolved powers and the other scrutiny challenges committees will face. A dedicated Committee Engagement Unit would provide the support committees need to engage more effectively and more consistently.

278. A dedicated unit would not only enable outreach staff to refocus on their already respected work with communities but would provide committees with the following benefits:

- a. dedicated skills and knowledge on what approaches and what issues work best in targeting specific audiences;
- b. the opportunity to develop expert facilitators skills;
- c. the ability to quickly develop proposals for committees early in the scrutiny process and to challenge committees to engage more widely in meaningful and purposeful ways;
- d. freeing up clerking and research capacity by being able to facilitate and deliver engagement and to undertake engagement without MSP participation if appropriate;
- e. proactively promoting engagement with under-represented groups; and more generally developing sustainable networks of contacts (in that regard the unit may provide an institutional memory of key contacts which can be developed and used across sessions); and
- f. providing a liaison role to enable CPGs to link in with committee scrutiny work in a systematic way.

279. While we recognise that there would be a resource implication in establishing this Unit, we consider the gains of improved public trust and willingness to participate again would outweigh this cost.

280. In terms of building a more effective and stronger Parliament, bringing a dedicated focus to committee engagement has the potential to deliver on many fronts. This includes raising the profile of the Parliament (and its identity), building external capacity in the Parliament through people's involvement in the Parliament's scrutiny work and contributing towards the CSG vision of a power sharing and participative Parliament which proactively involves all its citizens.

281. A number of professional organisations provide specific training for staff invited to give evidence to ensure they are able to express their views appropriately. This training, however, is not available for all first time witnesses. This would be a role well suited to a dedicated Committee Engagement Unit, providing better value for money by connecting with, and supporting, vulnerable and first time witnesses across committees.

282. It is critical that, whatever methods of engagement the Scottish Parliament uses, part of the process should include a thorough evaluation at its conclusion. This is important to ensure the Parliament continues to use the most appropriate



and effective engagement methods to inform its scrutiny of Government policy and legislation.

283. We are aware that committees have periodically evaluated the effectiveness of their engagement though the use of feedback forms and plans are underway to enhance this. We consider that, if engagement is to be meaningful, then more needs to be done to evaluate the different approaches adopted – if only to provide more information on what works in which circumstance.

### **Recommendations: Establishing a Committee Engagement Unit and evaluation**

**R62:** The Parliament should establish a dedicated team whose main purpose is to support (and challenge) committees to undertake more innovative and meaningful engagement – a Committee Engagement Unit.

**R63:** A more systematic review of how Parliament evaluates all its engagement activities should be undertaken with a view to developing a more sophisticated system, drawing on external expertise and skills where necessary.

## **Digital engagement**

284. Since the opening of the Parliament in 1999, one of the biggest revolutions in people's lives has been digital and social media. It brings with it new opportunities for parliaments to make the democratic process more relevant, accessible and open. It also has the potential to overcome barriers such as geography and accessibility and enable people to contribute their views anytime, anywhere and in their own language.

285. Legislatures and organisations are using digital engagement innovatively to communicate information with people in a number of different formats. This recognises that users now expect to access information and engage digitally through a range of approaches such as specialised apps, being able to directly comment on legislation online or interactive web based question and answer sessions.

286. Committees have adopted digital technology, including online surveys and social media, as a way to involve people in committee scrutiny work. The Parliament is looking to develop a wider range of digital tools for committees. More can be done, however, to enable committees to unlock the potential of digital engagement.

287. Video conferencing is also being increasingly used in committee meetings although we heard that it is not necessarily the first consideration for those invited to speak at committee who live a considerable distance from the Parliament. A wider use of video conferencing and other remote technologies in meetings and

for other less formal committee engagement can counter barriers created by distance from the Parliament or where internet access is less reliable.

288. Other factors critical to the successful use of digital engagement include appropriate skills and resources in new and emerging areas, being part of a high quality engagement process and political buy-in (even when members may not fully understand how the technology works or use it themselves). Digital tools can be used in different aspects of public engagement, from generating ideas and issues for committee work programmes, to scrutinising and proposing amendments to legislation, as well as collaborative drafting.

289. The potential of digital tools to enhance engagement is dependent upon the ability of committees to quickly adopt the appropriate technology as part of a planned engagement approach. It is also important for Parliament, MSPs and parliamentary staff to be willing to try new approaches or emerging technology or, as it was put to us, to “step outside the comfort zone”.

290. To capitalise on the existing and emerging opportunities digital engagement can provide would require some dedicated resources as well as trust from MSPs to agree to new approaches and accepting the risks that come with any innovation.

291. As we heard, however, to be truly transformative it should be considered alongside other approaches, be appropriate for the audience and should not be seen of itself as delivering meaningful engagement. People have said to us that digital engagement should not be seen as a substitute for face to face meetings in local communities nor should it be assumed that it is the preference for engaging with younger people.

### **Recommendation: Trialling emerging technologies**

**R64:** The proposed Committee Engagement Unit should develop and trial new emerging technologies and increase skills and knowledge in more tried and tested digital technologies.

292. The Parliament’s website is the main source of information about the Parliament for many people and an important vehicle in getting involved. In our survey, 69% of those who had interacted in some way with the Parliament had done so online or through social media with 68% of respondents finding the experience good or very good. We did, however, hear comments about the limitations of the current structure and functionality of the website.

293. Of particular concern was that it requires people to understand Parliament’s structures and procedures, such as committee remits, to be able to access information on a topic or issue in which they may be interested. This can be made more challenging when more than one committee is examining the same or similar issues or legislation. In those circumstances, the reports, evidence and

consultations could be available on different webpages with limited signposting to inform users of the information available elsewhere.

294. We understand the Parliament is currently reviewing the existing website which should address these issues.

295. The National Assembly for Wales has established a Digital News and Information Taskforce to examine how it communicates to the people of Wales; its report will be published shortly.

### **Recommendation: Reviewing digital communication**

**R65:** The Scottish Parliament should review its digital communication strategy and consider the findings of the report of the National Assembly for Wales as part of its review.

### **Deliberative engagement and democratic innovations**

296. The founding principles of the Scottish Parliament state the Parliament should be “accessible, open, responsive, and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation”.

297. The value and increasing importance of citizen participation in decision making processes has been a key theme raised with the Commission. We frequently heard it can be unfair to expect people to be able to engage actively and productively with a call for evidence if they have little understanding of the legislation or the issues under discussion. There is an emerging consensus that meaningful engagement is more likely to occur when the participants are supported to be able to take an informed view about the issues under discussion.

298. Distinct from the traditional forms of engagement committees have utilised, such as online surveys and calls for written views, deliberative engagement promotes the use of increased interactivity with respondents. For participants in a deliberative process, it allows them the opportunity to develop informed views on policy areas and share them directly with committees.

299. There is a growing number of such democratic innovations being used by parliaments and governments to support more effective scrutiny. The ‘mini-publics’ model is one such innovation and comes in different formats including citizen juries, consensus conferences, deliberative polls and citizen assemblies. They all have some common principles such as:

- a. using a random selection of participants to underpin the legitimacy of the process;
- b. facilitated discussions;
- c. experts providing evidence and advocacy of relevant information; and
- d. the outcome of participants’ deliberations is reported.

300. One particular example cited was a collaborative research project involving several Scottish universities in 2012-13 which asked three groups of people (citizens' juries) to come up with criteria for decision making about onshore wind farms in Scotland. The participants reflected diverse views and demographics – education, age, gender and income. They heard from expert witnesses and took part in discussions from the start of the project. Despite the diversity of views in the groups, all three juries developed and agreed a list of principles, demonstrating how people from very different backgrounds and with varying perspectives can work together through difficult issues and come up with solutions.

301. We have also looked at practices across the world such as the Melbourne People's Panel where a panel of citizens provided recommendations on the \$5 billion plan for the city's spending strategy. Chile's Virtual Senator project allows citizens to view proposed legislation online and provide feedback through comments and voting for, or against, the bill. The Brazilian Chamber of Deputies uses a similar approach, eDemocracia, driven by a belief that the law making process can benefit from the convergence of political representation and citizen participation, in a cycle where one model strengthens the other.

302. Meaningful engagement has to be purposeful and relevant to participants so we recognise mini-publics may not be appropriate for committees to adopt in every circumstance. They take time and resources to deliver well but they do bring wider benefits such as encouraging long-term levels of civic engagement, developing the capacity of citizens and also reflecting more effectively how a policy or bill actually impacts on people. Mini-publics, when used well, can work against certain interests dominating scrutiny (through the random selection of participants) and can build trust and legitimacy in parliaments and their scrutiny outcomes, given a cross section of citizens is used to deliberate. The advice given to us is to try a variety of methods and not to be afraid of failure.

303. Mini-publics are only one example of how engagement (and people's expectations of engagement) has changed in recent years.<sup>17</sup> Our recommendation for a Committee Engagement Unit is one way the Parliament can keep pace with this change and introduce new innovative ways of engagement. Mini-publics also provide an opportunity to build capacity in the Parliament by utilising external knowledge and skills. They complement and inform the decision making process but, crucially, do not replace the decision taking responsibility of members. This approach is in keeping with the Parliament's founding principles.

304. We consider deliberative approaches would be well suited to bill scrutiny or to examining issues where it is important to understand the public's views on a complex moral or social issue. They could be used as part of an inquiry into an issue where public opinion is divided. The mini public report would demonstrate

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<sup>17</sup> For more information please see "[Deliberative innovations: Using 'mini-publics' to improve participation and deliberation at the Scottish Parliament](#)" by Oliver Escobar, University of Edinburgh & What Works Scotland; Stephen Elstub, Newcastle University.

to the committee what happens when people with different views are invited to deliberate and report their conclusions.

### **Recommendation: Piloting mini-public approaches**

**R66:** As part of moving towards a more participative approach to scrutiny as envisioned by the CSG, the Committee Engagement Unit should pilot mini-public approaches.

### **Feedback**

305. A recurring frustration from many people with experience of engaging with the Parliament was the lack of feedback received after people have engaged, through attending a committee meeting, replying to an online consultation or providing written views. The concern focused on being unable to see how views, once given, had directly impacted the decision making process.
306. This frustration was heard from all groups, ranging from individuals to larger organisations. We heard some organisations spend time and resources to track what impact they have had as individual feedback is rarely provided by the Parliament. This can be especially difficult for individuals or groups who do not have the expertise or resources and deters people from becoming involved again.
307. In the National Assembly for Wales people are informed about how their contribution has been used and what action has been taken as a result. It is hoped this information will encourage participants to get involved again, as well as help develop a better perception of the relevance and representativeness of the Assembly. It can help reinforce the identity of the Parliament and potentially create a self-sustaining pool of people who may be keen to engage with the Parliament again.
308. Closing the ‘feedback loop,’ as it was described to us, is an important step in meeting the expectation of meaningful participation. It also provides an opportunity to foster a long-term relationship and encourage those who have a good experience of engagement to promote opportunities to others.
309. We recognise providing personal feedback could be a resource intensive process but, if done well, the potential for citizens to repeatedly engage with the Parliament could lead to reductions in this cost in the longer term. Providing feedback is not an easy task and different levels of feedback are appropriate in different circumstances but, nevertheless, it can lead to greater self-sustaining engagement.

### **Recommendation: Providing quality feedback**

**R67:** The Parliament should develop a proportionate but personalised system of feedback to those who engage with it. Committees should provide meaningful feedback as an important part of the process of producing their final report.

## **Language**

310. The language used within the Scottish Parliament can be technical with acronyms and complex procedures adding to its difficulty. Many of the terms used have a basis in law and formal legal proceedings and this can act as a barrier to some people accessing the Parliament and understanding how it works. It has been widely suggested to us that, if the Parliament wants to engage more broadly with the general public, it needs to ensure the language used in Parliament is closer to that in everyday use.
311. For those outside the ‘Holyrood bubble’, terms such as ‘committee inquiries’, ‘evidence taking’ and ‘witnesses’ or the ‘three stage legislative process’ can be meaningless at best and actively off-putting at worst. Other terms such as ‘session’ have different meanings depending upon your context.
312. Much of parliamentary language represents the 19<sup>th</sup> century parliamentary tradition, where parliament was the domain of upper-middle class men, many with a legal background. Modern parliaments – especially such a young parliament as the Scottish Parliament – were designed to be more inclusive, participative and transparent. Seen within this context, the Parliament can do more to address this potential barrier to participation.

### **Recommendation: Improving understanding of parliamentary language**

**R68:** In addition to giving greater prominence to the Parliament’s online glossary, the systematic reviews of the Parliament’s rules we have recommended should include reviewing, and where appropriate, modernising the language used.

## **Committee consultation good practice**

313. In many of the discussions we held across Scotland, a frequent concern expressed was that consultation periods, where committees seek written views, are too short and are often held over holiday times (such as the festive period or the summer months). Response times of two to three weeks were particularly highlighted as being challenging to meet. The European Commission, Organisation for Economic Co-operation and Development (OECD), and previous

UK civil service guidance, all recommend consultations should be held for a minimum of 12 weeks.

314. We heard that it can take considerable time to research, draft and agree responses to consultations even for well-resourced organisations. Shorter consultation periods during times when resources may be limited further by holidays impacts on the quality and variety of views committees may receive.
315. We recognise the length of a consultation period is determined by a number of factors but consider a more rigorous approach by the Parliament, informed by good practice, would provide a more open and transparent procedure. It would also facilitate greater understanding of the reasons why committees may depart from good practice. Committees would be able to take better informed decisions on consultation timescales by Parliament establishing what it considers to be adequate time for seeking written views.

**Recommendation: Good practice guidance for parliamentary consultations**

**R69:** The Scottish Parliament should agree good practice for parliamentary consultations including a recommended consultation timescale.

## Partnership working with local government

316. We heard from COSLA and others that, as a key part of the governance of Scotland, councils have an important role to play in the scrutiny of national policies and their delivery locally and that, as a democratically elected sphere of government, councils are ultimately accountable to their communities. In its submission COSLA noted that “the perception can be that local government reports to Parliament or to committees and that ‘national politicians’ are a higher authority in terms of decision making and accountability.” They suggested that the relationship between the Parliament and local government should be clarified.<sup>18</sup>
317. The complex accountability relationships between local government, parliament and government, as well as public bodies, can mean it is difficult for people to distinguish the roles and responsibilities of each. The Commission on Highland Democracy<sup>19</sup> told us that—

“Good decision making needs collaboration between professionals, elected representatives and community interests and this must be balanced to include all three.”

<sup>18</sup> COSLA, written views ([CPR 61](#))

<sup>19</sup> Commission on Highland Democracy, written views ([CPR 23](#))

318. We were told how these complex accountability relationships inhibited people from trying to engage with issues. Clarifying these roles could help increase engagement at each level of accountability. As reported by the Commission on Strengthening Local Democracy<sup>20</sup> people are now looking for a different kind of empowerment in which citizens can participate in shaping their own lives, rather than looking to locally or nationally elected representatives to shape it around them.

**Recommendation: Partnership working with local government**

**R70:** The Parliament should work with COSLA (and any council not in COSLA) to agree a protocol recognising its distinctive role in local democracy. It should set out the Parliament's relationship with local government such as the protocol which already exists between the Parliament and Scottish Government in relation to committee business.

## Closer working with the Scottish Youth Parliament

319. The Scottish Youth Parliament (SYP) was established in 1999. Elections for its members (Members of the Scottish Youth Parliament or MSYPs) are held across Scotland every two years. MSYPs range in age from 14 to 25 and represent the views of young people across Scotland. It is core funded by the Scottish Government. MSYPs have built relationships with MSPs, committees and the Parliament but we heard that this is largely driven by the willingness and enthusiasm of individuals.

320. The SYP undertakes a wide range of innovative and participative engagement each year on the issues affecting young people, the outcomes of which we consider could be better utilised in parliamentary scrutiny. We also recognise the benefits for Parliament of supporting MSYPs to develop their skills and abilities as well as encouraging greater diversity in potential future candidates.

**Recommendations: Closer working with the Scottish Youth Parliament**

**R71:** Given the elected and diverse nature of the Scottish Youth Parliament (SYP), the Parliament should develop its relationship with it by providing an opportunity at least annually for MSPs to meet with their counterpart MSYPs and facilitate closer links between the work of each Scottish Parliament committee and its relevant SYP committee.

**R72:** Committees should build on the engagement potential of the SYP to broaden the range of youth voices informing parliamentary scrutiny.

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<sup>20</sup> This Commission was established in autumn 2013 and its report entitled [Effective Democracy: Reconnecting with communities](#) was published in August 2014.



# Delivering parliamentary reform – the next stage

321. In this report we recognise the considerable achievements of the Parliament since it opened in 1999. It demonstrates how it is now firmly established at the heart of Scottish democracy.
322. Our report also sets out what further work is needed if the Parliament is to become more participative, collaborative and effective in delivering the high quality scrutiny and engagement envisioned for it by the CSG. Our report sets out a wide range of recommendations which, once implemented, should support the Parliament in the next stage of its development. It must seize this opportunity if it is to meet the fast approaching challenges of new powers and the considerable additional scrutiny of legislation arising from the UK leaving the European Union.
323. Once implemented, our recommendations should deliver a parliament with the capacity, agility and confidence to meet these challenges head on.
324. The recommendations in this report will fall to different parts of the Parliament to deliver over this session; maintaining momentum in their delivery will be the key to success in realising the report's ambition.

## **Recommendations: Implementation Group and future review of the Parliament**

**R73:** The Parliament should establish an Implementation Group to provide the necessary institutional impetus to deliver the report recommendations across the Parliament and should be led by the Presiding Officer.

**R74:** In relation to taking forward the recommendations in our report, the Parliament should ensure that diversity and inclusion are considered as part of any changes to Standing Orders and parliamentary practice. Monitoring and evaluation of any changes should also take place to ensure there are no unintended negative impacts on diversity.

**R75:** Following a period of bedding in, the Parliament should review the operation, capacity and effectiveness of the Parliament no later than the latter part of session 6.

# Annexes

## Annexe A – Commission recommendations

### Conveners – elections and remuneration

**R1:** Parliament should put in place procedures for the election of conveners from the start of the next session.

**R2:** Whether conveners are then remunerated and/or receive additional resources for this role should be based on an objective assessment of their workloads and the expectations of their roles. This assessment should be part of a wider exercise considering additional remuneration for other parliamentary positions (such as party leaders) as referred to later in this report.

### Remit and size of committees

**R3:** While overall committee membership should represent the balance of parties in Parliament, we agree with the SPPAC's recommendation that committees should normally have a maximum of seven members. We recognise this means that some smaller parties will not be represented on some committees.

**R4:** Parliament should agree and make public a set of principles to inform:

- a. the decisions taken about the size of committees; for example, consideration might be given to larger committees where it is felt hearing all the parties' voices is important, such as in relation to constitutional issues; and
- b. how committee remits and names are agreed; greater transparency in this process would assist public understanding of the basis upon which committees are established.

### Broadening scrutiny work

**R5:** We recommend the Conveners' Group takes a greater role in developing a more strategic approach to scrutiny across committees.

### Evidence in local communities and at regional level

**R6:** Greater weight and more time should be given to seeking views by alternative methods to committee meetings. (More information on those alternative methods is contained in part 4 of this report.)

**R7:** Committees should consider undertaking regionally focused scrutiny as a way to enhance their understanding of the impact of national policies or legislation at local or regional level.

## **Committee resources and expertise**

**R8:** The Parliament should review the dedicated resources available to committees to determine whether they are able to meet the future needs of parliamentary business and support more effective scrutiny.

**R9:** It should also review the range of mechanisms available to committees to benefit from expertise and experience other than through the formal appointment of an adviser.

## **First Minister's Questions**

**R10:** The practice of using scripted diary questions by party leaders should cease, with party leaders moving straight to their questions. As a result, the Business Bulletin would reference only the names, and not the first question, of the party leaders.

**R11:** The opening question of other MSPs who are selected to ask a question at FMQs should also no longer be published, to ensure parity of approach. As a result, the Business Bulletin would only reference the names, and not the question, of those MSPs selected for a question at FMQs.

## **Portfolio and general questions**

**R12:** The focus of questions in the chamber should be on quality of scrutiny rather than the quantity of questions asked. We recommend, therefore, the number of portfolio questions selected and published in the Business Bulletin be reduced.

**R13:** The relevant opposition spokesperson from each party who requests to speak during portfolio questions should automatically be selected.

**R14:** In view of the further devolution of powers and our proposals above, Parliament should review the range of question times available (portfolio and general) with a view to ensuring each portfolio area is scrutinised more frequently.

## **Legislative scrutiny – a five stage process**

**R15:** The current three stage legislative process should be replaced with a five stage process to include pre-legislative and post-legislative scrutiny. While the existing three stage legislative scrutiny process would remain at its core, committees should include pre- and post-legislative scrutiny in their work programmes. We recommend:

- a.** Scottish ministers (or indeed members' or committee bill proposers) should provide a short statement in the chamber or relevant committee every time a consultation on proposed legislation is launched (potentially a new stage 1 of the five stage process);

- b.** the accompanying documents published with bills should provide more detail about the research and evidential base used to underpin that legislation; the following accompanying documents should also be provided upon introduction: business and regulatory impact assessments; equalities impact assessments; and key outcome measures which will enable the success of any legislation to be assessed;
- c.** committees should be invited by the Parliamentary Bureau to set the timescale for completing their consideration of a bill;
- d.** in addition to the SPPAC recommendations regarding presentation of amendments at existing stages 2 and 3, and a pause mechanism at stage 3, we recommend the rules relating to the stage 3 referral back to the lead committee be changed; we recommend it should be possible, in exceptional cases, to refer a bill back to the lead committee and the Delegated Powers and Law Reform Committee at stage 3; and
- e.** the Scottish Government (or other relevant public body) should be required to provide the Parliament with a post-legislative statement a set period after a bill is passed (potentially a new stage 5 of our five stage process).

### **Legislative Standards Body**

**R16:** To provide a Scotland-wide approach and understanding of what constitutes good legislation, the Parliament should establish a Legislative Standards Body.

### **Chamber conduct, questions and answers and the role of the Presiding Officer**

**R17:** The Presiding Officer should have a stronger role in ruling on the conduct and content of parliamentary business and, in particular, oral questions and answers in the chamber to ensure a better balance between political debate and scrutiny in parliamentary business.

**R18:** A mechanism should be provided to enable MSPs to raise concerns with the Presiding Officer about any answers to written or oral questions which they do not consider meet the expectations of being accurate, truthful or where the response is inadequate. Such a mechanism would support the Presiding Officer in reducing unnecessary MSP interventions on this same theme.

**R19:** There should be a shift in focus from emergency questions to urgent questions to reflect more on significance or timing (rather than a crisis, which the use of the word emergency suggests).

**R20:** It should be for the Presiding Officer to agree whether any urgent questions should be taken in the chamber and for business on the day to be amended accordingly. Guidance on what could qualify as an urgent question should be provided.

**R21:** Parliament should agree and publish a more detailed description of the Presiding Officer's expanded role and responsibilities.

### **Proposals for Parliament's programme of business**

**R22:** We recommend that each party or group represented on the Parliamentary Bureau should submit their proposals for the programme of business for the forthcoming weeks to the Presiding Officer before such proposals are then considered by the Bureau. This would replace the current practice where the Scottish Government proposes the programme of business for consideration by the Parliamentary Bureau.

### **Regular reviews of Standing Orders**

**R23:** We recommend that the Standing Orders of the Parliament be reviewed, in their entirety, towards the end of each session. This would utilise the knowledge and experiences of members as they approach dissolution and would enable a measured and holistic approach to rule changes.

### **Diversity – representatives, rules and procedures.**

**R24:** A systematic review of Standing Orders should be undertaken to ensure that it is diversity sensitive and inclusive to facilitate equal and effective participation by MSPs in all business.

**R25:** As a first step, committee membership should reflect the gender balance of MSPs in the Parliament. This approach should then be expanded to other protected characteristics once better diversity in representatives is achieved.

**R26:** Parliament should report on key aspects of parliamentary business and MSPs by protected characteristic. Subsequently the Parliament, political parties and others should work together to agree benchmarks for what is desirable in terms of diversity in candidates for Scottish Parliamentary elections and set a realistic timetable for achieving this.

**R27:** Parliament should also be proactive in promoting a range of measures to bring diversity into the Parliament.

### **Diversity in committee scrutiny and access**

**R28:** The Parliament should ensure that additional diversity expertise is available for a fixed period to enhance committees' awareness of diversity issues when undertaking scrutiny work.

**R29:** The Parliament should report on the diversity of all those who have special access to the Parliament through the provision of parliamentary passes.

## **Referral of human rights issues**

**R30:** We refer the proposals raised with us on the Parliament's role as a human rights guarantor to the Equalities and Human Rights Committee to inform its inquiry work on this matter. We recognise the importance of the proposals made to us and consider that some of our other recommendations may also promote the delivery of a stronger human rights role for the Scottish Parliament.

## **Promoting Parliament's distinct Identity**

**R31:** Building on the success of the Parliament's outreach work, the Parliament should empower those people already engaged with it and active in their local communities to act as advocates for the Parliament.

**R32:** Parliament should also provide greater and easier access to information about the Parliament in a variety of formats. Such information should be able to be displayed locally and updated with the contact details of newly elected regional and constituency MSPs. (This was a regular request made to us by organisations with whom we met).

**R33:** In addition, Parliament should work with the education sector and others to explore how education about the role and purpose of Parliament can be enhanced in primary and secondary schools, including the 14+ age group who do not opt for a Modern Studies course, so that all young people have adequate information before voting for the first time.

## **Working with the media**

**R34:** The Parliament should improve facilities for the media to provide greater flexibility as to where they can interview people within the Parliament building and we welcome the Scottish Parliamentary Corporate Body (SPCB) review of this policy.

**R35:** As part of its media protocol, the Parliament should agree with the Government and the media a clear understanding of the terminology to be used when referring to Parliament and Government.

## **Different meeting patterns for committees and chamber**

**R36:** Committees should be able to decide themselves whether to meet at the same time as the chamber.

**R37:** While committees should have priority in using committee rooms, the Parliament should also consider using a committee room to hold parallel debates as a way of providing additional opportunities for chamber business.

## Different meeting patterns for committees and chamber

**R38:** Different committee and chamber meeting patterns should be considered over the session to enable the Parliament to address the changing requirements for additional committee or chamber scrutiny time.

**R39:** Once our recommendations in relation to fully utilising the existing capacity are in place, the Scottish Parliament should set a timetable to review whether the Parliament is working at peak effectiveness and, if so and if necessary, what the next steps to increasing capacity should be.

## Working with Scotland's Futures Forum

**R40:** The Parliament should work with Scotland's Futures Forum to develop a programme of specific proposals for engaging with and considering long-term issues. There should be a role for cross-party back bench MSPs in particular to identify, promote and decide proposals for consideration by the Forum.

**R41:** As part of this approach, the Parliament should fund a specific number of proposals to be agreed by cross-party MSPs for taking forward by the Forum. The Parliament should identify the key elements and outcomes of any proposals to be made to the Forum before funding is agreed.

**R42:** The SPCB and the Scottish Futures Forum should provide transparency about the nominations and appointments process for its board members.

## Parliamentary Bureau procedures

**R43:** The procedures of the Parliamentary Bureau should be reviewed to:

- a. enable MSPs to observe parts of its proceedings;
- b. ensure that the views of either individual MSPs not represented on the Parliamentary Bureau or groups of mixed affiliation MSPs are taken into account (including providing for them to have speaking rights at the Bureau and in the chamber);
- c. enable each party or group to open and close debates but with the time allocated reflecting their party balance in Parliament (we recognise that, for small parties, this may mean they have less speaking time than those in open debate);
- d. enable all parties or groups to be able to ask a question following a ministerial statement (as a result we consider that the time available for a ministerial statement should enable all parties or groups on the Parliamentary Bureau to ask a question); and
- e. provide a more detailed business motion for the forthcoming three weeks of chamber business.

**R44:** In order to foster a greater sense of ownership of the business programme, any member of the Parliamentary Bureau should be prepared to propose the business to the chamber and where necessary respond to questions on it.

**R45:** Time should be provided in the chamber at the end of each week for questions on the forthcoming business programme.

### **Establishing a back bench committee or group**

**R46:** The Parliament should establish a back bench committee or group to provide these MSPs with a voice in how parliamentary business is determined.

### **Committee announcements in the chamber**

**R47:** Time should be set aside at each chamber meeting to allow committees to announce the launch of significant or urgent inquiries or to set out the findings from a recently published committee report.

### **Scottish Law Commission reports**

**R48:** The Parliament should provide a mechanism for ministers to announce to Parliament (either in committee or in chamber) when they receive Scottish Law Commission reports proposing law reform.

### **Ministerial accountability to the chamber**

**R49:** In response to losing a vote in the chamber, the relevant minister should be required to return to the chamber to address any concerns raised in the debate within an appropriate timescale agreed by the Parliamentary Bureau.

### **Speaking in debates**

**R50:** The Parliament should provide a better balance in who speaks in debates by adopting a more flexible approach. This could be achieved by:

- a. members requesting to speak in debates by notifying the relevant parliamentary staff (in sufficient time to inform the suggested length of the debate);
- b. enabling greater flexibility in the approach to allocating speaking time, for example enabling MSPs, by agreement, to reallocate their time to another or allocating total speaking time to each party; and
- c. providing for longer back bench speeches.

**R51:** The Presiding Officer should be able to depart from party balance in calling back bench speakers in order to take account of a wider range of viewpoints, or MSPs with particularly relevant skills or experience to contribute on an issue.



**R52:** The Presiding Officer should, in exceptional cases of high demand, be able to extend statements, and decision time by up to 30 minutes to accommodate more speakers.

### **Party discipline**

**R53:** The Presiding Officer should meet with party representatives and agree key principles of when party discipline is appropriate in parliamentary business.

### **Members' bills**

**R54:** Where the Scottish Government proposes to legislate on the same proposal for a member's bill then a member's bill should not be automatically stopped from progressing. In those circumstances, the parliamentary procedure should encourage collaborative working.

**R55:** Once this change in approach is implemented, the Parliament should review, and if necessary increase, NGBU resources available to support the members' bills process.

### **Continuous professional development for MSPs**

**R56:** The current CPD programme for MSPs should be extended to support MSPs in fulfilling their role as parliamentarians as distinct from that of representing their party and community. It should include training in:

- a. diversity and equalities;
- b. financial and analytical skills; and
- c. human rights (we note that the Equalities and Human Rights Committee is already considering this issue).

**R57:** Early in each session MSPs should receive support (and practical resources) to enable them to proactively promote the role of the Parliament and the value of engaging with it.

### **Funding, allowances and remuneration for MSPs and parties**

**R58:** The Presiding Officer and SPCB should establish a working group to consider the case for increasing resources for MSPs as part of a strategic review of funding for the different roles MSPs can undertake (such as committee convener).

**R59:** The working group should also consider the extent to which any additional funding or resources would support more diverse range of MSPs.

**R60:** This should be undertaken after the Scottish Parliament has decided whether to accept and action our other recommendations, so that the case for

additional resources can be considered with an accurate picture of members' workload.

**R61:** As part of any strategic review the working group should also consider whether the amount of funding, allowances and payments available to party leaders and parties should be increased.

### **Establishing a Committee Engagement Unit and evaluation**

**R62:** The Parliament should establish a dedicated team whose main purpose is to support (and challenge) committees to undertake more innovative and meaningful engagement – a Committee Engagement Unit.

**R63:** A more systematic review of how Parliament evaluates all its engagement activities should be undertaken with a view to developing a more sophisticated system, drawing on external expertise and skills where necessary.

### **Trialling emerging technologies**

**R64:** The proposed Committee Engagement Unit should develop and trial new emerging technologies and increase skills and knowledge in more tried and tested digital technologies.

### **Reviewing digital communication**

**R65:** The Scottish Parliament should review its digital communication strategy and consider the findings of the report of the National Assembly for Wales as part of its review.

### **Piloting mini-public approaches**

**R66:** As part of moving towards a more participative approach to scrutiny as envisioned by the CSG, the Committee Engagement Unit should pilot mini-public approaches.

### **Providing quality feedback**

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## **Closer working with the Scottish Youth Parliament**

**R71:** Given the elected and diverse nature of the Scottish Youth Parliament (SYP), the Parliament should develop its relationship with it by providing an opportunity at least annually for MSPs to meet with their counterpart MSYPs and facilitate closer links between the work of each Scottish Parliament committee and its relevant SYP committee.

**R72:** Committees should build on the engagement potential of the SYP to broaden the range of youth voices informing parliamentary scrutiny.

## **Implementation Group and future review of the Parliament**

**R73:** The Parliament should establish an Implementation Group to provide the necessary institutional impetus to deliver the report recommendations across the Parliament and should be led by the Presiding Officer.

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**R75:** Following a period of bedding in, the Parliament should review the operation, capacity and effectiveness of the Parliament no later than the latter part of session 6.

# Annexe B – The Commission’s membership and approach to its work

## Introduction

1. The Commission on Parliamentary Reform was established on 26 October 2016 by the Presiding Officer, Ken Macintosh MSP. John McCormick was announced as chair of the Commission. The Commission’s remit was to consider ways in which the Scottish Parliament can:
  - be assured it has the right checks and balances in place for the effective conduct of parliamentary business;
  - increase its engagement with wider society and the public; and
  - clarify its identity as distinct from the Scottish Government.
2. Alongside the chair, the Presiding Officer appointed five members from wider civic society and invited the five political parties at the Scottish Parliament to nominate a representative to sit on the Commission.
  - John McCormick, Chair
  - Katie Burke, member, Scottish Youth Parliament (MSYP)
  - Jackson Carlaw MSP, Scottish Conservative and Unionist Party
  - Pam Duncan-Glancy, disability and human rights activist
  - John Edward, Scottish Liberal Democrats (January 2017-June 2017)
  - John Finnie MSP, Scottish Green Party
  - The Very Rev. Dr Lorna Hood
  - Johann Lamont MSP, Scottish Labour
  - Geoff Mawdsley, Director, Reform Scotland
  - Fiona McLeod, Scottish National Party
  - Jeremy Purvis, Scottish Liberal Democrats (October 2016 – December 2016)
  - Professor Boyd Robertson, Principal, Sabhal Mòr Ostaig

## Approach

3. We met on 7 November 2016 and, in view of our reporting timescale, agreed to undertake our work schedule in three broad phases:
  - a. planning and information gathering (November to December 2016);
  - b. engagement and evidence taking (January to March 2017); and
  - c. analysis and report consideration (April to June 2017).

## Planning

4. During November and December 2016, we discussed how the Scottish Parliament currently functions and identified areas where we should focus our deliberations. We launched a call for written views and online engagement survey and published a discussion toolkit resource. We also wrote to over 200 organisations, groups and people inviting them to participate in our work through meetings or events they were hosting.

## Engagement

5. Between January and March 2017, we attended 50 events across Scotland meeting with, and hearing from, over 1200 people. We sought out events with those people less likely to engage with the Parliament as well as speaking with

those who, in some cases, have regularly been involved in the work of the Parliament. We received 105 written submissions and 256 responses to our online survey.

### **Commission meetings**

6. Between November 2016 and March 2017, we held 12 formal meetings, taking evidence from 55 witnesses including academics, politicians – including former first ministers – and professionals representing the third sector. Meetings were broadcast online as it was important to us that people across Scotland could watch and hear what people were telling us. Most of our meetings were held in the Scottish Parliament, with meetings also held in Galashiels and Inverness.
7. Further information on the engagement work, written views and meeting agendas and papers can be found on our website at: [www.parliamentaryreform.scot](http://www.parliamentaryreform.scot). As a fixed term Commission, it is anticipated this website will be archived in due course.

### **Research**

8. We agreed to seek a range of reports and research on different aspects of parliamentary activity including:
  - a. an update on the progress made with the recent review of the public petitions process;
  - b. a paper on sustainable development and scrutiny;
  - c. an academic paper outlining the range of democratic innovations known as ‘mini-publics’ describing how they work and how they may improve public participation in the parliamentary process;
  - d. research on international comparisons with other parliaments;
  - e. analysis of the annual statistics on parliamentary business;
  - f. a summary of the written reviews received; and
  - g. a summary of the online survey responses.

### **Other reviews**

9. Other reviews are currently underway within the Scottish Parliament. Some of these may be completed about the time we have reported.
10. We have not considered the financial scrutiny undertaken by the Parliament because the Finance and Constitution Committee is currently reviewing the current budget process through its Budget Process Review Group.<sup>21</sup>
11. The Equalities and Human Rights Committee is undertaking a *Human Rights in the Parliament* review which we have referenced in our report.
12. In 2015, the Session 4 Public Petitions Committee commissioned research on the public petitions process and responded to the research findings in its legacy report. The Session 5 Public Petitions Committee has agreed to take forward a number of the recommendations set out in the legacy paper and we received a

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<sup>21</sup> The group established by the Finance and Constitution Committee and Scottish Government to develop proposals for a revised budget process in the light of the devolution of further powers in the Scotland Act 2012 and Scotland Act 2016.

progress report on the implementation of these recommendations. We have not, therefore, considered the need for further improvements to the public petitions system in light of this ongoing work.

## Annexe C – Anticipated resource and cost implications of our recommendations

1. The Parliament is not alone in facing a period of austerity and, in the five year period between 2010-11 and 2015-16, the Parliament saw a real terms reduction of 10% in its budget. This was achieved by a combination of pay freezes and a change management programme which reduced staffing in the Scottish Parliamentary Service by more than 10%.
2. In 2016-17, the budget rose by 1% and in 2017-18 it will rise by a further 2.1% (an additional £1m to give an overall budget of £97.7m for 2017-18). This supports demands arising from the new powers being devolved and an investment in the Parliament's IT capacity.
3. Some of our recommendations will inevitably have cost or resource implications. The extent to which this would require additional budget or could be met through the re-deployment of existing resources is for the Parliament to consider. While we were not asked to cost our recommendations nor provide a budget neutral report, we have tried to be realistic in our assessment of which recommendations could give rise to additional costs.
  - a. A Committee Engagement Unit would likely involve staffing costs as well as initial set up and specialist training costs. There would also be costs in delivering engagement activities, such as using new digital technologies or mini-publics, but this would vary depending on the type and scale of activity undertaken. Introducing a systematic way of giving feedback and evaluating engagement across Parliament would also incur some ongoing costs.
  - b. Working with Scotland's Futures Forum to develop and fund a programme of specific proposals for engaging with, and considering, long-term issues would incur additional costs.
  - c. Developing further CPD training for MSPs would likely require a relatively small additional resource.
  - d. Some of our recommendations to change business meeting patterns may be relatively low cost. If committees do meet at the same time as the plenary on a regular basis and in public, however, this would have costs associated with clerking, official reporting, security and broadcasting.
  - e. Improvements in digital engagement, including the Parliament's website, are already under review and, as currently planned work, may have minimal additional costs associated with them.
  - f. Costs for other recommendations, such as an MSP work shadowing scheme for underrepresented groups, will be variable depending on the number of places offered and the format of the programme.

- g. Providing greater and easier access to information about the Parliament in a variety of formats may also incur additional costs, although the core resources are already developed within existing budgets.
- h. Any decisions the Parliament makes regarding additional remuneration or resources for members, such as conveners and party leaders, would also have budget implications.



## Annexe D - Glossary of terms

**Act:** A law passed by the Scottish Parliament that has received Royal Assent.

**Amendment:** An amendment is a change to the text of a motion or legislation that is put forward by an MSP. It will usually seek to change the motion or legislation in a way to reflect a different viewpoint.

**Back bench member:** A term used to refer to those MSPs who are not ministers, party leaders or party spokespersons. Sometimes also used of all MSPs other than ministers and Presiding Officers. The term comes from the UK Parliament to mean, literally, those members who sit in the back benches, behind the Government or Official Opposition, whose members sit in the front benches.

**Bicameral parliament:** See entry for **unicameral parliament**.

**Bill:** a set of legislative proposals that are scrutinised by the Scottish Parliament. Bills are currently scrutinised in a three stage process and, if Parliament agrees with the proposals, they become an act of Parliament and law. The majority of bills are introduced to the Parliament by the Government but MSPs and committees also have the power to propose bills.

**Business Bulletin:** A daily publication containing details of current and future parliamentary business.

**Business manager:** The MSP elected by each party or a group of 5 or more MSPs to represent it on the Parliamentary Bureau.

**Business motion:** A **motion** seeking the Parliament's approval of the Parliamentary Bureau's proposals on the parliamentary business programme. Business motions may only be lodged and moved by a member of the **Parliamentary Bureau**.

**Chamber:** Where meetings of Parliament are held. Sometimes referred to as the debating chamber.

**Clerks:** Parliamentary staff who support chamber and committee business in the Parliament.

**Committee:** A group of MSPs from different parties who scrutinise government policy and legislation which falls within that committee's remit. Each committee is chaired by a **convener**. There are currently 18 committees in the Scottish Parliament, a range of **mandatory committees** (those committees which the Scottish Parliament is required under its **Standing Orders** to establish following an election), **subject committees** (which deal with a particular topic; subject committee remits tend to reflect government **ministerial portfolios** or remits) or an ad hoc committees (such as a private bill committee), established for a particular purpose for a fixed period of time. Committees typically scrutinise policy and legislation through **committee inquiries**, when they invite **written evidence** in a **committee consultation**, take **oral evidence** and gather evidence through other means, such as fact finding visits or digital engagement.

**Constituency MSPs:** MSPs elected to represent one of the 73 Scottish Parliamentary constituencies in Scotland. Constituency MSP seats are elected using the First Past the Post electoral system.

**Consultative Steering Group (CSG):** An all-party group set up by the Secretary of State for Scotland in November 1997 to consider how the Parliament should work. The CSG reported in 1998. Its report identified four founding principles upon which the Parliament should operate; sharing the power; accountability, open and accessible participation; and equal opportunities.

**Convener:** See entry for committee.

**Conveners' Group:** A committee of all conveners and chaired by the **Presiding Officer** or a **Deputy Presiding Officer**. It considers all aspects of the operation of committees.

**Cross-party groups:** A group made up of MSPs from across the parties and people from outside the Parliament who share an interest in a particular subject or issue. Cross-party groups are not part of formal parliamentary business.

**D'Hondt method:** The calculation used as part of the Additional List Member electoral system to elect regional members. It is also used to determine, based on proportionality, the parties from which convenerships and deputy convenerships are to be appointed and the schedule of members' business debates.

**Debate:** A discussion that takes place between MSPs in the chamber of the Parliament. The topic for the debate is set out in a **motion** and is put forward by an MSP. After the debate, there will usually be a vote on the motion.

**Decision Time:** The time in the chamber when MSPs make decisions by voting on motions debated during that day's meeting of the Parliament. Voting is carried out by an electronic voting system. Presently decision time is held at 5pm on those days when Parliament meets; it can, however, be moved to accommodate extended debates or consideration of a bill.

**First Minister:** The head of the Scottish Government.

**First Minister's Questions (FMQs):** Question time each week when MSPs have the opportunity to ask questions of the First Minister in the chamber. FMQs is held on Thursdays at 12 noon for 45 minutes

**Framework bills:** The term used to refer to bills which set out the broad policy intent but provide for the detail to be set by ministers through **secondary legislation**.

**General questions:** Question time each week when MSPs have the opportunity to ask members of the Scottish Government questions in the chamber. General questions are currently held on a Thursday morning.

**Government:** The **executive** body that administers the running of the country. The government in Scotland is led by the **First Minister** and cabinet, made up of cabinet secretaries and ministers. The government is usually formed by the largest party. In sessions 1 and 2 of the Scottish Parliament, the government was made up of a

coalition (or agreement) between two parties. In sessions 3 and 5, a minority government was formed by a party which did not hold the majority of seats in the Parliament. In session 4, the government party held the majority of parliamentary seats.

**Holyrood:** The area of Edinburgh, at the bottom of the Royal Mile, where the Scottish Parliament is based. Holyrood is an informal term used to mean the Scottish Parliament.

**Laws:** These are rules deciding what can and can't be done in a country. The Scottish Parliament can pass laws on devolved matters, such as health, education and justice.

**Legislation:** Any written law. **Primary legislation** is written law agreed to by a parliament. **Secondary legislation** is written law made by a minister (or other person or body) (**also known as subordinate or delegated legislation**) under powers granted in primary legislation (known as the **parent act**).

**Legislative process:** The stages of parliamentary consideration a public bill must go through to become an act. The Scottish Parliament has a three stage legislative process. **Stage 1** is the opportunity for a committee to consider and report on the general principles of a bill. **Stage 2** is the opportunity for members to propose **amendments** to a bill during a committee meeting. **Stage 3** is the opportunity for members to propose amendments to a bill before a final debate on whether to pass the bill.

**Members of the Scottish Parliament (MSPs):** The individuals elected to serve and represent the people of Scotland in Parliament. There are 129 MSPs.

**Ministerial portfolio:** The areas of responsibility for which a minister is accountable, sometimes referred to as a ministerial remit.

**Ministers:** MSPs who are also members of the Scottish Government.

**Motion:** A proposition, lodged by an MSP, for consideration by the Parliament. These are often debated and decided upon by the Parliament or a committee.

**Official Report:** The reliable written record of what is said in public meetings of the Scottish Parliament and its committees. It is a "substantially verbatim" report, which means that repetitions and redundancies are omitted and obvious mistakes are corrected.

**Opposition spokespeople:** Members who speak on behalf of their opposition party on a particular subject. Spokespeople's responsibilities tend to mirror government **ministerial portfolios**.

**Parallel debates:** A parliamentary debate held in parallel to another (for example, **Westminster Hall debates** held at the same time as debates in the chamber in the House of Commons).

**Parliament (sometimes referred to as the legislature):** A parliament is a group of elected representatives who debate government policy and debate and vote on legislation.

**Parliamentarian:** An elected member of parliament.

**Parliamentary Bureau:** The business committee of the Scottish Parliament made up of business managers (see above entry for business managers) and often referred to as the Bureau. The Bureau considers and proposes the parliamentary business programme which is considered, and agreed, by Parliament.

**Party whips:** MSPs appointed by each party to help organise their party's contribution to parliamentary business. One of their responsibilities is making sure their party members vote according to the party's agreed position.

**Petition:** A way for a member of the public to highlight a policy or law they would like to change. The Scottish Parliament has a Public Petitions Committee to consider petitions.

**Political parties:** These are the different groups of people who try to get elected to Parliament based on a manifesto. A manifesto sets out a party's ideas and priorities for government. The parties represented in the Scottish Parliament in session 5 are: Scottish National Party, Scottish Conservative and Unionist Party, Scottish Labour Party, Scottish Green Party and Scottish Liberal Democrats.

**Portfolio questions:** Question time each week when MSPs have the opportunity to ask members of the Scottish Government questions in the chamber on specified **ministerial portfolios**. The portfolio varies each week on a rota basis. Portfolio questions are currently held on a Wednesday afternoon.

**Post-legislative scrutiny:** The scrutiny of **legislation** after it has been passed, focusing on the implementation process and how successful the legislation has been in achieving its policy objectives.

**Pre-legislative scrutiny:** The scrutiny of legislative proposals before they have been agreed by the government (or bill proposer) and introduced to parliament in the form of a bill.

**Presiding Officer:** The MSP elected by other MSPs to chair meetings of the Parliament, Parliamentary Bureau and SPCB and to represent the Parliament externally. There are also two **Deputy Presiding Officers**.

**Primary legislation:** See entry for legislation.

**Point of order:** An intervention by an MSP during parliamentary proceedings in the chamber, questioning whether proper procedures have been followed or are being followed.

**Portfolio or general question time:** Periods of up to 60 minutes each week when MSPs have the opportunity to put questions to Scottish Government ministers in the chamber.

**Recess:** This is the time when there is no official parliamentary business, either in the main chamber or in committees. Recess is linked to Scottish school holidays.

**Regional MSPs:** MSPs elected by a proportional system called the Additional Member System. There are 56 regional MSPs in the Scottish Parliament, seven members elected from each of the eight Scottish Parliamentary regions in Scotland, with the same responsibilities as constituency MSPs. They are sometimes called list members as they are elected from a political party list for that region.

**Royal Assent:** When a Bill has been agreed by the Scottish Parliament, the Queen is asked for her approval. When it has been signed by the Queen, it becomes an act of the Scottish Parliament.

**Scotland Act 1998:** The UK Act which re-convened the Scottish Parliament and devolved powers to Scotland. Further powers have since been devolved to Scotland under the Scotland Act 2012 and Scotland Act 2016.

**Scottish Parliamentary Corporate Body (SPCB):** The corporate body is responsible for ensuring the Parliament is provided with the property, staff and services it requires.

**Scripted diary questions:** The first question asked by party leaders at **First Minister's Questions** is required under **Standing Orders** to be published in the **Business Bulletin**. After the **First Minister** has answered the first question, party leaders are given the opportunity to ask supplementary questions. **Supplementary questions** do not have to be made known in advance. Party leaders tend, therefore, to ask a scripted diary question – such as “To ask the First Minister when the Cabinet will next meet” – as their first question, thus enabling them to pursue their substantive questioning without the First Minister having been aware of the topic in advance.

**Second chamber:** Part of a bicameral parliament, usually referred to as the revising chamber (for example, the House of Lords in the UK Parliament). As a unicameral parliament, the Scottish Parliament does not have a second chamber. See entry for **unicameral parliament**.

**Secondary legislation:** See entry for legislation.

**Session:** The period from the date of the first meeting of the Parliament following a general election until it is dissolved just before the next Scottish general election. The first three sessions of the Scottish Parliament were four years but the Parliament agreed sessions four and five would be five years to avoid a clash with the UK Parliament elections. The term session is used differently in other parliaments, for example, a session of the UK Parliament is one parliamentary year, starting and ending in the spring.

**Standing Orders:** The rules and procedures which govern how the Parliament conducts its business.

**Subordinate legislation:** See entry for legislation.

**Sunset clauses:** The term used to refer to provisions in legislation which provides that the law shall cease to have effect after a specific date unless further legislative action is taken.

**Supplementary questions:** Those questions MSPs may put to the First Minister or ministers during question time after they have asked their first question. The first question must always be published in the **Business Bulletin** but there is no requirement for supplementary questions to be published or made known in advance.

**Topical questions:** Question time each week when MSPs have the opportunity to ask members of the Scottish Government questions in relation to a recent development or issue at national level, or local level if the development or issue has wider significance, and for which the Scottish Government has general responsibility. Topical questions are currently held on a Tuesday afternoon.

**Unicameral parliament:** A parliament with one chamber, such as the Scottish Parliament. A **bicameral parliament** has two chambers, such as the UK Parliament (House of Commons and House of Lords).

## Annexe E – Salaries, allowances and expenses – comparisons across the United Kingdom

	Scottish Parliament	House of Commons	National Assembly for Wales	NI Assembly
<b>No. of members</b>	129	650	60	90
<b>Basic salary</b>	£61,778	£76,011	£65,344	£49,500
<b>Convener remuneration</b>	0	+£15,235 <sup>22</sup> For select committee chairs and members of the <a href="#">Panel of Chairs</a>	+£8,842 - £13,273	+£12,000 Chairperson of a statutory or the Public Accounts Committee
<b>Party leader payments</b>	Party Leaders Allowance Scheme: Non-government party leaders with 15 – 29 MSPs can claim up to £15,224; and 30+ MSPs up to £29,015  NB this is not a salary but an allowance for staff and travel expenses.	Leader of the Opposition <sup>23</sup> - +£63,762  Opposition Chief Whip - +£33,350  Asst. Opp. Chief Whip (max 2) +£19,441	Leader of a Political Group not in Government +£13,273 + £1,021 per member up to £36,756	0
<b>Member of SPCB equivalent</b>	0	(H of C Commission)	+£13,273 (Assembly Commission)	+£6,000 (Assembly Commission)

<sup>22</sup> + refers to additions to basic salary

<sup>23</sup> The House of Commons has Official Opposition roles, unlike the devolved institutions. The Official Opposition is usually the second largest party in parliament.

<b>Parliamentary Bureau equivalent</b>	0	NA <sup>24</sup>	+£8,842	0
<b>Support for opposition parties</b>	Payments made for expenses incurred up to £7,851.75 per MSP per annum.	<p>Short Money is made available to all opposition parties in the House of Commons that secured either two seats or one seat and more than 150,000 votes at the previous General Election. Short Money is not available to parties whose Members have not sworn the oath. The scheme has three components:</p> <ol style="list-style-type: none"> <li>1. Funding to assist an opposition party in carrying out its Parliamentary business <ul style="list-style-type: none"> <li>• The amount available is determined by the number of seats and votes won by a party at the previous general election.</li> </ul> </li> <li>2. Funding for the opposition parties' travel</li> </ol>	<p>Political Parties may employ staff in any combination of the bands so long as the Potential Maximum Cost does not exceed the total value of the allowance as follows:</p> <ol style="list-style-type: none"> <li>a) The total Political Party Support Allowance available is £910,000.</li> <li>b) Any Political Party or Parties represented in the Welsh Government will receive a core administration allowance of £10,000 per Member up to a maximum of £150,000.</li> <li>c) Any Political Party not represented in the Welsh Government, with three or more Members, will be entitled to a core administration allowance of £50,000.</li> <li>d) Following the allocation of core administration allowances, the remaining Political Party Support Allowance will be allocated on a</li> </ol>	<p>0</p> <p>(Business Committee)</p> <p>A Fresh Start - The Stormont Agreement and Implementation Plan, 17 November 2015, noted the possibility of some form of opposition in the Assembly and in Section F and Appendix F4 sets out a series of proposed entitlements for opposition parties.</p> <p><a href="http://www.niassembly.gov.uk/your-mlas/financial-support-to-members-and-political-parties/financial-assistance-for-political-parties-scheme/summary-information/">http://www.niassembly.gov.uk/your-mlas/financial-support-to-members-and-political-parties/financial-assistance-for-political-parties-scheme/summary-information/</a></p>

<sup>24</sup> The Leader of the House of Commons is the member of the Government responsible for organising government business in the Commons. The Leader of the House makes a weekly statement announcing the business for the week ahead.

The Daily Business follows a similar pattern every day: Prayers, Question Time, Urgent Questions, Statements and Debates

There are also Opposition days allocated in the House of Commons for the discussion of subjects chosen by the opposition (non-government) parties. There are 20 days allocated per session (under Standing Order 14).



		<p>and associated expenses</p> <ul style="list-style-type: none"> <li>The amount available is apportioned between qualifying parties in the same proportion as general funding</li> </ul> <p>3. Funding for the running costs of the Leader of the Opposition's office</p> <ul style="list-style-type: none"> <li>A fixed annual budget is available</li> </ul> <p>The amounts available to the parties from the first two components are calculated, as set out below, and the third element is a flat rate:</p> <ul style="list-style-type: none"> <li>General funding for Opposition Parties – the amount payable to qualifying parties from 1 April 2016 is £16,938 for every seat won at the last election plus £33.83 for every 200 votes gained by the party.</li> <li>Travel Expenses for Opposition Parties – the total amount payable under this component of the scheme for the financial year commencing on 1 April 2016 is £186,073 apportioned between each of the Opposition parties in the same proportion as the amount given to each of them under the basic funding</li> </ul>	<p>per capita basis among all Members whose parties are not represented in the Welsh Government.</p>	<p>More detail:  <a href="http://www.niassembly.gov.uk/globalassets/documents/your_mias/fapp-scheme-2016---final-colour-coded.pdf">http://www.niassembly.gov.uk/globalassets/documents/your_mias/fapp-scheme-2016---final-colour-coded.pdf</a></p>
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		<p>scheme set out above.</p> <ul style="list-style-type: none"> <li>Leader of the Opposition's Office – under the third component of the scheme, £789,146 is available for the running costs of the Leader of the Opposition's office for the financial year commencing on 1 April 2016.</li> </ul> <p><a href="http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01663#fullreport">http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01663#fullreport</a></p>		
<p><b>Business expenses</b></p> <p><b>NB</b> each parliament/assembly uses different criteria for expenses so these figures can only give a general indication of comparative costs</p>	<p>2017 -2018</p> <p>Edinburgh accommodation: £14,200 per year £156 overnight limit</p> <p>Office Accommodation: £18,400 (variable for regional members)</p>	<p>2017-18</p> <p>Rental accommodation costs: London - £22,760 Outside London - £15,850 London area Living Payment - £3,820</p> <p>Office costs: London-area MPs - £27,550 Non-London MPs - £24,850</p>	<p>2017 - 2018</p> <p>Residential accommodation: Members whose main home within Cardiff area: Maximum £3,420 overnight stays per year.</p> <p>Members whose main home is outside Cardiff area: Max £9,300 rent each year plus council tax, utility bills, broadband, insurance and TV licence.</p> <p>Office costs: Constituency/regional office - £17,390 (£4,678 if exclusively uses office facilities in Ty Hywel, Cardiff Bay</p>	<p>2016 - 2017</p> <p>Office accommodation: Rent £8,500 and ancillary costs up to £5,500 per year.</p>

	<p>Staffing costs: £87,300</p> <p><a href="http://www.parliament.scot/Allowancesandexpensesresources/Members_Expenses_Scheme_with_out_text_of_the_resolution_for_website.pdf">http://www.parliament.scot/Allowancesandexpensesresources/Members_Expenses_Scheme_with_out_text_of_the_resolution_for_website.pdf</a></p>	<p>Staffing costs: London-area MPs - £161,550 Non-London MPs - £150,900</p> <p>Travel and subsistence – the cap on the number of journeys made by dependents and staff members has been removed. MPs' spouses and partners can now claim any journeys made between London and the constituency.</p> <p>Business expenses are detailed in the IPSA Scheme (<a href="#">The Scheme of MPs' Business Costs and Expenses</a>, Ninth Edition)</p>	<p>Staffing costs: (2016 – 2017) up to £95,000 with salary bands £18,236 - £38,762</p> <p><a href="http://www.assembly.wales/Job%20Documents/Cams/Determination/Determination-2016-17%20%28BRANDED%29-e.pdf">http://www.assembly.wales/Job%20Documents/Cams/Determination/Determination-2016-17%20%28BRANDED%29-e.pdf</a></p>	<p>Staffing costs: £50,000 per year with max £27,500 for any employee</p> <p><a href="http://ifrp.org.uk/wp-content/uploads/2016/03/Assembly-Members-Salaries-and-Expenses-Determination-Northern-Ireland-2016.pdf">http://ifrp.org.uk/wp-content/uploads/2016/03/Assembly-Members-Salaries-and-Expenses-Determination-Northern-Ireland-2016.pdf</a></p>
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## Annexe F – Written evidence

All written evidence can be read on our website:

[www.parliamentaryreform.scot/writtenviews](http://www.parliamentaryreform.scot/writtenviews)

CPR001	Law Society of Scotland	CPR031	Francis Berry
CPR002	Lord Selkirk of Douglas	CPR032	Scottish Human Rights Commission
CPR003	Coalition for Racial Equality and Rights	CPR032.1	Scottish Human Rights Commission
CPR004	Scottish Disability Equality Forum	CPR033	Lord Foulkes of Cumnock (former MSP)
CPR004.1	Scottish Disability Forum	CPR034	Edward Mountain MSP
CPR005	Scottish Law Commission	CPR035	Andrew Nicoll
CPR006	Culture Counts	CPR036	Dr. James Gilmour
CPR007	Joseph Scullion	CPR037	Dorothy-Grace Elder (former MSP)
CPR008	John Sturrock QC	CPR038	Scottish Women's Convention
CPR009	Margaret McDougall (former MSP)	CPR039	James W. Hunter
CPR010	Dennis Canavan (former MSP)	CPR040	Regulatory Review Group
CPR011	Royal Society of Edinburgh	CPR041	John Colledge – On behalf of a number of Brunstane Bank residents
CPR012	Dr Ian McKee MBE (former MSP)	CPR042	GoWell Panel
CPR013	Jim Mather (former MSP)	CPR043	ITV Border
CPR014	Cameron Buchanan (former MSP)	CPR044	Alexander Stewart MSP
CPR015	Graeme Pearson (former MSP)	CPR045	Scottish Government
CPR016	Joseph Morris	CPR046	Convener's Group
CPR017	John Cawley	CPR047	Dr John Wallace Hinton
CPR018	Mike Rumbles MSP	CPR048	Institute of Chartered Accountants of Scotland
CPR019	Alistair Bonnington	CPR049	Professor Alan Page
CPR020	Dr Oliver Escobar	CPR050	Professor Nicola McEwan
CPR021	National Assembly of Wales	CPR051	Dr Hannah White
CPR021.1	National Assembly of Wales	CPR052	Samir Lee
CPR022	Alasdair MacCaluim	CPR053	Young Scot
CPR023	Commission on Highland Democracy	CPR054	Involve
CPR024	Professor Cristina Leston-Bandeira	CPR055	Professor Sarah Childs
CPR025	Equality Network	CPR056	Professor Michael Keating
CPR026	Scottish Older People's Assembly	CPR057	Rt. Hon. Lord Jack McConnell (former MSP and First Minister)
CPR027	Equalities and Human Rights Committee	CPR058	Henry McLeish (MSP and former First Minister)
CPR028	Culture, Tourism, Europe and External Relations Committee	CPR059	Parliamentary Counsel Office, Scottish Government
CPR029	Environment, Climate Change and Land Reform Committee	CPR060	Scottish Parliament Officials
CPR030	Delegated Powers and Law Reform Committee	CPR061	COSLA
		CPR062	Moray Estates Development Company

CPR063	Democratic Society	CPR098	Joint submission from Dr. Leanne-Marie McCarthy-Cotter, Prof. Matt Flinders and Ms. Alex Meakin
CPR064	Democratise	CPR099	Pete Wishart MP
CPR065	Chartered Institute of Taxation	CPR100	Alex Fergusson, former MSP and Presiding Officer
CPR066	John Mason MSP	CPR101	Unite Scotland
CPR067	Cross Party Group on Racial Equality in Scotland	CPR102	Dr Marc Geddes and Professor James Mitchell
CPR068	Charles Barrington	CPR103	Duncan Thorp
CPR069	Eur Ing Richard Townsend Rose MA CEng MICE	CPR104	A small group of fellows of the Royal Society of Arts in Scotland
CPR070	Joint submission by the Trade Union Side (TUS) in the Scottish Parliament	CPR105	Scottish Youth Parliament
CPR071	Evangelical Alliance		
CPR072	STV		
CPR073	Accountability Scotland		
CPR074	Alan Thomson		
CPR075	Vince Handley		
CPR076	Scottish Environment LINK		
CPR077	Association for Scottish Public Affairs		
CPR078	Gary Wallace		
CPR079	SNP Parliamentary Group		
CPR080	Action for Children Scotland		
CPR081	Inclusion Scotland		
CPR082	Audit Scotland		
CPR083	Nigel Smith		
CPR084	Lochaber Disability Access Panel		
CPR085	Church of Scotland		
CPR086	Fairshare Voting Reform		
CPR087	Scottish Labour Parliamentary Group		
CPR088	Scottish Federation of Housing Associations		
CPR089	Anonymous		
CPR090	Planning Aid for Scotland		
CPR091	Dr Niall MacKinnon		
CPR092	North East Multi Agency Chief Executive Forum		
CPR093	Patrick Harvie MSP		
CPR094	Dr Hartley Millar		
CPR095	Campaign for Freedom of Information Scotland		
CPR096	Glasgow Council for the Voluntary Sector (GCVS), Scottish Council on Deafness (SCoD) and Voluntary Action Scotland (VAS) (joint submission)		
CPR097	Andrew Mylne		

## Annexe G – Formal meetings of the Commission

Listed below are those formal meetings when the Commission invited people to give their views.

### **2<sup>nd</sup> Meeting**

**Friday 18 November 2016**

Professor Alan Page, Professor of Public Law, University of Dundee;  
Professor Nicola McEwen, Professor of Politics, University of Edinburgh;  
Dr Hannah White, Director of Research, Institute for Government; and  
Samir Lee, masters graduate in public policy, University of Edinburgh.

### **3<sup>rd</sup> Meeting**

**Friday 25 November 2016**

Professor Cristina Leston-Bandeira, Professor of Politics, University of Leeds;  
Dr Oliver Escobar, Lecturer in Public Policy, University of Edinburgh and Co-Director, What Works Scotland  
Kirsten Urquhart, Director of Digital Information, Young Scot; and  
Kaela Scott, Involve.  
Callum Thomson, Group Head of Research, Communications and Public Engagement;  
Susan Duffy, Group Head of Committees and Outreach; and  
Emma Armstrong, Web and Online Manager; Sally Coyne, Head of Outreach Services, The Scottish Parliament.

### **5<sup>th</sup> Meeting**

**Friday 16 December 2016**

Professor Sarah Childs, University of Bristol;  
Iain Smith, Policy and Engagement Team Manager, Inclusion Scotland;  
Rebecca Marek, Policy and Parliamentary Officer, Coalition for Racial Equality and Rights;  
Professor Michael Keating, Professor of Politics, University of Aberdeen and Director, ESRC Centre on Constitutional Change;  
Professor Laura McAllister, Wales Governance Centre, University of Cardiff (by video conference); and  
John Sturrock QC, Chief Executive and Senior Mediator, Core Solutions Group.

### **6<sup>th</sup> Meeting**

**Monday 16 January 2017**

Rt. Hon. Lord Jack McConnell, First Minister of Scotland, 2001-2007;  
Rt. Hon. Henry McLeish, former First Minister of Scotland;  
Andy Beattie, Chief Parliamentary Counsel, and Willie Ferrie and Ian Young, Parliamentary Counsel Office, Scottish Government;  
Tracey White, Group Head of Chamber, Reporting and Broadcasting;  
Susan Duffy, Group Head of Committees and Outreach;  
Judith Morrison, Group Head of Legal Services, Procurement and Audit, Scottish Parliament; and  
Michael Clancy, Law Society of Scotland  
Laura Dunlop QC, Faculty of Advocates.

**7<sup>th</sup> Meeting**  
**Monday 30 January 2017**

Cllr David O'Neill, President, and Adam Stewart, Policy Manager, COSLA;  
Rory Mair, Chair, and Stephen Carr, Secretary, Commission on Highland Democracy;  
Andrew Howard, Managing Director, Moray Estates Development Company;  
Jan Baird, Director of Adult Care, NHS Highland; and  
Matthew Friess, Highland Homeless Trust.

**8<sup>th</sup> Meeting**  
**Monday 6 February 2017**

The Rt Hon. the Lord McFall of Alcluith, Senior Deputy Speaker, House of Lords;  
Seán Ó Fearghaíl, Ceann Comhairle, Dáil Éireann.

**9<sup>th</sup> Meeting**  
**Monday 27 February 2017**

Kevin Davies, Senior Public Engagement Manager, National Assembly for Wales;  
Peter McColl, Head of Policy, Nesta;  
Alistair Stoddart, Scotland Network Manager, The Democratic Society; and  
Dr Andy Williamson, Democratiser.

**10<sup>th</sup> Meeting**  
**Monday 13 March 2017**

Joe FitzPatrick MSP, Minister for Parliamentary Business, Scottish Government;  
Patrick Harvie MSP, Scottish Green Party;  
James Kelly MSP, Scottish Labour Party;  
John Lamont MSP, Scottish Conservative and Unionist Party; and  
Mike Rumbles MSP, Scottish Liberal Democrats

**11<sup>th</sup> Meeting**  
**Friday 24 March 2017**

Katrine Bussey, Political Editor, Press Association Scotland;  
David Clegg, Convener, The Scottish Parliamentary Journalists' Association;  
Gordon Macmillan, Head of News, STV;  
John McLellan, Chair, Scottish Newspaper Society;  
Gary Smith, Head of News, BBC Scotland; and  
Rt. Hon. Alex Salmond MP, First Minister of Scotland, 2007-2014.

## Annexe H – Organisations who contributed to our work

Please note this is not an exhaustive list of organisations. Many have engaged in our work by attending events, conferences or workshops organised by other groups.

Aberdeen CVO  
Action for Children  
Argyll and Bute Council  
Association of Scottish Voluntary Organisations  
Audit Scotland  
BBC Scotland  
Chartered Institute of Taxation  
Coalition for Racial Equality and Rights  
Colleges Scotland  
Commission on Highland Democracy  
COSLA  
Council for Ethnic Minority Voluntary Organisations (CEMVO) Scotland  
Cyrenians  
Dáil Éireann  
Democratise  
Dumfries and Galloway Multicultural Association  
East Ayrshire Vibrant Communities  
Easterhouse Citizens Advice Bureau  
Engage Renfrewshire  
Faculty of Advocates.  
Falkirk Community Learning and Development  
Galashiels Academy  
Highland Homeless Trust  
House of Lords  
Inclusion Scotland  
Institute for Government  
Institute of Chartered Accountants of Scotland  
Involve  
Law Society of Scotland  
Lochaber Disability Access Panel  
Moray Estates Development Company  
National Assembly for Wales  
National Parent Forum of Scotland  
NESTA  
New Zealand Parliament  
NHS Highland  
North East Scotland Chief Executive Forum  
Peebles Community Council  
Police Scotland  
Police Scotland Youth Volunteers  
Political Studies Association  
Political Studies Group  
Press Association Scotland  
Royal College of Nursing (RCN) Scotland



Royal Society of Arts  
Royal Society of Edinburgh  
Scotdec  
Scotland's Futures Forum  
Scottish Conservative and Unionist Party  
Scottish Environment Link  
Scottish Federation of Housing Associations  
Scottish Government  
Scottish Green Party MSPs  
Scottish Human Rights Commission  
Scottish Labour Party MSPs  
Scottish Law Commission  
Scottish Liberal Democrats MSPs  
Scottish National Party MSPs  
Scottish Newspaper Society  
Scottish Older People's Assembly  
Scottish Parliament staff  
Scottish Parliamentary Journalists' Association  
Scottish Property Federation  
Scottish Women's Convention  
Scottish Youth Parliament  
SCVO Intermediary Network  
Sleat Community Council  
STV  
The Democratic Society  
Unison Scotland  
Voluntary Action East Renfrewshire  
What Works Scotland  
WWF Scotland  
Young Scot  
Youthlink Scotland





