Letter from Jack McConnell MSP to Alex Fergusson MSP, Presiding Officer

Alex Fergusson MSP
Presiding Officer
The Scottish Parliament
Edinburgh
EH99 1SP

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REVIEW OF PARLIAMENTARY BUSINESS AND PROCEDURES

As I prepare to stand down as a Member of the Scottish Parliament, I have been giving considerable thought to how the Parliament has developed in its first twelve years.

I believe that as we reach the end of the third session and as the Parliament may be about to gain new powers, now is the right time to review both its procedures and culture. I further think that any review should happen urgently, so that any changes are in place as soon as possible after the fourth session starts.

One approach would be to appoint, with the approval of all party leaders, a small review group with the task of identifying better ways of working and for that group to report back to the new Parliament before the start of the summer recess.

I do not wish to dominate this debate, as I am aware that there are other Members, past and present, who share my concerns, but I would be happy to contribute to such a review.

In the meantime, I have some specific ideas I would like to share with you.

First though, I would like to make a general point. It was absolutely right that, in 2004, we took the decision to make the new Scottish Parliament building as open and accessible as possible, in part to restore public confidence in the institution that had been badly damaged by the controversy over the construction.
Seven years later I think consideration should be given as to how to make the atmosphere in the building less informal and more business-like, without of course reducing access to the public.

I also believe that there needs to be urgent consideration given to developing protocols for the post of Presiding Officer, should he/she decide to stand as a party candidate following a term as Presiding Officer, as you have done. There are plenty of international examples where Speakers resume their parliamentary career, so I am not against the principle. I am also sure that there will be future Presiding Officers who will decide on the same course as you, which makes it imperative that there are protocols in place to ensure that the independence of the role is never in doubt.

The Parliament’s Committee structure has attracted much praise since 1999. However I think it is timely to review how much impact the Committees have had on the work of government, with the view of making changes as appropriate.

Now I would like to turn to specific parliamentary procedures which would benefit from changes. I have identified ten areas which could be improved.

1. The Parliament should meet in plenary session at least 3 half days a week, so allowing more topical debates and to offer more flexibility. The Parliament should spend more time in plenary session than at present, overall.

2. Parliamentary debates would benefit from a rethink. I suggest that there is an assumption that Members do not read from prepared scripts but make speeches, referring if necessary from notes. There could be an exception for opening statements and leading speeches from the front bench.

3. I would like to see a move away from the strict timing of speeches, to allow more time for interventions.

4. There should be a review of Decision Time, with consideration given to a vote being taken immediately after a debate, rather than waiting in some cases for six hours before a decision is reached.

5. When the government of the day loses a binding vote in the Chamber, then the Presiding Officer instruct Ministers to make a statement to the Chamber setting out their response on the next Parliamentary day.

6. Action should be taken to ensure that the party leaders use less time at First Minister’s Questions so that there is more time for Questions 4, 5 and 6 and topical supplementaries.

7. Questions 4, 5 and 6 should be chosen by ballot, so that they are no longer seen as routine party political questions, but come instead from
individual MSPs, preferably with preference given to back bench members of all parties.

8. Ministerial Question Time would benefit from a major overhaul to raise its profile and to properly hold Ministers to account. Each Ministerial team could face Questions every three weeks and I would suggest that the time for each session should be at least 30 minutes.

9. Three or four questions could be agreed a week in advance, with one or two questions agreed the day before. The rest of the time should be given to supplementary questions from Members, allowing more time for topical and sustained questioning of Ministers.

10. Finally, I think there is an argument for changing the procedure for Members’ Debates. These could be held in a morning or evening session, with two or three topics debated in one session, encouraging more depth and interest.

I think you will agree with me that our first and over-riding priority should always be to have a Scottish Parliament that is both accessible to the public and at the same time is an authoritative, serious arena for national debate, scrutiny and decision-making.

I have copied this letter to all Party Leaders, the Chair of the Standards, Procedures and Public Appointments Committee and the Chief Executive, as well as the media.

I would be happy to discuss this further with you if you thought it would be helpful. I look forward to hearing from you.
Many congratulations on your election as Presiding Officer. I wish you well in the post, and I am sure that, like me, you will want to develop confidence in our Parliament.

Although I am in the midst of discussions regarding a possible coalition agreement, I am very keen to pass on to you my reflections on the Parliamentary process from the last four years, and in particular the 18 months that I have been First Minister. I am also keen that the implications of the new composition of the Parliament should be taken into account as we embark on the new parliamentary session in earnest.

In general terms I believe that the performance of the Parliament as a whole would be enhanced through greater spontaneity, more time for backbench speeches and some flexibility in, or an extension to the working hours of the parliament.

In terms of First Minister Questions, I would be very keen to see more time devoted to questions. Perhaps extending the time allocated from 20 minutes to 30 minutes but ensuring that the new arrangement would extend the opportunity for questions from the backbenches.

I have regularly received representations from schools and their teachers about the timetabling of FMQs. The current 3.30 finish time is often too late within the school day for some schools to stay in Edinburgh. Using a slot before lunchtime on a Thursday would I believe make sense. It would free up time for debates on a Thursday afternoon, and make FMQs more accessible for the public.

I am also interested in the idea of making First Ministers Questions themselves more flexible rather than the rigid structure that they are just now. Perhaps by allowing the leaders of the opposition to ask their questions on the back of written questions from backbenchers, and allowing more time for supplementaries from the backbenches. I think this might make FMQ's more free flowing and natural.

I also believe it would be good for the Parliament if the Convenors of Committees could question the First Minister in public on a twice-yearly basis, further enhancing the status and profile of the Parliament's Committee system, one of the clear successes of the Scottish Parliament.
Finally, it is important that the leaders of both the smaller parties are given their chance to question the First Minister. Perhaps a way of dealing with this would be to give each a slot every fortnight, recognising their new position.

Regarding Scottish Executive Questions, I believe the accountability of Ministers could be improved by designing question time on a thematic basis. For example, the Parliament could spend an entire question time session questioning the health ministers. This would allow for the questions and points made by backbenchers to reach a greater depth that the current system allows for. Clearly, there must remain to be provision for current and topical issues to be raised in other areas. But I do believe there is a case for the whole Question Time slot to be radically changed and I have asked Patricia Ferguson to consider this matter in more detail.

The changes I have suggested to FMQs would, I understand, require relatively straight forward changes to the Standing Orders, assuming the Procedures Committee is content, and I hope that any changes could be in place for Parliament’s return after the summer recess.

Fundamentally, I believe that the status and credibility of the Parliament will be enhanced in the eyes of the public if we can encourage longer debates, greater backbench involvement and a move away from the perception that debates are almost pre-programmed on a party political basis.

I have copied this letter to the Leaders of the other parties in the parliament and would be grateful if you could forward this letter to the Procedures Committee for its consideration before the summer recess.

I would be delighted to discuss any of the issues I have raised in this letter and I look forward to meeting with you in due course.