About CCPS

CCPS is the coalition of care and support providers in Scotland. Its membership comprises more than 70 of the most substantial third sector providers of care and support, supporting approximately 350,000 people and their families, employing over 43,000 staff, and managing a combined total annual income in excess of £1.3 billion (2011-12), of which an average of 73% per member organisation relates to publicly funded service provision.

CCPS has had a keen interest in a number of bills that have come to the Scottish Parliament over the years and most recently worked with colleagues across the third sector, the Scottish Government and the Parliament to influence the shape of several significant bills that have (or are soon to be) passed. We have a small but dedicated policy team that is familiar with the basic parliamentary rules governing the legislative process.

Timing of the different stages

In our experience, the timing for stage 1 scrutiny is usually sufficient to allow a full airing of the general principles and issues with a bill. The difficulties begin to arise in stages 2 and 3, where timings for the actual scrutiny session and timings between the two stages can get compressed, resulting in very real challenges.

In particular, we have found that the short amount of time between publication of amendments and the next debate or scrutiny session can leave limited opportunity to consider the impact of proposed changes. This is true for both stage 2 and stage 3. In recent experience, this time frame was as little as 48 hours, which does not allow for sufficient time to understand amendments, consult with stakeholders, and work with colleagues and MSPs to influence the shape or progress of those amendments.

Access to information/transparency

Related to this, we would like to support the point raised in other submissions, about the way that amendments are published, i.e., with just the wording of the amendment and no other background details or explanation of the rationale. The job of working through the meaning and impact of amendments can be very difficult and time consuming. We support the very sensible suggestion to find a way of including better information to explain the rationale and significance of each material amendment in a timely way in advance of the next stage consideration.

In addition, it would be helpful if information about amendments was gathered together in one place. Currently, the bill page of the parliament website contains
some but not necessarily all of the amendments at any given time. New amendments listed each day in the business bulletin don’t seem to appear on the bill page until a marshalled list is produced. As a result, it can be difficult to keep track of amendments. We would like to suggest that some consideration is given as to how to make this information more accessible, preferably by putting it all on the bill page of the parliament website (and updating this daily).

Related to this point about access to information, it would be helpful if Scottish Government policy statements that are issued during the passage of a bill to provide more detailed information about policy intent, were more accessible during the progress of a bill. In recent experience, we have found them ‘buried’ on the lead committee webpage. While we understand they are not part of the parliamentary legislative process, they are nevertheless essential to a full understanding of the impact of the bill and would suggest that they be included (or a link to them) in the bill section of the parliamentary website as well, so that everything related to the bill is in one place.

Rules for amendments

We would like to ask for clarity on the rule about what types of amendments can be lodged at stage 3. We recently lobbied for support to put an amendment at stage 3 of a bill on a point that had not previously been raised. We were successful in that the Scottish Government accepted the merits of the change and agreed to the amendment.

However, this was unusual and appears to be contrary to the norm. It would be helpful to clarify what the rules are for what amendments can be brought at stage 3. We believe there needs to be flexibility to allow for issues to be raised at any stage of the passage of the bill if they are genuine issues and will result in an improvement to the legislation.

Wider legislative process

Finally, this point falls outside the remit of the committee’s inquiry, however we think could have as much (or more) of an impact on the quality of resulting legislation as any changes to the parliamentary process. In our experience (the self-directed support legislation is a really good example), the success of a legislative process is as much due to the level and quality of engagement of the third sector (and other stakeholders) in the early consultation phases before the bill is presented to Parliament. We strongly support the merits of wide consultation, not just on the general policy principles of a legislative initiative, but on the draft bill itself.

This will have a direct positive impact on the Parliament because it should make the 3 parliamentary legislative process much more efficient and focused. The Children and Young People (Scotland) Act is arguably an example where at least some of the debate on the bill might have been resolved had there been consultation on a draft bill in advance. The third sector strongly advocated for consultation on a draft bill because of the level of generality and uncertainty in relation to earlier consultation documents. The Scottish Government decided to present the draft bill directly to Parliament without further discussion and over 400 amendments were tabled during
the passage of the bill. In contrast, a significant amount of consultation work was done with stakeholders on the self-directed support draft bill before it was presented to Parliament. During its passage just over 40 amendments were put forward. The comparison of these two recent examples raises interesting questions about the legislative process both in its initial government phase, as well as how that affects the later parliamentary stages.

CCPS
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